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## **PURPOSE AND ADMINISTRATION**

### **17.1.1: Title**

Title 17 shall be known and cited as the Zoning Ordinance or the Zoning Ordinance of the City of Lakewood, Colorado.

### **17.1.2: Purpose and Intent**

Pursuant to statutory authority, this Zoning Ordinance is enacted for the following purposes:

- A. To promote the public health, safety and welfare of the citizens of the City of Lakewood.
- B. To implement the vision, goals, and recommendations of the City of Lakewood Comprehensive Plan.
- C. To protect and enhance the natural environment including the conservation of natural features, land and energy.
- D. To provide for a range of housing types and costs to meet the current and future needs of the citizens of the City.
- E. To promote the orderly development and redevelopment of land within the City of Lakewood.
- F. To ensure the effective integration of development and redevelopment with surrounding land uses.
- G. To respect the unique characteristics and attributes of individual neighborhoods.
- H. To promote multi-modal transportation options within the City including safe, efficient and attractive pedestrian and bicycle connections.
- I. To enhance the appearance of the City of Lakewood through quality site and building design.
- J. To ensure the economic vitality of the City of Lakewood
- K. To promote mixes of commercial and residential uses within mixed-use zones.

### **17.1.3: Relationship to Comprehensive Plan**

The Lakewood Comprehensive Plan establishes the goals and policies that serve as the foundation for this Zoning Ordinance. All land use decisions shall be consistent with the goals and policies of the Comprehensive Plan and with the Purpose and Intent of this Zoning Ordinance.

#### **17.1.4: Effective Date**

This Zoning Ordinance shall take effect forty-five days after final publication and shall apply to property and uses of property on and after April 1, 2013, in accordance with Section 5 of O-2012-24.

#### **17.1.5: Applicability**

- A. The regulations, requirements, limitations, and provisions of this Zoning Ordinance shall extend and apply to land and the use of land within the corporate limits of the City of Lakewood, Colorado.
- B. The adoption of this Zoning Ordinance shall not grant any property owner the right to engage in, or develop, any use that was proposed but denied by City Council in a rezoning decision between April 1, 2003, and April 1, 2013. This Section does not preclude property owners from submitting future rezoning applications for these properties.

#### **17.1.6: General Provisions**

No structure or property shall be used, occupied, altered, constructed or reconstructed except in conformity with this Zoning Ordinance.

##### **17.1.6.1: Compliance with Other Adopted City Standards**

Compliance with this Zoning Ordinance does not eliminate the need to comply with all applicable federal regulations and other ordinances and adopted standards of the City of Lakewood including, but not limited to:

- A. Other titles of the City of Lakewood Municipal Code;
- B. The Subdivision Ordinance;
- C. The Lakewood Building Code;
- D. Engineering Regulations, Construction Specifications and Design Standards; and
- E. The Flood Plain Management Ordinance.

##### **17.1.6.2: Conflicting Provision**

- A. Where any regulation, requirement or condition imposed by any provision of this Zoning Ordinance conflicts with any other regulation, requirement, or law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. Where any illustrative figure of this Zoning Ordinance conflicts with the text of this Zoning Ordinance, the text shall govern.
- C. It is not the intent of this Zoning Ordinance to interfere with, abrogate or annul any easement, covenant, deed restriction, or other agreement between private parties. If the

provisions of this Zoning Ordinance impose a greater restriction than imposed by an easement, covenant, deed restriction, or other private agreement, the provisions of this Zoning Ordinance control.

#### 17.1.6.3: Rules for Measurement

- A. **Applicant's Responsibility.** For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawing shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.
- B. **Fractions.** Whenever this Ordinance requires consideration of distances, parking spaces, dwelling units or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, fractions of 1/2 or greater shall be rounded up to the nearest whole number and fractions of less than 1/2 shall be rounded down to the nearest whole number, unless an alternate rule for rounding is specified by the same section of this Ordinance that describes the requirement
- C. **Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects
- D. **Horizontal Distance.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.

#### 17.1.7: Administration and Roles

##### 17.1.7.1: Director

- A. Duties:
  - 1. It shall be the duty of the Director to enforce the provisions of this Zoning Ordinance and the regulations contained herein. No oversight or error on the part of the Director or any employee of the City shall legalize, authorize, or excuse the violation of any of the provisions in this Zoning Ordinance.
- B. The Director shall have the authority to:
  - 1. Interpret and apply the provisions set forth in this Zoning Ordinance. When this Zoning Ordinance does not specify what criteria are to be used in making a decision, the Director shall approve an application, or approve it with conditions, if the Director determines that:
    - a. The application complies with all applicable provisions of this Zoning Ordinance, or if it does not comply with one or more provisions, that the body authorized by this Zoning Ordinance to allow variations from those provisions has given its approval to the variations; and



- b. The application is consistent with the Lakewood Comprehensive Plan and all other plans approved by the City Council and is applicable to the property.
- 2. Make district boundary interpretations when uncertainty as to the district boundaries exists.
- 3. Delegate to any employee of the Department any responsibilities assigned to the Director by this Zoning Ordinance. The designee shall be subject to the same restrictions and standards as are applicable to the Director.
- 4. Waive any standard in this Zoning Ordinance, with the exception of any uses identified in Article 4, as it relates to any publicly-owned park.

#### **17.1.7.2: Planning Commission**

The duties and responsibilities of the Planning Commission shall be as set forth in the City of Lakewood Charter, the City of Lakewood Municipal Code, this Zoning Ordinance, and the Planning Commission Rules and Regulations.

#### **17.1.7.3: Board of Adjustment**

The duties and responsibilities of the Board of Adjustment shall be as set forth in the City of Lakewood Charter, the City of Lakewood Municipal Code, this Zoning Ordinance, and the Board of Adjustment Rules and Regulations. The Board of Adjustment shall have jurisdiction to hear and decide variances as set forth in Section 17.2.4 of this Zoning Ordinance, and to hear and decide appeals from decisions and interpretations made by the Director pursuant to 17.1.7.1.B.1 of this Zoning Ordinance.

#### **17.1.7.4: Historic Preservation Commission**

The duties and responsibilities of the Historic Preservation Commission shall be as set forth in this Zoning Ordinance, the City of Lakewood Municipal Code, and the Historic Preservation Commission Rules and Regulations.

#### **17.1.7.5: Design Review Commission**

The duties and responsibilities of the Commission shall be as set forth in this Zoning Ordinance, the City of Lakewood Municipal Code, and the Design Review Commission Rules and Regulations.

### **17.1.8: Common Facilities**

Any development that includes common facilities shall be subject to the following:

- A. All common facilities must be in single ownership or unified control, such as a homeowners' association; and
- B. An approved site plan in conformance with Article 2.

### **17.1.9: Building Permits**

- A. In addition to the requirements of the building code, no building permit shall be issued unless the plans for the proposed construction, enlargement, alteration, repair, improvement or conversion, and the use of the building or structure conform to all requirements of this Zoning Ordinance.
- B. For all new buildings, before form inspections and approval thereof, the property 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.
- C. 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 Article 11, upon the filing of an application for a permit for the performance of any work coming within the scope of Article 11 of this Zoning Ordinance, the Director shall require the applicant to meet the additional submittal requirements set forth in Article 11 of this Zoning Ordinance.

### **17.1.10: Fees**

- A. The City Manager shall establish fees as necessary for any appeal, process, procedure or other action relating to the Zoning Ordinance.
- B. Upon written 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 the Lakewood Municipal Code.

### **17.1.11: Violation and Penalty**

Any person, persons, firm, association or corporation violating any provision of the Zoning Ordinance or any employee, assistant, agent, or any other person participating or taking part in, joining or aiding in a violation of any provision of the Zoning Ordinance may be prosecuted pursuant to the Municipal Code. Each day a violation continues after service of written notice to abate such violation shall constitute a separate violation.

### **17.1.12: Severability**

If any part, section, sentence or clause of this Zoning Ordinance shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Ordinance. Any such part, section, sentence or clause shall not be taken to affect or prejudice in any way the remaining part or parts of this Zoning Ordinance.

### **17.1.13: Repealer**

The Zoning Ordinance of the City of Lakewood, O-2012-24, as amended, is repealed.

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## ARTICLE 1: PROCEDURES AND APPEALS

### 17.1.1: General

This Article establishes the process and procedures for planning review in the City of Lakewood. The Article is divided into sections that describe the common procedures for planning applications and the specific procedures and criteria for each type of planning application, followed by a description of the process that applies to permit applications.

### 17.1.2: Planning Applications, General

Table 17.2.1 summarizes the procedures for planning applications.

Table 17.2.1: Procedures Summary Table						
	Application Processes		Review, Decision, and Appeal Authority			
Planning Applications	Preplanning Review	Formal Application Review	Director	Board of Adjustment Public Hearing	Planning Commission Public Hearing	City Council Public Hearing
Initial Zoning and Rezoning	✓	✓	R		R	D
Special Use Permit	✓	✓	R		D	
Major Variance		✓	R	D		
Minor Variance		✓	D	A		
Major Waiver		✓	R		D	
Minor Waiver		✓	D		A	
Major Site Plan	✓	✓	D		A	
Comprehensive Sign Plan	✓	✓	D		A	
Zoning Lot	✓	✓	D		A	
✓ = Required Application    R = Review    D = Decision    A = Appeal						

#### 17.1.2.1: Application Process

This Section describes steps in the application processes that are common to more than one planning application.

##### A. Preplanning Application Review

The purpose of the preplanning application is to provide information to the applicant early in the planning application process regarding the requirements and process for land use and development in the City.

1. A preplanning application is required for planning applications as identified in [Table 17.2.1](#) or as determined by the Director. The Director may waive the requirement for a preplanning application.
2. The applicant shall submit a preplanning application form and all supplemental materials identified in the preplanning application form.
3. The City shall respond in writing to preplanning applications. The written response shall include, but is not limited to, feedback regarding the following:
  - a. Consistency of the proposed land development with the Lakewood Comprehensive Plan and how well the project interacts with the context of the area; and
  - b. Consistency of the proposed land development with the standards in this Zoning Ordinance; and
  - c. The need, if any, to complete a land subdivision pursuant to the Lakewood Subdivision Ordinance; and
  - d. Anticipated impact and requirements of the proposed land development on the public right-of-way and public improvements; and
  - e. An explanation of the land development process required to pursue the applicant's proposal.

**B. Formal Application Review**

The purpose of the formal application is for the applicant to demonstrate that the proposed development or land use meets all the applicable standards in this Zoning Ordinance.

1. The applicant shall be all owners of the property, or any person, firm or corporation with written consent of the property owner(s).
2. The applicant shall submit a complete formal application for the planning application identified in [Table 17.2.1](#) or as determined by the Director. The City shall not proceed with an incomplete application.
3. If a formal application is not received within six months after completion of the preplanning review as identified in [Section 17.1.2.1:A](#) above, the Director may require a new preplanning review prior to a formal application submittal.
4. The applicant may withdraw an application at any time prior to a decision by the City by submitting a written request to withdraw the application to the Director. If an application is later resubmitted, it shall be treated as a new application for purposes of review. The City shall not refund fees for a withdrawn application.
5. The City shall review all formal applications for compliance with the standards in this Zoning Ordinance.

### **17.1.2.2: Public Input Process**

This Section establishes the common procedures for neighborhood meetings and notification to owners of adjacent property when required for a planning application. It is the intent of this Section to provide a framework that promotes dialogue between residents, property owners, City staff and developers to effectively facilitate a productive development and land use review process.

#### **A. Neighborhood Meeting**

The purpose of a neighborhood meeting is to engage neighbors in the immediate vicinity of a proposed land development for an initial zoning, rezoning or special use permit to solicit their input on how the project will interact with the surrounding area. At the neighborhood meeting, the applicant shall provide information to neighbors on the proposed land development, solicit feedback from neighbors and discuss potential ways to mitigate neighbors' concerns.

1. At least one neighborhood meeting is required for land development procedures for an initial zoning, rezoning, or special use permit, or as determined by the Director, which shall be held after receiving the written response to the preplanning application, but prior to filing a formal application.
2. More than one neighborhood meeting may be required at the discretion of the Director. In determining whether to require an additional neighborhood meeting, the Director shall consider:
  - a. If the applicant has sufficiently solicited input from neighbors on how the project interacts with the surrounding area; or
  - b. If the applicant is proposing new or modified components of the formal application that were not discussed at the required neighborhood meeting; or
  - c. If a significant amount of time has passed since the required neighborhood meeting.
3. Notification of neighbors for a required neighborhood meeting shall be provided as described below:
  - a. For an initial zoning or rezoning, a written notice shall be mailed to owners of property within 500 feet of the subject property and registered neighborhood organizations within 1/2 mile of the subject property.
  - b. For a special use permit, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property.
  - c. The written notices shall be prepared by the City in a format approved by the Director.
  - d. The notice to property owners shall be postmarked at 14 days, but not more than 30 days, prior to the neighborhood meeting.



**B. Notification to Adjacent Property Owners**

The purpose of the notification to owners of adjacent property is to inform neighbors when the Director is reviewing an application to allow a minor variance or comprehensive sign plan. or a comprehensive sign plan.

1. A notification to adjacent property owners is required for land development procedures for a minor variance or comprehensive sign plan, or as determined by the Director.
2. Notification of adjacent property owners shall be provided as described below:
  - a. A written notice shall be mailed to owners of property that is immediately adjacent to the subject property excluding rights-of-way. Notice shall not be required to adjacent property owners across freeways and arterial streets. The written notices shall be prepared by the City in a format approved by the Director.
  - b. The notice to property owners shall be postmarked at least 14 days, but not more than 30 days, prior to a decision by the Director.

**17.1.2.3: Public Hearings**

Public hearings allow the opportunity for the public to comment on a formal application when it is being reviewed by the Board of Adjustment, Planning Commission, or City Council. This Section establishes the general process for public hearings, including notification procedures.

**A. Setting a Date for a Public Hearing**

1. The Secretary to the Board of Adjustment shall schedule the public hearing before the Board of Adjustment. The public hearing shall be held not more than 45 days, or within a timeframe agreed upon by the applicant and Director, after all studies and plans submitted with the formal application have been deemed acceptable for the hearing by staff. The Secretary to the Board of Adjustment shall provide notice of the date, time and location of the public hearing to the applicant.
2. The Secretary to the Planning Commission shall schedule the public hearing before the Planning Commission. The public hearing shall be held not more than 45 days, or within a timeframe agreed upon by the applicant and Director, after all studies and plans submitted with the formal application have been deemed acceptable for the hearing by staff. The Secretary to the Planning Commission shall provide notice of the date, time and location of the public hearing to the applicant.
3. The City Clerk shall schedule public hearings before the City Council pursuant to the City Charter and the Lakewood Municipal Code.

**B. Notifying for a Public Hearing**

This Section applies to all hearings before the Board of Adjustment, Planning Commission, and City Council, except for legislative zonings.

1. Posting of sign(s) on the property is required for public hearings as described below:

- a. The applicant shall provide at least one sign for each street frontage on the property. Along each street frontage, the applicant shall provide one sign for every 300 feet of frontage, or portion thereof.
  - b. The sign shall be in a format approved by the Director.
  - c. The applicant shall post the sign(s) on the property 14 days prior to a public hearing and replace any signs lost or damaged prior to the hearing.
2. The City shall provide notice for a public hearing in the publication of record at least 10 days prior to the public hearing.
3. Notification to owners of property in the vicinity of the subject property shall be provided as described below:
  - a. For an initial zoning or rezoning, a written notice shall be mailed to owners of property within 500 feet of the subject property and registered neighborhood organizations within 1/2 mile of the subject property.
  - b. For a special use permit, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property.
  - c. For a major variance and major waiver, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property.
  - d. The written notice shall be prepared by the City in a format approved by the Director.
  - e. The notice to owners of property shall be postmarked at least 14 days, but not more than 30 days, prior to the public hearing.
4. The City shall ensure that the written notification of a public hearing (posted signs, newspaper notifications, and written notifications to property owners) includes the following information:
  - a. Type of land development case, explanation of the approval sought, and written description of the proposal including proposed land uses; and
  - b. Date, time and place of the public hearing; and
  - c. Address of the subject property; and
  - d. Name and contact information for the applicant and contact information for assigned city staff person.

C. Conducting a Public Hearing

1. The Zoning Ordinance, the Comprehensive Plan, including all amendments, and the Subdivision Ordinance shall be a part of the record of every public hearing, and it shall not be necessary for any party or person formally to move their introduction into evidence.

2. The Board of Adjustment shall conduct public hearings pursuant to the Rules and Regulations of the Board of Adjustment, as amended.
3. The Planning Commission shall conduct public hearings pursuant to the Rules and Regulations of the Planning Commission, as amended.
4. The City Council shall conduct public hearings pursuant to the City Charter and the Lakewood Municipal Code, as amended.

### **17.1.3: Initial Zoning, Rezoning and Legislative Zoning**

#### **17.1.3.1: Applicability**

This Section establishes the procedures and criteria for designating a zoning classification for land that is annexed to the City of Lakewood, herein referred to as "initial zoning." This Section also establishes 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" or "legislative zoning."

#### **17.1.3.2: Types of Zoning Applications**

##### **A. Initial Zoning**

1. The initial zoning process shall apply when property is annexed or to be annexed to the City of Lakewood. The process for initial zoning shall follow, to the extent practicable, the procedures applicable to rezoning.
2. The process for initial zoning shall 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.
3. One or more of the following entities shall submit a formal application for initial zoning:
  - a. All owners of all real property to which the initial zoning would apply; or
  - b. Any person, firm, or corporation with the written consent of all of the owners of the property.

##### **B. Rezoning**

1. The rezoning process shall apply when a change to the boundaries or area of any zone district, or when a change to the zoning classification of any parcel of land within the City, as shown on the official zoning map, is proposed.
2. One or more of the following entities shall submit a formal application for rezoning.
  - a. All owners of all real property to which the rezoning would apply; or

- b. Any person, firm, or corporation with the written consent of all owners of the property.

C. Legislative Zoning

1. A legislative zoning is intended to be a rezoning that 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.
2. Applications for legislative zoning shall be initiated by the City Manager.

**17.1.3.3: Review Criteria**

A. Review Criteria for Initial Zoning and Rezoning

Recommendations and decisions regarding initial zoning and rezoning applications shall be based on the following review criteria. Applications for initial zoning and rezoning shall be approved if it is demonstrated that:

1. The proposed zoning or rezoning promotes the purposes of this Zoning Ordinance as stated in Section 17.1.2; and
2. The proposed zoning or rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan; and
3. The proposed zoning or rezoning meets at least one of the following additional criteria:
  - a. The proposed zoning or rezoning promotes implementation of the Comprehensive Plan; or
  - b. There has been a material change in the character of the neighborhood or in the City generally, such that the proposed zoning or rezoning would be in the public interest and consistent with the change; or
  - c. The property proposed for zoning or rezoning was previously zoned in error.

B. Review Criteria for Legislative Zoning

Recommendations and decisions regarding legislative zoning applications shall be based on the following review criteria. Legislative zoning applications shall be approved if it is demonstrated that:

1. The legislative zoning affects a large number of properties and the proposed rezoning is not applicable only to a specific individual or readily identifiable group; and
2. The legislative zoning 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

3. 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
4. The proposed legislative zoning promotes the purposes of this Zoning Ordinance; and
5. The proposed legislative zoning promotes implementation of the Comprehensive Plan.

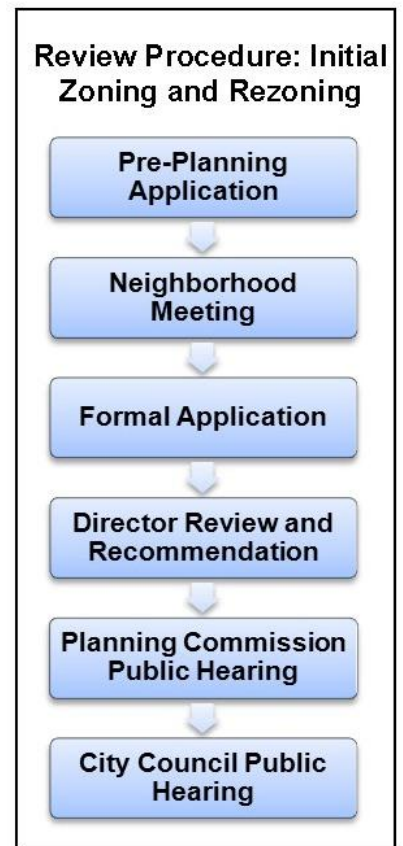
#### 17.1.3.4: Review Authority

- A. City Council designates the Planning Commission to conduct a fact-finding hearing on applications for initial zoning, rezoning and legislative zoning. The fact-finding hearing shall be referred to as a public hearing for purposes of this Section. The Planning Commission shall make a recommendation to City Council.
- B. Upon receipt of a recommendation from the Planning Commission for an initial zoning, a rezoning or a legislative zoning, the City Council shall conduct a public hearing and render a decision.
- C. An ordinance for the initial zoning of property annexed to the City shall be approved by City Council concurrent with the approval of the annexation ordinance or within 90 days after the effective date of the annexation ordinance.
- D. The decision of the City Council on applications for initial zoning, rezoning and legislative zoning shall be final.
- E. All requests that are withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

#### 17.1.3.5: Review Procedure

A request for an initial zoning, rezoning, or legislative zoning shall follow the procedure described below:

- A. Application
  1. The applicant shall follow procedures for preplanning and formal applications pursuant to Sections [17.1.2.1:A](#) and [17.1.2.1:B](#).
  2. Applications for an initial zoning or a rezoning to a planned development zone district shall submit an Official Development Plan addressing all of the elements in Section 17.3.6.



B. Neighborhood Meeting

At least one neighborhood meeting is required for initial zoning and rezoning proposals. The applicant shall hold a neighborhood meeting pursuant to Section [17.1.2.2:A](#).

C. Director's Review Authority and Recommendation

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City; and
  - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
  - c. The application is reviewed applying the criteria in Section [17.1.3.3](#); and any other applicable City standards.
2. The Director shall make a recommendation to the Planning Commission and the City Council to approve, approve with modifications where appropriate, or deny the application for initial zoning, rezoning or legislative rezoning based on the review criteria in [17.1.3.3](#); and any other applicable City standards.

D. Planning Commission Public Hearing

1. The applicant shall provide public notice of the public hearing pursuant to Section [17.1.2.3:B](#) of this Zoning Ordinance.
2. The Planning Commission shall hold a public hearing for an initial zoning, rezoning or legislative zoning application after receipt of the Director's recommendation pursuant to Section [17.1.2.3:C](#).
3. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his or her representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
4. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to approve, approve with modifications where appropriate, or deny the application based on the review criteria in Section [17.1.3.3](#).
5. The Planning Commission shall provide the written findings and recommendation to the applicant within 14 days after the public hearing.
6. No substantial amendment to an application may be made after a decision on the application has been made by the Planning Commission unless such amendments are recommended by the Planning Commission.

7. Any person may object to a finding or a recommendation of the Planning Commission by submitting a written statement with the Secretary to the Planning Commission prior to the public hearing before the City Council, which shall become a part of the planning case file.

E. City Council Public Hearing

1. The applicant shall provide public notice of the public hearing pursuant to Section [17.1.2.3:B](#) of this Zoning Ordinance.
2. The City Council shall hold a public hearing for consideration of a proposed ordinance for initial zoning, rezoning or legislative zoning after receipt of the Planning Commission's recommendation pursuant to Section [17.1.2.3:C](#).
3. During the public hearing, the City Council may hear any relevant evidence or statement provided by the applicant or the applicant's representatives, by the Director, and by any person in attendance at the hearing. The City Council may, at its sole discretion, accept and consider any other relevant statement or evidence, written or oral.
4. Following the public hearing and based on the rezoning criteria in [17.1.3.3](#), the City Council shall:
  - a. Adopt the Planning Commission's findings and proceed to vote upon the proposed ordinance; or
  - b. Revise the Planning Commission's findings, if such revision is supported by evidence in the record made before the Planning Commission, and proceed to vote upon the ordinance; or
  - c. Continue to a date certain; or
  - d. Deny the application; or
  - e. Remand the proposed application to the Planning Commission for further consideration if one of the following is found to be true:
    - i. One of the written findings from the Planning Commission is based on incorrect information; or
    - ii. New information, that was not available at the time of the Planning Commission public hearing, is presented and has the potential to change the recommendation of the Planning Commission.
5. If the application is remanded to the Planning Commission, the City Council shall provide guidance to the Planning Commission including:
  - a. What aspects of the application should be reconsidered; and
  - b. Whether additional public testimony should be accepted; and
  - c. The date certain to which the City Council continued its consideration.

6. Final action by the City Council on the application shall be taken within 90 days after the date of the City Council's hearing on the application, or within 30 days after the date the Council receives the application 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 application is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code Section 1.20.030, an additional 14 days shall be added to the time limitation for each such occurrence.

F. Vested Property Rights

1. A zoning action approved by the City Council is automatically vested for a period of three years. Such vesting gives the property owner the right to undertake and complete the development and use of the property under the terms and conditions of the approval.
2. An applicant may seek to vest the approval of a zoning action for a period of longer than three years through the approval of a development agreement. The City Council may enter into such an agreement where City 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.
3. 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 development agreement. Failure to establish such compliance may result in a notice of forfeiture from the Director.
  - a. Upon receipt of a notice of forfeiture, an owner or his authorized agent may file a written request, within seven days of receipt, that the Director reconsider his or her 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.
  - b. Denial of a request for reconsideration may be appealed to the Planning Commission if request for reconsideration is timely filed with and denied by the Director.

#### **17.1.4: Special Use Permits**

##### **17.1.4.1: Applicability**

This Section establishes the procedures and criteria for special use permits. The requirements in this Section shall apply to all special uses as listed in Article 4 of this Zoning Ordinance. A special use permit, once approved, shall run with the land, except as otherwise specified in this Zoning Ordinance.

##### **17.1.4.2: Review Criteria**

Recommendations and decisions regarding special use permit applications shall be based on the following review criteria. An application for a special use permit shall be approved if it is demonstrated that:



- A. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance; and
- B. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance; and
- C. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance; and
- D. The proposed special use is consistent with the Comprehensive Plan and other adopted City plans; and
- E. The proposed special use will not substantially impair the appropriate use or development of adjacent property.

#### **17.1.4.3: Review Authority**

- A. City Council designates the Planning Commission to conduct a public hearing on applications for special use permits and render a decision. The decision of the Planning Commission shall be final.
- B. All requests that are withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

#### **17.1.4.4: Review Procedure**

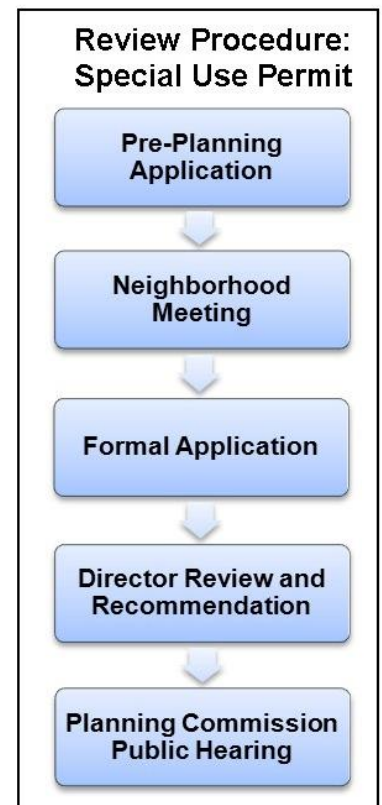
A request for a special use permit shall follow the procedures described below:

##### **A. Application**

The applicant shall follow procedures for preplanning and formal applications pursuant to Sections [17.1.2.1:A](#) and [17.1.2.1:B](#). The Director may require that the applicant provide a site plan with an application for a special use permit. The site plan shall illustrate any proposed changes or improvements with the application for a special use permit and shall meet the requirements of this Zoning Ordinance.

##### **B. Neighborhood Meeting**

At least one neighborhood meeting is required for a special use permit application. The applicant shall hold a neighborhood meeting pursuant to Section [17.1.2.2:A](#)



C. Director's Review and Recommendation:

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City; and
  - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
  - c. The application is reviewed applying the criteria in Section [17.1.4.2](#); and any other applicable City standards.
2. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications, or deny the application for a special use permit based on the review criteria in [17.1.4.2](#).

D. Planning Commission Public Hearing:

1. The applicant shall provide public notice of the public hearing pursuant to Section [17.1.2.3:B](#) of this Zoning Ordinance.
2. The Planning Commission shall hold a public hearing for special use permits after receipt of the Director's recommendation pursuant to Section [17.1.2.3:C](#).
3. During the public 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, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
4. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications, or deny the application. The decision of the Planning Commission may include conditions for the special use permit in addition to the supplemental standards set forth in Article 4 of this Zoning Ordinance.
5. The Planning Commission shall provide the written findings and decision to the applicant within 14 days after the public hearing.

**17.1.4.5: Expiration of Special Use Permit:**

- A. If a major site plan is required, the applicant shall obtain approval of the major site plan within a period of two years from the date of the special use permit approval. If the major site plan approval is not obtained within this time period, the approval of the special use permit is no longer valid.
- B. The applicant may request an extension of the special use permit approval. A written request for an extension explaining the justification for the request shall be submitted to the Director prior to the expiration of the special use permit approval. The Director may grant an extension for good cause for up to one year from the date of the original expiration of the special use permit approval.

## **17.1.5: Variances**

### **17.1.5.1: Applicability**

This Section establishes the procedures and criteria for requesting a variance to a dimensional standard in Article 5, 6, 7, 8, 9, and 10 of this Zoning Ordinance or to a similar standard contained in an official development plan due to an extraordinary or exceptional situation or condition. No variance may be requested from the Use and Supplemental Standards provided for in Article 4 of this Zoning Ordinance.

### **17.1.5.2: Types of Variances**

#### **A. Major Variance**

Except as otherwise noted below, a major variance shall apply when a variation of 20 percent or more to dimensional standard is proposed.

#### **B. Minor Variance**

A minor variance shall apply to the following:

1. When a variation of less than 20 percent to a dimensional standard is proposed; or
2. When an increase in height of a side or rear yard fence is proposed; or
3. To any design standard.

### **17.1.5.3: Review Criteria**

Recommendations and decisions regarding variance applications shall be based on the following review criteria. Applications for variances shall be approved if it is demonstrated that:

- A. By reason of exceptional narrowness, shallowness or shape of a specific piece of property, 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; and
- B. The extraordinary and exceptional situation or condition on the property that is stated as the reason for the proposed variance is not self-imposed; and
- C. The proposed variance complies with the purpose and intent of the standard to be varied and generally observes the spirit of the Zoning Ordinance; and
- D. The proposed variance will not substantially impair the appropriate use or development of adjacent property; and
- E. The proposed variance is the minimum variance that will afford relief with the least modification possible of this Zoning Ordinance; and
- F. The proposed variance is the minimum variance that will afford relief if a design

requirement cannot be met.

#### **17.1.5.4: Review Authority**

##### **A. Major Variance**

1. The City Council designates the Board of Adjustment to conduct a hearing on applications for major variances and render a decision.
2. The decision of the Board of Adjustment on a major variance application shall be final
3. All requests that are withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

##### **B. Minor Variance**

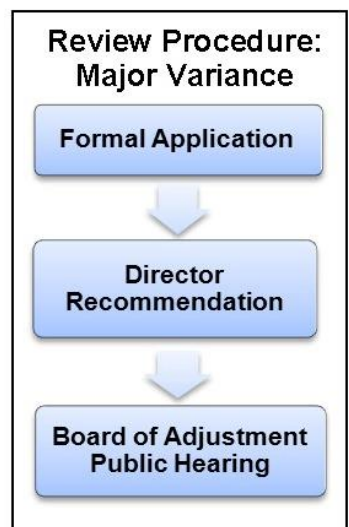
1. The Director shall have the authority to review and render a decision on minor variance applications.
2. The Board of Adjustment shall have the authority to hear a referral from the Director and render a decision on a minor variance application.
3. The Board of Adjustment shall have the authority to hear an appeal of the Director's decision and render a decision on a minor variance application.
4. The decision of the Board of Adjustment on a minor variance shall be final.
5. All requests that are withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

#### **17.1.5.5: Review Procedure**

##### **A. Major Variance**

A request for a major variance shall follow the procedures described below.

1. Application:
  - a. The applicant shall follow procedures for formal applications pursuant to Section [17.1.2.1:B](#).
2. Director's Review and Recommendation:

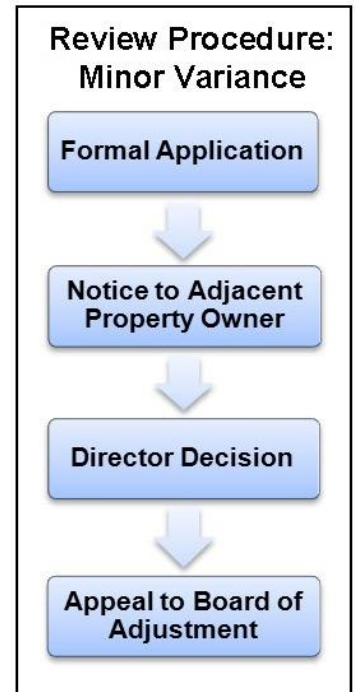


- a. The Director shall review the application and ensure the following:
    - i. The formal application is complete when submitted to the City; and
    - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
    - iii. The application is reviewed applying the review criteria in Section [17.1.5.3](#); and any other applicable City standards
  - b. The Director shall make a recommendation to the Board of Adjustment to approve, approve with modifications, or deny the application for a major variance based on the review criteria in [17.1.5.3](#); and any other applicable City standards.
3. Board of Adjustment Public Hearing:
- a. The applicant shall provide public notice of the Board of Adjustment public hearing pursuant to Section [17.1.2.3:B](#) of this Zoning Ordinance
  - b. The Board of Adjustment shall hold a public hearing for a major variance after receipt of the Director's recommendation pursuant to Section [17.1.2.3:C](#).
  - c. During the public hearing, the Board of Adjustment 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 Board of Adjustment may, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
  - d. Following the public hearing, the Board of Adjustment shall make a decision to approve, approve with modifications, or deny the application for a major variance.
  - e. The Board of Adjustment shall provide the written findings and decision to the applicant within 14 days after the public hearing.

B. Minor Variance:

A request for a minor variance shall follow the procedures described below.

1. Application:
  - a. The applicant shall follow procedures for formal applications pursuant to Section [17.1.2.1:B](#).
2. Director's Review:
  - a. The Director shall review the application and ensure the following:
    - i. The application is complete when submitted to the City; and
    - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
    - iii. The application is reviewed applying the review criteria in Section [17.1.5.3](#); and any other applicable City standards.
3. Notification to Owners of Adjacent Property:
  - a. The applicant shall mail a notification to owners of adjacent property pursuant to Section [17.1.2.2:B](#).
4. Director's Decision:
  - a. The Director may make a decision to approve, approve with modifications, or deny the application for a minor variance based on the review criteria in [17.1.5.3](#); and any other applicable City standards.
  - b. The Director may decide, at his or her sole discretion, to refer an application for a minor variance to the Board of Adjustment for consideration and decision pursuant to Section [17.1.5.4](#).
5. Appeal of Director's Decision:
  - a. The applicant or owners of adjacent property may appeal the Director's decision on a minor variance application.
  - b. A written appeal shall be submitted to the Secretary to the Board of Adjustment within 30 days of the Director's decision.
  - c. The Board of Adjustment shall review appeals to the Director's decision for a minor variance. The Board of Adjustment shall conduct a public hearing within 30 days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
  - d. The Board of Adjustment review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.



- e. Any decision of the Board of Adjustment on review of an appeal to a minor variance shall include reasons for affirming, modifying or reversing the Director's decision.

## **17.1.6: Waivers**

### **17.1.6.1: Applicability**

This Section establishes the procedures and criteria for requesting a waiver to a dimensional, development, design, or sign standard in Articles 5, 6, 7, 8, 9, or 10 of this Zoning Ordinance or to a similar standard contained in an official development plan when a request for a superior design or development standard is proposed. No waiver may be requested from the Use and Supplemental Standards provided for in Article 4 of this Zoning Ordinance. An applicant shall submit an application for a waiver in conjunction with the review of a site plan or a zoning review.

### **17.1.6.2: Types of Waivers**

#### **A. Major Waiver**

A major waiver shall apply when a proposed alternative to a dimensional standard varies the standard by more than 20 percent. .

#### **B. Minor Waiver**

A minor waiver shall apply to the following:

1. When a proposed alternative to a dimensional standard varies the standard by 20 percent or less; or
2. When an increase of up to 2 feet in the height of a side or rear yard fence is proposed; or
3. To any design standard.

### **17.1.6.3: Review Criteria**

Recommendations and decisions regarding waiver applications shall be based on the following review criteria. Applications for waivers shall be approved if it is demonstrated that:

- A. The waiver will result in a superior development or design than if the strict application of this Zoning Ordinance is applied; and
- B. The waiver will better serve the intent of the zone district in which the property is located; and
- C. The waiver will not substantially impair the appropriate use or development of adjacent property; and
- D. The waiver will not alter the character of the neighborhood or area where the project is proposed; and

- E. The waiver is consistent with the development patterns of the existing neighborhood; and
- F. The proposed project with a waiver will conform with the policies of the Comprehensive Plan; and
- G. The proposed project with a waiver will meet the intent of the applicable zone district

**17.1.6.4: Review Authority**

A. Major Waiver

1. The Planning Commission has the authority to review and render a decision on major waiver applications.
2. The decision of the Planning Commission on a major waiver application shall be final.
3. All requests that are withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

B. Minor Waiver

1. The Director has the authority to review and render a decision on applications for a minor waiver.
2. The Planning Commission has the authority to hear a referral from the Director and render a decision on a minor waiver application.
3. The Planning Commission has the authority to hear an appeal of the Director's decision and render a decision on a minor waiver application.
4. The decision of the Planning commission on a minor waiver application shall be final.
5. All requests that are withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

**17.1.6.5: Review Procedure**

A. Major Waiver

A request for a major waiver shall follow the procedures described below:



1. Application:

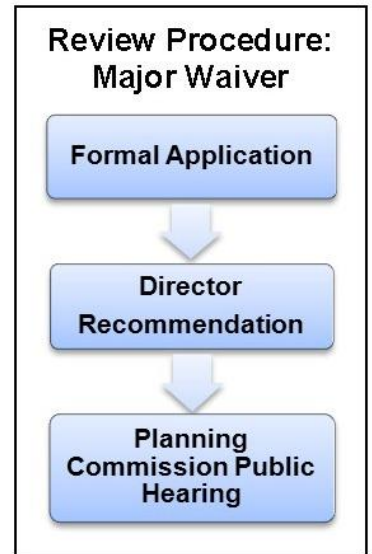
- a. The applicant shall submit a formal application for a major waiver pursuant to Section [17.1.2.1:B](#).
- b. The applicant shall provide sufficient evidence that the request for a waiver meets the review criteria outlined in Section [17.1.6.3](#).

2. Director's Review and Recommendation:

- a. The Director shall review the application and ensure the following:
  - i. The formal application is complete when submitted to the City; and
  - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
  - iii. The application is reviewed applying the review criteria in Section [17.1.6.3](#) and any other applicable City standards.
- b. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications, or deny the application for a major waiver based on the review criteria in [17.1.6.3](#).

3. Planning Commission Public Hearing:

- a. The applicant shall provide public notice of the public hearing pursuant to Section [17.1.2.3:B](#) of this Zoning Ordinance.
- b. The Planning Commission shall hold a public hearing for a major waiver after receipt of the Director's recommendation pursuant to Section [17.1.2.3:C](#).
- c. During the public 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, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
- d. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications, or deny the application for major waiver.

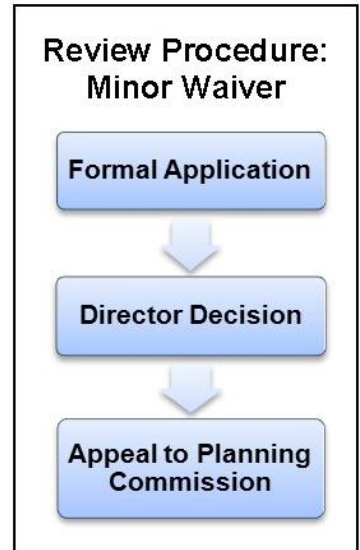


- e. The Planning Commission shall provide the written findings and decision to the applicant within 14 days after the public hearing.

**B. Minor Waiver**

A request for a minor waiver shall follow the procedures described below:

1. Application:
  - a. The applicant shall submit a formal application for a minor waiver in conjunction with a zoning review or a site plan.
2. Director's Review and Decision:
  - a. The Director shall review the application and ensure the following:
    - i. The formal application is complete when submitted to the City; and
    - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
    - iii. The application is reviewed applying the review criteria in Section [17.1.6.3](#): and any other application City standards.
  - b. The Director may, within 30 days from the day of the complete application, either approve, approve with modifications, or deny the application based on the review criteria in Section [17.1.6.3](#): and any other applicable City standards.
  - c. The Director, at his or her sole discretion, may decide to refer an application for a minor waiver to the Planning Commission pursuant to Section [17.1.6.4](#):
3. Appeal of Director's Decision:
  - a. The applicant or owners of adjacent property may appeal the Director's decision on a minor waiver application.
  - b. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
  - c. The Planning Commission shall review appeals to the Director's decision for a minor waiver pursuant to the notification process outlined in Section [17.1.2.3:B](#) of this Zoning Ordinance. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
  - d. Any decision of the Planning Commission on review of an appeal to a minor waiver shall include reasons for affirming, modifying or reversing the Director's decision.



#### **17.1.6.6: Expiration of Waiver**

Waivers shall be reviewed and approved in conjunction with the review and approval of a site plan or zoning review. If the site plan or zoning review with which the waiver is associated expires, the waiver shall expire.

#### **17.1.6.7: Waiver for Disabilities**

A minor waiver shall be granted when a proposed alternative to a dimensional or development standard is necessary when there is a disability affecting the owners or tenants of the property, or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the disabled person to utilize or access the property if a minor waiver is not granted.

#### **17.1.7: Major Site Plans**

##### **17.1.7.1: Applicability**

This Section establishes the procedures and criteria for review of major site plans. Site plan standards shall only apply to the area of new development or redevelopment, not the entire site.

A major site plan is required when one of the following is proposed:

- A. A change to the site, other than a single-family or two-family structure, that affects 20 percent or more of the site area; or
- B. An expansion of a building, other than a single-family or two-family structure, of 20 percent or more of the gross square footage of the building; and
- C. A major site plan is required for any subdivision including three residential units or more.

The City shall consider the cumulative change on the property. The Director may require a major site plan when the cumulative change on a property meets one or more of the conditions described above.

##### **17.1.7.2: Review Criteria**

Recommendations and decisions regarding site plan applications shall be based on the following criteria:

- A. Major site plans shall comply with standards outlined in Articles 3, 4, 5, 6, 7, 8, and 10 of this Zoning Ordinance.
- B. The Director shall evaluate how well the proposed modifications contribute to the overall performance of the site and how well the proposed changes meet the standards in Articles 3, 4, 5, 6, 7, 8, and 10 of this Zoning Ordinance.

### 17.1.7.3: Review Authority

- A. The Director shall have the authority to review and render a decision on a major site plan application.
- B. The Planning Commission shall have the authority to hear a referral from the Director and render a decision on a major site plan application.
- C. The Planning Commission shall have the authority to hear an appeal of the Director's Decision and render a decision on a major site plan application.
- D. The decision of the Planning Commission on a major site plan application shall be final.

### 17.1.7.4: Review Procedure

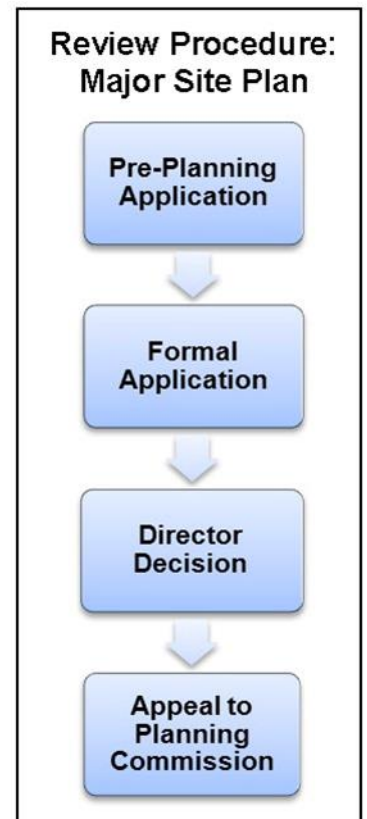
A request for a major site plan review shall follow the procedures described below

#### A. Application

For major site plans, the applicant shall follow the application process for a preplanning and formal application described in Sections [17.1.2.1:A](#) and [17.1.2.1:B](#) and any other applicable City standards.

#### B. Director's Review and Decision

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City; and
  - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
  - c. The application is reviewed applying the review criteria in Section [17.1.7.2](#); and any other applicable City standards.
2. The Director shall make a decision to approve, approve with modifications, or deny the application for a site plan based on the review criteria in Section [17.1.7.2](#); and any other applicable City standards.
3. The communication of an approval or denial of a site plan shall provide reasons for the approval or denial. Red line changes on a site plan shall constitute sufficient detail of the reasons for a denial.
4. No building permit for any development requiring a site plan shall be issued without obtaining the Director's approval.



5. The Director, at his or her sole discretion, may refer a major site plan to the Planning Commission pursuant to Section [17.1.7.3](#).

C. Appeal of Director's Decision

- a. The applicant may appeal the Director's decision on a major site plan.
- b. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
- c. The Planning Commission shall review appeals to the Director's decision for a major site plan. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- d. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
- e. Any decision of the Planning Commission on review of an appeal to a major site plan shall include reasons for affirming, modifying, or reversing the Director's decision.

**17.1.7.5: Expiration of Major Site Plans**

- A. The applicant shall obtain approval of a building permit within a period of two years from the date of a major site plan approval. If the building permit is not obtained within this time period, the approval of the major site plan is no longer valid.
- B. The applicant may request an extension of the major site plan approval. A written request for an extension explaining the justification for the request shall be submitted to the Director prior to the expiration of the major site plan approval. The Director may grant an extension for good cause for up to one year from the date of the original expiration of the major site plan approval.

**17.1.8: Revocation of Uses**

**17.1.8.1: Applicability**

This Section establishes the procedures and criteria for revoking the permission for special, nonconforming, and temporary uses.

**17.1.8.2: Revocation of a Special Use Permit**

- A. The stipulations and 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.
- B. 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 property owner in writing of said violation and shall provide the permit holder with a 14-day period in which to abate the violation or a reasonable period of time as determined by the Director. The permit holder shall

communicate to the Director and to each applicable licensing agency when the violation has been adequately abated.

- C. If the violation has not been abated within the 14-day period, the Secretary to the Planning Commission shall schedule a public hearing. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued. The Planning Commission shall use the review criteria as set forth in Section [17.1.4.2](#): when considering whether a special use may continue.
- D. Following a public 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 immediately 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 for the same or similar use within 180 days of the revocation action.

#### **17.1.8.3: Revocation of a Nonconforming Use**

- A. A nonconforming use shall be allowed to continue if it meets the standards of Article 12 of this Zoning Ordinance. If at any time the standards for a nonconforming use stated in this Zoning Ordinance or the Lakewood Municipal Code are not met, the nonconforming use shall be in violation.
- B. If and when any nonconforming use is determined to be in violation, the Director shall notify the property owner in writing of said violation and shall provide the property owner with a 14-day period in which to abate the violation. The property owner shall communicate to the Director when the violation has been adequately abated.
- C. If the violation has not been abated within the 14-day period, the Director shall schedule an administrative hearing to determine whether revocation of the nonconforming use or other legal action should be pursued. The Director shall give the property owner at least 14 days' written notice of the date and time of the hearing. The Director shall order the nonconforming use to terminate and/or may initiate legal action to terminate the nonconforming use if the Director determines that the continuation of the use without correction of the violation creates an increased risk to public health or safety or creates increased adverse impacts to adjacent properties.

The revocation of the nonconforming use shall require the property owner to stop the use.

- D. If the Director has ordered the termination of the nonconforming use pursuant to Subsection C above, and the property owner believes the criteria in Subsection C have not been met, the property owner may appeal the decision to the Planning Commission. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- E. Following a public hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the nonconforming use.

#### **17.1.8.4: Revocation of a Temporary Use**

- A. A temporary use shall be allowed to continue within the timeframe established for the use if it meets the standards of this Zoning Ordinance. If at any time the standards for a temporary use stated in this Zoning Ordinance or the Lakewood Municipal Code are not met, the temporary use shall be in violation.
- B. If and when any temporary use is determined to be in violation, the Director shall notify the property owner in writing of said violation and shall provide the property owner with a 14-day period in which to abate the violation. The property owner shall communicate to the Director when the violation has been adequately abated.
- C. If the violation has not been abated within the 14-day period, the Director shall schedule an administrative hearing to determine whether revocation of the temporary use or other legal action should be pursued. The Director shall give the property owner at least 14 days' written notice of the date and time of the hearing. The Director shall order the temporary use to terminate and/or may initiate legal action to terminate the temporary use if the Director determines that the continuation of the use without correction of the violation creates an increase risk to public health or safety, or creates increased adverse impacts to adjacent properties.

The revocation of the temporary use shall require the property owner to stop the use.

- D. If the Director has ordered the termination of the temporary use pursuant to Section [17.1.8.4:C](#), and the property owner believes that the criteria in Section [17.1.8.4:C](#) have not been met, the property owner may appeal the decision to the Planning Commission. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- E. Following a public hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the temporary use.

#### **17.1.9: Comprehensive Sign Plans**

##### **17.1.9.1: Purpose and Intent**

The purpose of a Comprehensive Sign Plan is to offer flexibility in the number, size, type and location of signs for large developments when the complexity of uses and site design warrant additional or different types of signage. The intent is to provide flexible sign standards that promote a superior design that is tailored to the site and architecture of the development.

##### **17.1.9.2: Applicability**

This Section applies to developments containing over 40,000 square feet of building area in the PD, R-MF, M, CR, or LI zone districts when the property owner(s) chooses to develop a comprehensive sign plan. The Director may reduce the development minimum size requirement of a development, if it is determined that the proposed development will still meet the intent of the Comprehensive Sign Plan identified in Section [17.1.9.1](#).

**17.1.9.3: Review Authority**

- A. The Director shall have the authority to review applications for comprehensive sign plans and render a decision.
- B. The Planning Commission shall have the authority to hear a referral from the Director and render a decision on a comprehensive sign plan.
- C. The Planning Commission shall have the authority to hear an appeal of the Director's decision and render a decision on a comprehensive sign plan.
- D. The decision of the Planning Commission on comprehensive sign plans shall be final.

**17.1.9.4: Review Criteria**

Decisions regarding comprehensive sign plan applications shall be based on the following review criteria. Comprehensive sign plan applications shall not be approved unless it is demonstrated that:

- A. The comprehensive sign plan promotes the purposes of this Zoning Ordinance; and
- B. The comprehensive sign plan exhibits high quality design, innovation and sensitivity to the site context; and
- C. The design, location and dimensional standards in a comprehensive sign plan shall result in signage that creates consistency with the architecture and site design through the use of common forms, materials and finishes; and
- D. The proposed standards and location in the Comprehensive Sign Plan do not adversely affect adjacent properties; and
- E. Signs proposed in a comprehensive sign plan shall adhere to the lighting standards outlined in Section [17.9.3.2](#); and
- F. Signs proposed in the comprehensive sign plan do not increase the quantity, size or duration of temporary signs.

**17.1.9.5: Review Procedures**

- A. Application
  - 1. The property owner(s) or any person, firm or corporation with written consent of the property owner(s) shall submit an application.
  - 2. The applicant shall submit a complete application with all required materials as determined by the Director. The Director shall determine if a submitted application is complete. The application shall include, but is not limited to, the following:
    - a. Design descriptions of all signs including, but not limited to, allowable shapes, sizes, typography, lighting, colors and materials; and
    - b. Sign calculations; and



- c. Elevation drawings of all allowable signs; and
  - d. Sign Plan and elevation drawings of building facades indicating allowable sign locations.
- 3. Applications that do not generate activity for more than 6 months may be closed at the Director's discretion.
- 4. The applicant may withdraw an application at any time prior to a decision by the City by submitting a written request to withdraw the application to the Director. If an application is later resubmitted, it shall be treated as a new application for purposes of review. The City shall not refund fees for a withdrawn application.

B. Notification to Adjacent Property Owners

- 1. Notification to adjacent property owners is required pursuant to Section [17.1.2.2:B](#).
- 2. Written comments received from notified property owners will be included in the materials reviewed by the Director before rendering a decision on the application.

C. Director's Review and Decision

- 1. The Director shall review the application for a comprehensive sign plan and ensure the following:
  - a. The application is complete when submitted to the City; and
  - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
  - c. The application is reviewed applying the criteria in Section [17.1.9.4](#); and all other applicable City standards
- 2. The Director shall review the application and make a decision to approve, approve with modifications, or deny the application for a comprehensive sign plan based on the review criteria in Section [17.1.9.4](#).
- 3. The Director, at his or her sole discretion, may refer an application for a comprehensive sign plan to the Planning Commission pursuant to Section [17.1.9.3](#).

D. Appeal of Director's Decision

1. An applicant may appeal the Director's decision to deny a comprehensive sign plan.
2. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
3. The Planning Commission shall review appeals to the Director's decision for a comprehensive sign plan. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
4. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
5. Any decision of the Planning Commission on review of an appeal of a comprehensive sign plan shall include reasons for affirming, modifying or reversing the Director's decision.
6. The decision of the Planning Commission shall be final.

**17.1.9.6: Modifications**

This Section establishes the procedures and criteria for requesting a modification to a comprehensive sign plan.

A. Review Criteria

Recommendations and decisions regarding a comprehensive sign plan modification application shall be based on the following review criteria. Applications for a comprehensive sign plan modification shall be approved if it is demonstrated that:

1. The proposed modification is consistent with the preservation of the entire comprehensive sign plan; and
2. The proposed modification will not substantially impair the appropriate use or development of adjacent property; and
3. The proposed modification conforms with the policies of the comprehensive sign plan; and
4. The proposed modification is not granted solely to confer special benefit upon any individual person.

B. Review Authority

1. The Director shall have the authority to review and render a decision on applications for comprehensive sign plan modifications.
2. The Planning Commission shall have the authority to hear a referral from the Director and render a decision on a comprehensive sign plan application.

3. The Planning Commission shall have the authority to hear an appeal of the Director's decision and render a decision on a comprehensive sign plan application.

C. Review Procedure

1. Application:
  - a. The applicant shall follow procedures for preplanning and formal applications pursuant to Sections [17.1.2.1:A](#) and [17.1.2.1:B](#) and any other applicable City standards.
  - b. An application for a comprehensive sign plan modification shall include a comprehensive sign plan articulating the modifications to the governing comprehensive sign plan.

D. Notification to Owners of Adjacent Property

Notification to owners of adjacent property shall be at the Director's discretion.

E. Director's Review Authority and Decision

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City; and
  - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
  - c. The application is reviewed applying the review criteria in Section [17.1.9.6](#); and any other applicable City standards.
2. The Director shall make a decision to approve, approve with modifications or deny the application for a comprehensive sign plan modification based on the review criteria in [17.1.9.6](#).
3. The Director may, at his or her sole discretion, refer a modification to the Planning Commission for consideration and decision

F. Appeal of Director's Decision

1. The applicant or owners of adjacent property may appeal the Director's decision on a comprehensive sign plan modification application.
2. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
3. The Planning Commission shall hear appeals of the Director's decision for a comprehensive sign plan modification. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
4. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.

5. Any decision of the Planning Commission of an appeal to a comprehensive sign plan modification shall include reasons for affirming, modifying or reversing the Director's decision.
6. The decision by the Planning Commission on applications for a comprehensive sign plan modification shall be final.

### **17.1.10: Zoning Lot**

#### **17.1.10.1: Applicability**

This section establishes the procedures and criteria for designation of a zoning lot. Dimensional and development standards shall apply to the entire area designated as a zoning lot rather than individual lots.

#### **17.1.10.2: Review Criteria**

Recommendation and decisions regarding zoning lot applications shall be based on the following criteria:

- A. The zoning lot designation is not applicable to R-1 and R-2 zone districts.
- B. All lots proposed for inclusion as part of a zoning lot designation shall be contiguous.
- C. A zoning lot shall comply with all provisions of the dimensional and development standards of Article 5, 6, 7, and 8.
- D. A zoning lot shall have at least one lot line abutting a public street.
- E. A zoning lot shall meet the intent of the applicable zone district.
- F. The Director shall evaluate how the zoning lot contributes to the overall performance of the site.

#### **17.1.10.3: Review Authority**

- A. The Director shall have the authority to review and render a decision on a zoning lot application.
- B. The Planning Commission shall have the authority to hear a referral from the Director and render a decision on a zoning lot application.
- C. The Planning Commission shall have the authority to hear an appeal of the Director's decision and render a decision on a zoning lot application.

#### **17.1.10.4: Review Procedure**

A request for a zoning lot designation shall follow the procedures described below:

A. Application:

1. The applicant shall submit a formal application for a zoning lot in conjunction with a site plan.
2. Upon written request of the property owners or owners, a zoning lot may be created to allow multiple parcels that border one another to be treated as one large lot when applying standards of the zoning ordinance.
3. Where a designated zoning lot is not owned by a single owner or entity, all property owners shall agree to participate in a zoning lot designation.
4. A zoning lot cannot be created if the proposed development does not conform to all applicable dimensional and development standards of the zoning ordinance

B. Director's Review and Decision:

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City; and
  - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
  - c. The application is reviewed applying the review criteria in Section [17.1.6.3](#); and any other applicable City standards.
2. The Director may, within 30 days from the day of the complete application, either approve, approve with modifications, or deny the application based on the review criteria in Section [17.1.6.3](#); and any other applicable City standards
3. The Director, at his or her sole discretion, may decide to refer an application for a zoning lot to the Planning Commission pursuant to Section 17.2.10.2.

C. Appeal of Director's Decision

1. The applicant or owners of adjacent property may appeal the Director's decision on a zoning lot application.
2. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
3. The Planning Commission shall review appeals to the Director's decision for a zoning lot pursuant to the notification process outlined in Section 17.2.2.3:B of this Zoning Ordinance. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
4. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
5. Any decision of the Planning Commission on review of an appeal to a zoning lot application shall include reasons for affirming, modifying or reversing the Director's decision.

**17.1.10.5: Amendments**

- A. Designated zoning lot boundaries may be amended provided that all new lots or zoning lots comply with the standards of the zoning ordinance.
- B. Where an amendment is proposed to a designated zoning lot that is not owned by a single owner or entity, all property owners shall agree to participate in the zoning lot amendment.

## **17.1.11: Permit Applications, General**

### **17.1.11.1: Application Process and Review Authority**

Review of fence permits, sign permits and supplemental standards for the limited and accessory Uses identified in Article 4 is an important Planning function that requires documentation for tracking purposes but does not trigger the need for public input.

The Director shall have the authority to review and render a decision on all permit items.

## **17.1.12: Review of Supplemental Standards for Limited and Accessory Uses**

### **17.1.12.1: Applicability**

Review required for any limited or accessory use identified in Article 4 of this Zoning Ordinance shall follow the process described in this section. (Review of all supplemental standards associated with *special* uses identified in Article 4 of this Zoning Ordinances shall be reviewed per Section [17.1.4](#) of this Zoning Ordinance.)

### **17.1.12.2: Review Procedures**

A request for zoning review shall follow the procedures described below.

#### **A. Application**

1. Any one or more of the following entities shall submit a zoning review application.
  - a. All owners of all real property where the use is proposed; or
  - b. A tenant of the property with written consent of the property owner.
2. The applicant shall submit a complete zoning review application

#### **B. Director's Review and Decision:**

1. The Director shall conduct a review of a zoning review application determined by the Director to be complete.
2. The Director shall, within 15 days from the day of the complete application, either confirm compliance with all applicable supplemental standards, or return the application to the applicant with a written description of the standards that have not been met.

### **17.1.13: Sign Permit**

#### **17.1.13.1: Applicability**

This Section establishes the procedures for the administrative planning review of new signs and the alteration of existing signs.

#### **17.1.13.2: Review Procedures**

A request for a sign permit review shall follow the procedures described below.

##### **A. Application**

1. Any one or more of the following entities shall submit a sign permit application.
  - a. All owners of all real property on which the sign will be located; or
  - b. A tenant of the property with written consent of the owner; or
  - c. A sign contractor registered with the City of Lakewood.
2. The applicant shall submit a complete sign permit application.

##### **B. Director's Review and Decision**

1. The Director shall conduct a review of a sign permit application determined by the Director to be complete.
2. The Director shall, within 15 days from the day of the complete application, either approve or deny the application based on standards in this Zoning Ordinance, any other applicable standards, and the following:
  - a. Signs shall be located on the same property as the permitted use.
  - b. Permits for signs on property that are a part of a comprehensive sign plan shall meet the standards articulated in the comprehensive sign plan.

##### **C. Compliance with Sign Permit**

1. All signs shall be installed in accordance with a sign permit.
2. When a sign permit has been issued by the City, 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.



3. If the City 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, the City shall take the following actions to remediate the situation:
  - a. The applicant and the owner of the sign shall be notified of such findings and that the violation must be corrected within 5 days of notice.
  - b. If such correction is not made, the permit shall be revoked and written notice shall be mailed to the property owner, the sign owner, or contractor.
  - c. Upon receipt of the notice revoking the permit, the property owner, sign owner, or contractor shall have 5 days to correct any violation.
4. If an illegal sign was erected without a permit, the City shall provide written notice to the property owner, the sign owner, or contractor of such findings and the violation must be corrected within 5 working day of notice.
5. If actual work either on or off site is not commenced under any sign permit issued within 180 days from the date of such permit, the permit shall automatically expire. The Director may extend a sign permit up to 180 days for good cause.

#### **17.1.14: Fence Permit**

##### **17.1.14.1: Applicability**

This Section establishes the procedures for the administrative planning review for the installation or replacement of a fence.

##### **17.1.14.2: Review Authority**

The Director shall have the authority to review and render a decision on fence permits. The decision on fence permits shall be final.

##### **17.1.14.3: Review Procedures**

A request for a fence permit review shall follow the procedures described below:

###### **A. Application**

1. Any one or more of the following entities shall submit a fence permit application.
  - a. All owners of all real property on which the fence will be located; or
  - b. A tenant of the property with written consent of the property owner; or
  - c. A contractor registered with the City of Lakewood.
2. The applicant shall submit a complete fence permit application.

B. Director's Review and Decision

1. The Director shall conduct a review of a fence permit application determined by the Director to be complete.
2. The Director shall, within 15 days from the day of the complete application, either approve or deny the application based on standards in this Zoning Ordinance and any other applicable City standards.

C. Compliance with Fence Permit

1. All fences shall be installed in accordance with a fence permit.
2. When a fence permit has been issued by the City, 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.
3. If the City finds that work under any fence 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, the City shall take the following actions to remediate the situation:
  - a. The applicant and the owner of the fence shall be notified of such findings and that the violation must be corrected within 15 days of notice.
  - b. If such correction is not made, the permit shall be revoked and written notice shall be mailed to the property owner or contractor.
  - c. Upon receipt of the notice revoking the permit, the property owner or contractor shall have five days to correct any violation.
4. If an illegal fence was erected without a permit, the City shall provide written notice to the property owner or the contractor of such findings and any violation must be corrected within five working days of notice.

If actual work, either on or off site, is not commenced under any fence permit issued within 180 days from the date of such permit, the permit shall automatically expire. The Director may extend a fence permit up to 180 days for good

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## **ARTICLE 3: ZONE DISTRICTS**

### **17.3.1: General**

#### **17.3.1.1: Purpose and Intent**

This Article describes each zone district established within the City of Lakewood. The purpose of the various districts is to:

- A. Ensure compatibility of land uses;
- B. Support efficient and economical use and reuse of land;
- C. Provide adequate light and air in development projects;
- D. Encourage development and redevelopment projects and uses of land that are functional and exhibit good design and aesthetics; and
- E. Encourage protect of the City's existing residences, businesses, and infrastructure in a manner that is consistent with the Comprehensive Plan.

### **17.3.2: Districts and Maps**

#### **17.3.2.1: Applicability**

- A. Any application for an initial zoning, rezoning or legislative zoning of property filed on or after the effective date of this Zoning Ordinance shall be for a zone district created by this Zoning Ordinance. The application shall be governed by Article 2 of this Zoning Ordinance. This Zoning Ordinance shall in all respects govern the use of property so zoned or rezoned.
- B. Any application for an initial zoning, rezoning or legislative zoning of property filed prior to and pending on the effective date of this Zoning Ordinance shall be amended to propose a zone district created by this Zoning Ordinance and shall otherwise conform to and be governed by this Zoning Ordinance, unless a hearing on the application has been conducted by the Planning Commission. If a hearing 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 0-80-51, as amended.

#### **17.3.2.2: Creation of Districts**

In order to carry out the purposes of this Zoning Ordinance, the City of Lakewood shall be divided into several zone districts as defined in this Article.

#### **17.3.2.3: Zoning District Map**

- A. The location of land placed within specified zone districts following the effective date of this Zoning Ordinance is shown on the map entitled Official Zoning District Map of the City of Lakewood, hereby designated as the official City of Lakewood zoning district map. The map is made a part of this Zoning Ordinance by this reference, and the districts set forth and shown therein are hereby approved. The official map shall be maintained by the Secretary to the Planning Commission.
- B. When land is zoned or rezoned pursuant to this Zoning Ordinance, such changes shall be made on the Official Zoning District Map of the City of Lakewood pursuant to the Municipal Code.
- C. The City Council may, by resolution, authorize staff to correct drafting or other errors or omissions in the Official Zoning District Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereto.

#### **17.3.2.4: Interpretation of District Boundaries**

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district maps, the Director shall determine the boundary by applying the following rules:

- A. In subdivided areas, unless otherwise shown on the maps, the district boundary is the centerline of said street, alley or record lot line. Where a district boundary line is approximately along a street, alley or record lot line, the centerline of said street, alley or lot line shall be construed to be the boundary.
- B. In un-subdivided areas, unless otherwise shown on the maps, the district boundary is the centerline of said street, highway or land survey line. Where a district boundary line is not indicated as following a street, alley, or land survey line, the zoning boundary line shall be determined by the use of the scale designated on the zoning map.
- C. In the case of a district boundary that divides property without relying on lot lines, the location of the boundary shall be determined by the use of the scale designated on the zoning map.

#### **17.3.2.5: Lot Line Changes**

When lot line boundaries are, or have been, altered through the subdivision process, the Director may determine that the zoning boundaries shift to match the nearest new lot line based on the following criteria:

- A. The determination shall not result in a significant change in the overall land use permissions for the altered property.
- B. The area of change shall not be sufficient, in and of itself, to result in a new building or use that was not previously allowed.
- C. No change shall be made without the knowledge and permission of the impacted landowner.

### **17.3.3: Residential Districts**

#### **17.3.3.1: Purpose and Intent**

Residential districts are established to provide a range of housing types, from large-lot single-family to medium density multifamily development, while fostering cohesive neighborhoods and allowing for transitions between neighborhoods and mixed-use, commercial, and industrial areas. The residential zone districts are primarily intended to:

- A. Create, maintain and promote a variety of housing opportunities that meet the diverse economic and social needs of residents;
- B. To maintain and promote the desired physical character of existing and developing neighborhoods;
- C. Where appropriate, protect the scale, character and unique appeal of existing residential neighborhoods; and
- D. Allow for appropriate public and institutional services and facilities, such as schools, parks and recreational uses, religious institutions, and transportation infrastructure.

While the districts primarily accommodate residential use types, some limited commercial and home occupation uses are also allowed.

The residential (R) district standards provide development flexibility while at the same time ensuring that new development is compatible with the City's existing neighborhoods. In addition, the regulations offer certainty for property owners, developers and neighbors about the limits of what uses are allowed.

#### **17.3.3.2: Residential District Descriptions**

The general intent of each of the eight residential zone districts within the City is identified by the descriptions below.

- A. **R-1-43 – One Acre Lot Residential:** The R-1-43 district is intended to protect and enhance existing rural character, uses, densities and standards while providing for low-intensity use of land, single-family residential development, and other compatible uses.

- B. **R-1-18 – Rural Lot Residential:** The R-1-18 district is intended to protect the existing rural character of an area and to establish a semi-rural pattern of development, which allows for low density single-family residential development.
- C. **R-1-12 - Large Lot Residential:** The R-1-12 district is intended to provide for large lot, single-family residential development.
- D. **R-1-9 – Medium Sized Lot Residential:** The R-1-9 district is intended to provide for medium-sized lot, single-family residential development.
- E. **R-1-6 – Small Lot Residential:** The R-1-6 district is intended to provide for small lot, single-family residential development.
- F. **R-2 – Two-Family and Small Lot Residential:** The R-2 district is intended to provide for small-lot, single-family and duplex residential development.
- G. **R-MF – Multifamily Residential:** The R-MF district is intended to provide for a mixture of medium-density housing types including attached housing, and multifamily buildings.
- H. **R-MH – Mobile Home Residential:** The R-MH district is intended to allow for developments where spaces are either sold or rented for the placement of a mobile home in a park-like setting, where the homes are used as seasonal or permanent residences.

#### 17.3.4: Mixed-Use Districts

The term “mixed-use” is commonly used in zoning to describe districts where more than one use is allowed. This is different from historical zoning practices that segregated the uses, e.g. residential zones contained only domiciles which were in turn not allowed in commercial or industrial zones. Modern zoning practices have sought to find ways to blend the uses to provide benefits such as walkability, live-work, and flexibility to accommodate neighborhood amenities. To accomplish those goals, “mixed-use” zones have been created to allow a variety of uses. The purpose of these districts is to allow for – *but not require* – development of more than one use. There are exceptions where individual parcels are required to have more than one use based on location or size. Please see section 17.5.3 for the specific requirements of those types of parcels.

##### 17.3.4.1: Purpose and Intent

The mixed-use (M) zone districts are specifically intended to:

- A. Accommodate and promote a mix of commercial (e.g., retail, service, office) and residential uses;
- B. Encourage pedestrian-friendly development consisting of business, retail, and residential uses in the same building or on the same site;
- C. Maintain the integrity and viability of the adjacent residential neighborhoods;



- D. Provide areas for public and semi-public uses, such as utilities and telecommunications infrastructure needed to support the community; and
- E. Provide development flexibility, while ensuring that new development and redevelopment interacts appropriately with adjoining land uses.

#### 17.3.4.2: Mixed Use District Descriptions

Mixed-use districts are established to allow a range of district types, from the small neighborhood center to regional-level centers. The general intent of each of the five mixed-use zone districts within the City is identified by the descriptions below.

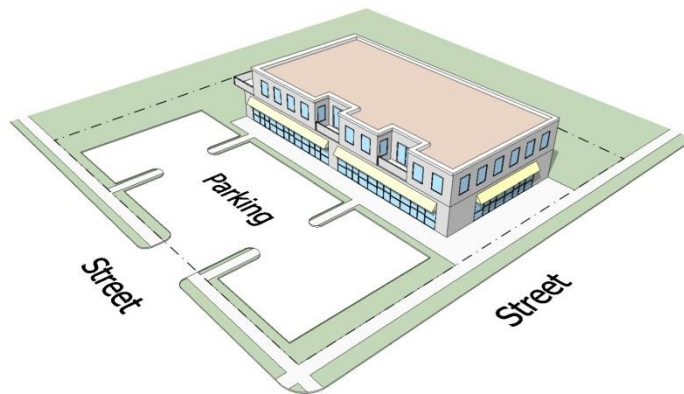
- A. **M-N – Mixed-Use-Neighborhood:** The M-N district is intended to allow and accommodate a mix of lower-intensity neighborhood-scale commercial uses and a range of residential uses generally along collector streets and adjacent to light rail stations with walk-up access. Typical non-residential uses include those that provide goods and services to the residents of the surrounding neighborhoods. The district is intended to accommodate a high level of pedestrian activity and scale. Mixed-use buildings and projects are encouraged and not required.
- B. **M-G – Mixed-Use-General:** The M-G district is intended to allow for mixed-use and community commercial development generally along arterial streets. Typical nonresidential uses include those necessary to support the community. The district is intended to accommodate a higher level of motor vehicle activity, although pedestrian activity will still be accommodated and encouraged.
- C. **M-C – Mixed-Use-Core:** The M-C district is intended to allow and accommodate opportunities for higher density mixed-use development in areas developed or planned with the most intense urban characteristics, such as downtown Lakewood and adjacent to light rail stations with associated parking facilities. Typical nonresidential uses include those generally intended to support the entire city. The district is intended to accommodate a high level of pedestrian activity, although motor vehicle activity will still be accommodated. Mixed-use buildings and projects are key components of this district, and are required in certain contexts.
- D. **M-E – Mixed-Use-Employment:** The M-E district is intended to provide for office and campus development, with ancillary retail and residential uses along arterial and collector streets. The district may also act as a buffer between higher intensity mixed-use districts and adjacent residential neighborhoods. The district provides for medium- to high-density employment opportunities, as well as educational and institutional campuses. Employment uses are key components of this district, and are required in certain instances where the parcel and/or district is of a certain size.
- E. **M-R – Mixed-Use-Residential:** The M-R district is intended to allow for compact multifamily residential development with a variety of densities. This district will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of the district to maximize the potential number of transit riders and business users within adjacent transit and urban development areas, while limiting the impact on existing surrounding neighborhoods.

#### 17.3.4.3: Mixed-Use District Contexts

Each mixed-use zone district within the City has been assigned a context, based on the existing or planned characteristic of the area in which it is located. The zone district contexts are intended to:

- A. Indicate the appropriate development pattern for a given area of the City;
- B. Provide for appropriate levels of pedestrian and auto access; and
- C. Establish maximum building heights to reflect the existing or proposed characteristics of the surrounding development.

**S – Suburban:** The Suburban context reflects a more auto-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is not conducive to the highest level of pedestrian connectivity. The context allows for a limited amount of parking to be provided between adjacent public streets and the development. Additionally, auto-oriented design elements, such as drive-through facilities are permitted (See Figure 17.3.1).



**Figure 17.3.1: Example of Suburban Context**

- D. **U – Urban:** The Urban context reflects a more pedestrian-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is more conducive to pedestrian and bicycle access. The context requires that buildings be located within a short distance of adjacent public streets, with parking located behind or to the side of buildings. Auto-oriented design elements, such as drive-through facilities, generally have specific design requirements (See Figure 17.3.2).



**Figure 17.3.2: Example of Urban Context**

- E. **T – Transit:** The Transit context reflects the most pedestrian-oriented environment, where the existing surrounding street pattern, access to adjacent neighborhoods, and access to transit is conducive to pedestrian and bicycle access. The context requires that buildings be located within a short distance of adjacent public streets, with parking located only behind buildings, or in above or below grade structures. Auto-oriented design elements are restricted and have specific design requirements (See Figure 17.3.3).



**Figure 17.3.3: Example of Transit Context**

## 17.3.5: Commercial and Light Industrial Districts

### 17.3.5.1: Purpose and Intent

Commercial and light industrial districts are established to provide for large-scale employment and retail areas, while fostering high-quality building and site design and pedestrian, bicycle and transit as well as automobile circulation. The commercial and light industrial districts are intended to:

- A. Promote and accommodate larger-scale auto-oriented commercial and light industrial uses;
- B. Provide opportunities for single-use commercial and light industrial development; and
- C. Strengthen and diversify the City's economic base and provide basic employment opportunities.

### 17.3.5.2: Commercial and Light Industrial Descriptions

The general intent of each of the three commercial and light industrial zone districts within the City is identified by the descriptions below.

- A. **C-R – Commercial-Regional:** The C-R district is intended to provide for regional commercial development along major street corridors and near highway interchanges. Typical uses include those needed to support the community and create a regional draw. The district is intended to accommodate the highest levels of motor vehicle activity, although pedestrian activity will still be an important element of design. The district reflects a more suburban character, with parking allowed in front of buildings, and commercial buildings separated from residential uses.
- B. **LI – Light Industrial:** The LI district is intended to allow for existing and future light industrial uses that provide for the employment needs of Lakewood. Typical uses include facilities producing medical, high technology, and environmentally sustainable products, as well as traditional industrial facilities including warehousing and distribution. Some heavy manufacturing is also allowed. The district allows for a suburban development pattern.
- C. **LI-RD – Light Industrial-Research and Development:** The LI-RD district is intended foster the development of new and existing research, technology, and light industrial uses in a campus-style setting. This district is intended to be located where access to public transportation infrastructure is in close proximity.

## 17.3.6: Planned Development District

### 17.3.6.1: Purpose and Intent

The Planned Development (PD) 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

and are suitable to be developed as a unified and integrated project in accordance with detailed development plans.

The PD zone district is intended to provide a means of accomplishing the following objectives:

- A. Provide for large-scale, unified, and unique development concepts not otherwise permitted within standard zone districts identified in this Article of the Zoning Ordinance.
- B. Promote more efficient use of land and public services, encourage creative and innovative site design, and provide an increased level of amenities and aesthetic enhancement, while meeting the policies and goals of the Comprehensive Plan.
- C. Promote development that is individually designed for a specific site in order to more appropriately address the physical context and/or specific features associated with the property.
- D. Encourage innovations in residential, commercial, and industrial development and redevelopment so that the needs of the population may be met by greater variety in the type, design, and layout of buildings, and by the conservation and more efficient use of open space ancillary to buildings.
- E. Encourage a more efficient use of land and of public or private services, and to reflect changes in the technology of land development.
- F. Reduce the burden of traffic associated with a development on streets and highways located in the vicinity of the development.
- G. Provide a procedure which can better relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the natural characteristics of a site.

In return for flexibility in site design and development, PD districts are expected to include exceptional design that preserves critical environmental resources; provide above-average open space and recreational amenities; incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

#### **17.3.6.2: Applicability**

The PD district shall be applied only to sites of 5 acres or larger, provided that the site may be composed of multiple adjacent properties to be governed by a single Official Development Plan, and may thereafter be subdivided in compliance with the approved Official Development Plan. The Director may reduce the required minimum size of a PD district, if it is determined that the proposed district will still meet the intent of the PD zone identified in Section [17.3.6.1](#).

#### **17.3.6.3: Official Development Plan**

All PD zone districts shall be governed by an Official Development Plan (ODP). The ODP shall contain written stipulations and, when appropriate, graphic representation generally addressing land use, density, signage, fencing, lighting, access and circulation, architectural and landscape design requirements, and public and private improvements.

**17.3.6.4: Allowed uses**

A PD district shall include multiple land uses, and define the following:

- A. *Base Zone District:* All PD districts shall allow the uses identified for at least one zone district described in this Zoning Ordinance. The base zone district or districts shall be chosen based upon compatibility with surrounding land uses and most closely relate to the uses proposed as part of the PD. The base zone district or districts shall be specifically identified as part of the PD.
- B. *Additional Uses:* A PD district may include uses not allowed in the base zone district. However, the use or uses added to the based district shall be listed in Table 17.4.1, or determined to be permitted, subject to Section 17.4.3 of this Zoning Ordinance. Addition of uses to the base zone district shall be based on compatibility with the surrounding land uses.

**17.3.6.5: Other Standards and Modifications**

The standards of the applicable base zone district or districts included in the PD, as identified in this Zoning Ordinance, shall apply to the PD district unless specifically modified as part of the PD. Any modification to the standards shall be identified as part of an ODP.

- A. Redevelopment within a PD district may apply either the standards of the base zone district or the standards of the ODP.
- B. Where an ODP contains specific provisions regarding the ODP modification process, the provisions outlined in the ODP shall be used to modify the ODP.

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## ARTICLE 4: USE AND SUPPLEMENTAL STANDARDS

### 17.4.1 : General

#### 17.4.1.1 : Purpose and Intent

This Article is intended to identify land use categories and their relationship to zone districts to ensure the appropriate location for different types of land uses within the City of Lakewood. This Article identifies the uses that are permitted, limited, accessory, require a special use permit, or are prohibited in each zone district, and sets forth use-specific standards that apply to particular uses to ensure compatibility and minimize impacts on adjacent properties.

#### 17.4.1.2 : Uses

Permitted, limited, special, accessory and prohibited uses are listed in [Table 17.4.1](#) together with references to specific regulations governing certain uses. Uses are classified into land use groups and specific use types. These are described and defined in Article 13. Uses are identified in the first column of the Use Table. Any supplemental standard associated with a use is identified in the column titled “Supplemental Standards.”

- A. **Permitted Uses:** Uses identified with a “P” in the Use Table are permitted as a use in the specific zone district subject to compliance with all other applicable standards of this Zoning Ordinance.
- B. **Limited Uses:** Uses identified with an “L” in the Use Table are permitted as a use in the specific zone district subject to compliance with any supplemental standards identified in the final column of the table and all other applicable standards of this Zoning Ordinance.
- C. **Special Uses:** Uses identified with an “S” in the Use Table are allowed if reviewed and approved in accordance with the special use procedures identified in Article 2. Special uses are subject to compliance with any supplemental standards identified in the final column of the table and all other applicable standards of this Zoning Ordinance.
- D. **Accessory Uses:** Uses identified with an “A” in the Use Table are allowed in the specific zone district as accessory to a permitted use only, subject to compliance with any supplemental standard as identified in the final column of the table, and all other applicable standards of the Zoning Ordinance.
- E. **Prohibited Uses:** Uses that contain a blank cell in a zone district are expressly prohibited in the specific zone district.

#### 17.4.1.3 : Determination of Use

Any use that is not clearly identified in the use table shall be assigned to an existing use category by the Director in accordance with the following:

- A. Upon receipt of an application for a use that is not clearly identified within the use table, the Director shall determine whether the proposed use is both similar to, and compatible with, uses specifically named within the particular zone category.

- B. In determining whether the proposed use is similar to, and compatible with a specifically named zone category, the Director shall consider, among other relevant factors, traffic generation, density of population, and hours of operation of the proposed use as compared to:
1. Known uses within a zone category; and
  2. Characteristics of zone categories that permit a similar use; and
  3. The goals and policies set forth in the Comprehensive Plan.
- C. Any appeal by the applicant of a decision by the Director regarding an unnamed use shall be made to the Planning Commission. In deciding the appeal, the Planning Commission shall apply the same standards used by the Director.

**17.4.1.4 : City Owned Open-Space and Parks**

City-owned land which is used or held for open-space or park purposes shall not be permitted to be used for any purpose other than open-space or park purposes.

**17.4.2 : Use Table**

[Table 17.4.1](#) identifies the uses that are permitted, accessory, special, limited, or prohibited in each zone district within the City of Lakewood. It shall be unlawful to engage in any use identified in [Table 17.4.1](#) as prohibited in the applicable zone district.

**Table 17.4.1: Use Table**

Table 17.4.1: Use Table																	
Land Use	Zone District																Supplemental Standards
	Residential								Mixed Use					Commercial and Light Industrial			
	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	M-N	M-G	M-C	M-E	M-R	C-R	L-I	LI-RD	
P = Permitted      A = Accessory      S = Special      L = Limited      [blank] = Prohibited																	
Residential																	
Single-family dwelling unit	P	P	P	P	P	P	P		P								
Accessory dwelling unit	L	L	L	L	L	L	L		L	L	L	L	L	L	L	L	See Section <a href="#">17.4.3.1:A</a>
Duplex						P	P		P								
Attached dwelling unit							P		P	P	P	L	P				See Section <a href="#">17.5.3.6.F</a>
Multifamily dwelling unit							P		P	P	P	L	P				See Section <a href="#">17.5.3.6.F</a>
Mobile Home								P									
Group Home (1 – 8 client residents*)	P	P	P	P	P	P	P	P	P	P	P	P	P				*See Section <a href="#">17.4.3.1:M</a>
Group Residential Facility							P		P	P	P	L	P	P			See Section <a href="#">17.5.3.6.F</a>
Shelter										S				S			
Commercial and Light Industrial																	
Adult Business										L				L			See Chapter 5.47 of the Lakewood Municipal Code
Animal Care	P								S	L	S	L	S	P	P		See Section <a href="#">17.4.3.1:B</a>
Bar									P	P	P	S		P			
Bed and Breakfast	S	S	S	S			S		S								See Section <a href="#">17.4.3.1:F</a>
Cemetery	P																

**Table 17.4.1: Use Table**

Land Use	Zone District															Supplemental Standards	
	Residential								Mixed Use					Commercial and Light Industrial			
	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	M-N	M-G	M-C	M-E	M-R	C-R	L-I		LI-RD
P = Permitted      A = Accessory      S = Special      L = Limited      [blank] = Prohibited																	
Commercial and Light Industrial (continued)																	
Club, Lodge, or Service Organization									P	P	P	P	A	P			
Contractor Shop										L	L	L	L	P	P	L	See Section <a href="#">17.4.3.1:J</a>
Crematory														S	L		See Chapter 5.25 of the Lakewood Municipal Code
Day Care Facility, Child or Adult	A	A	A	A	A	A	P		P	P	P	P	A	P	P	P	See Section <a href="#">17.4.3.1:L</a>
Emergency Medical Facility										P	S	P		P	P	P	
Entertainment Facility																	
Indoor									P	P	P	S	S	P			
Outdoor										S				P	P		
Fitness or Athletic Facility, Private									P	P	P	P	A	P			
Gallery or Studio									P	P	P	P	A	P			
Golf Course	S																
Hotel										P	P	P		P			
Junkyard or Motor Vehicle Wrecking															S		

**Table 17.4.1: Use Table**

Land Use	Zone District															Supplemental Standards	
	Residential								Mixed Use					Commercial and Light Industrial			
	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	M-N	M-G	M-C	M-E	M-R	C-R	L-I		LI-RD
P = Permitted      A = Accessory      S = Special      L = Limited      [blank] = Prohibited																	
Commercial and Light Industrial (continued)																	
Manufacturing																	
Light										P		P		P	P	P	
Heavy															P	S	
Medical Marijuana Business									L	L	L			L			See Chapter 5.51 of the Lakewood Municipal Code
Mini-Warehouse or Storage										S				L	L		See Section <a href="#">17.4.3.1:P</a>
Mortuary										P				P	P		
Motel										P				P			
Motor Vehicle Rental									L	L	L	L		P	P	P	See Section <a href="#">17.4.3.1:Q</a>
Motor Vehicle Sales																	
Indoor Display and Storage										P	P			P			
Outdoor Display and Storage										L				P			See Section <a href="#">17.4.3.1:R</a>
Motor Vehicle Service																	
Car Wash										L				P	P		See Section <a href="#">17.7.6.3:A</a>
Fueling Station									L	L				P			See Section <a href="#">17.7.6.3:B</a>
Major										S				L	L		See Section <a href="#">17.4.3.1:S</a>
Minor										L				L	P		See Section <a href="#">17.4.3.1:T</a>

**Table 17.4.1: Use Table**

Land Use	Zone District															Supplemental Standards	
	Residential								Mixed Use					Commercial and Light Industrial			
	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	M-N	M-G	M-C	M-E	M-R	C-R	L-I		LI-RD
<b>P = Permitted      A = Accessory      S = Special      L = Limited      [blank] = Prohibited</b>																	
<b>Commercial and Light Industrial (continued)</b>																	
Office	L	L	L	L	L	L	L		P	P	P	P	A	P	P	P	See Section <a href="#">17.4.3.1:U</a>
Parking, Stand-Alone																	
Structured										P	P	P		P	P		
Surface									L	L	L	L	L	L	L	L	See Section <a href="#">17.4.3.1:W</a>
Pawnbroker										L				L			See Chapter 5.24 of the Lakewood Municipal Code
Personal Service	L	L	L	L	L	L	L		P	P	P	P	A	P			See Section <a href="#">17.4.3.1:X</a>
Plant Nursery	P													P	P		
Restaurant									P	P	P	P	A	P	P	P	
Retail									P	P	P	P	A	P	A	A	
Rental, Service, or Repair of Large Items										L				P	P		See Section <a href="#">17.4.3.1:Y</a>
Storage, Outdoor										A				S	P		See Section <a href="#">17.4.3.1:BB</a>
Vehicle Dispatch Facility										S		S		P	P	P	
Warehouse or Distribution															P	P	
<b>Public / Civic / Institutional</b>																	
Community Building	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	See Section <a href="#">17.4.3.1:G</a>
Convention or Exposition Center										P	S	P		P	P		
Correctional Institution														S	S		<a href="#">See Section 17.4.3.1:K</a>

**Table 17.4.1: Use Table**

Land Use	Zone District																Supplemental Standards
	Residential								Mixed Use					Commercial and Light Industrial			
	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	M-N	M-G	M-C	M-E	M-R	C-R	L-I	LI-RD	
<b>P = Permitted      A = Accessory      S = Special      L = Limited      [blank] = Prohibited</b>																	
<b>Public / Civic / Institutional (continued)</b>																	
Hospital										S		S		P		S	
Park	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Institution	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	See Section <a href="#">17.4.3.1:G</a>
School, Public or Private	P	P	P	P	P	P	P	P	P	P	P	P	P	P			
School, Vocational or Trade										P	S	P		P	P	S	
Solar Garden									S	S	S	S	S	L	L	L	See Section <a href="#">17.4.3.1:AA</a>
Transportation Facility, Public	L	L	L	L	L	P	P	P	P	P	P	P	P	P	P	P	See Section <a href="#">17.4.3.1:G</a>
University or College										P	P	P	P	P	S	S	
Utility Facility																	
Major	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	
Minor	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<b>Agriculture</b>																	
Animals, Large	L	A	A	A													See Section <a href="#">17.4.3.1:C</a>
Animals, Small	A	A	A	A	L	L			L	L	L	L	L				See Section <a href="#">17.4.3.1:D</a>



**Table 17.4.1: Use Table**

Land Use	Zone District															Supplemental Standards	
	Residential								Mixed Use					Commercial and Light Industrial			
	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	M-N	M-G	M-C	M-E	M-R	C-R	L-I		LI-RD
P = Permitted      A = Accessory      S = Special      L = Limited      [blank] = Prohibited																	
Agriculture (continued)																	
Apiaries	P	L	L	L	L	L	L		L	L	L	L	L	L	L	L	See Section <a href="#">17.4.3.1:E</a>
Community Garden	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	See Section <a href="#">17.4.3.1:H</a>
Horticulture	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Temporary																	
Construction or Sales Trailer	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section <a href="#">17.4.3.1:I</a>
Outdoor Display									A	A	A	A	A	A	A	A	See Section <a href="#">17.4.3.1:V</a>
Roadside Stand	L	L	A	A	A	A											See Section <a href="#">17.4.3.1:Z</a>
Temporary Use, Long-term	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Section <a href="#">17.4.3.1:CC</a>
Temporary Use, Short-term	S	S	S	S	S	S	S	S	L	L	L	L	L	L	L	L	See Section <a href="#">17.4.3.1:DD</a>
Other																	
Amateur Radio Tower or Antenna	A	A	A	A	A	A							A				
Home Business																	
Major	S	S	S	S	S	S	S	S	P	P	P	P	P				See Section <a href="#">17.4.3.1:O</a>
Minor	A	A	A	A	A	A	A	A	A	A	A	A	A				See Section <a href="#">17.4.3.1:N</a>
Satellite Dish Antenna	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section <a href="#">17.5.5.2</a>
Solar Collection System	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section <a href="#">17.5.5.3</a>

**Table 17.4.1: Use Table**

Land Use	Zone District															Supplemental Standards	
	Residential								Mixed Use					Commercial and Light Industrial			
	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	M-N	M-G	M-C	M-E	M-R	C-R	L-I		LI-RD
P = Permitted      A = Accessory      S = Special      L = Limited      [blank] = Prohibited																	
Other																	
Wind-Powered Electric Generator, Freestanding	P	P	S	S	S	S	S	S	S	S	S	S	S	S	S	S	See Section <a href="#">17.5.5.4</a>
Wireless Communications Facility																	
Stealth	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See Section <a href="#">17.10.3.1</a>
On Existing Structures																	
Building Façade Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section <a href="#">17.10.3.2.B</a>
Roof Mounted	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section <a href="#">17.10.3.2.C</a>
Other Freestanding Support Structure	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See Section <a href="#">17.10.3.2.D</a>
New Freestanding Structures																	
60 feet in height or less							P	P	P	P	P	P	P	P	P	P	See Section <a href="#">17.10.3.3</a>
Greater than 60 feet in height							S	S	S	S	S	S	S	S	S	S	See Section <a href="#">17.10.3.3</a>

### **17.4.3 : Supplemental Standards**

#### **17.4.3.1 : Purpose and Applicability**

This Section sets forth additional standards for certain uses located within the various zone districts. These regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare. Unless otherwise expressly stated, compliance with such standards is required regardless of whether the use is a limited use, an accessory use, or requires special use approval.

The following standards shall apply to any parcel of property where supplemental standards are required to be met, as indicated in [Table 17.4.1](#) found for the zone districts identified in this Article. No Variance or Waiver may be requested for Use and Supplemental Standards.

##### **A. Accessory Dwelling Unit:**

Where identified as a limited use in any R zone district, an accessory dwelling unit shall be subject to the following:

1. An accessory dwelling unit is permitted as accessory to a primary single-family dwelling unit.
2. Waivers or variances shall not be granted for an accessory dwelling unit.
3. Only one accessory dwelling unit shall be permitted per lot.
4. Accessory dwelling units shall not be permitted on lots smaller than 9,000 square feet, regardless of the zone district.
5. The owner of the property on which an accessory dwelling unit is located shall occupy either the primary or accessory dwelling unit. Prior to approval of an accessory dwelling unit, the owner shall record a covenant with Jefferson County stating that the owner agrees to restrict use of the primary and accessory dwelling units in compliance with this sub-section. The covenant shall run with the property.
6. Dimensional Standards and Location:
  - a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.
  - b. The maximum height of a detached accessory dwelling unit shall be 30 feet.
  - c. An accessory dwelling unit shall not be located in front of the primary dwelling unit.
7. Single-family Dwelling Design Requirements:
  - a. An accessory dwelling unit shall not exceed 700 square feet of gross floor area and shall contain no more than one bedroom.
  - b. External alterations that would change the residential character of the property shall be prohibited.

- c. The exterior of an accessory dwelling unit shall be similar in appearance to that of the existing primary dwelling unit including, but not limited to, materials, color, roof pitch and detailing.
  - d. Accessory dwelling units located above garages or located on a second floor may be accessed by a separate external stairway. However, a new stairway shall not be located on any street facing façade.
  - e. Parking shall be provided in accordance with Article 8.
8. Accessory dwelling units that are detached or constructed as an addition to a single-family unit shall be subject to the Review of Supplemental Standards process as described in Article 2, and the general design and development standards in Article 6.

Where identified as a limited use in any non-residential zone district, an accessory dwelling unit must be located in the same building as the permitted use and shall be subjected to the following:

- 1. An accessory dwelling unit is allowed in conjunction with an otherwise permitted nonresidential use located on the same property.
- 2. An accessory dwelling unit shall be located in the same building as the permitted use and be incidental and subordinate to the permitted use.
- 3. The accessory dwelling unit must be associated with and directly support the nonresidential use of the property
- 4. Dimensional and Design Standards:
  - a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.
  - b. An accessory dwelling unit shall comply with all primary structure design standards.
- 5. Parking shall be provided in accordance with Article 8.

**B. Animal Care:**

Where identified as a limited use or special use, an animal care facility shall be subject to the following:

- 1. All animals shall be confined indoors.
- 2. Any exterior pens shall only be used during the daytime for supervised exercise and training use and shall not be located in front of the primary structure and shall be located a minimum of 20 feet from any side or rear property line.

3. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the Lakewood building code.

C. Animals, Large:

Where identified as a limited or accessory use, the keeping of large animals shall be subject to the following:

1. Livestock:

- a. All livestock shall be kept in a fenced area.
- b. Electrified fences are permitted on side and rear yards only if placed inside another security fence. Warning signs shall be posted in a conspicuous location. Electric fences shall be supplied from the secondary side of an approved or listed electric fence device. The electric wiring for the fence shall be installed pursuant to the manufacturer's instructions.
- c. Up to four horse equivalents per acre shall be permitted for R-1-18, R-1-12, and R-1-9 zoned lots, provided that at least 9,000 square feet of open lot area is provided for the first horse equivalent unit and 6,000 square feet of open lot area is provided for each additional horse equivalent unit.

There shall be no maximum number of horse equivalents for R-1-43 zoned lots provided that at least 9,000 square feet of open lot area is provided for the first horse equivalent unit and 6,000 square feet of open lot area is provided for each additional horse equivalent unit.

One horse equivalent unit equals 1 horse, 1 cow, 2 llamas, 2 alpacas, 2 goats, or 2 sheep.

- d. A minimum containment area of 300 square feet shall be provided and used for each animal.

2. Emus and Ostriches:

- a. All emus and ostriches shall be kept in a fenced area. The fence shall be a minimum of 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.
- b. The minimum square footage of open lot area, shall be 8,000 square feet for the first such animal, and 5,500 square feet for each additional such animal.
- c. A minimum containment area of 300 square feet shall be provided and used for each animal.
- d. A building, corral, or containment area shall be located no less than 15 feet from the side or rear lot line.

3. An accessory structure for the keeping of livestock, emus and ostriches, or a corral shall not be located in a primary front yard. An accessory structure, a riding ring, or a corral may be located in a non-primary front yard. A riding ring may be located in a portion of the primary front yard if there is inadequate area in the side and rear lots, subject to approval of the Director.
4. Any fence that serves to contain livestock, emus or ostriches shall be constructed of permanent materials, maintained and of sufficient strength and height to confine any animal located on the property. If any livestock, emus or ostrich is found to be encroaching on an adjacent property, as determined by the Director, and/or if a livestock animal has damaged or is damaging property on adjacent property (e.g.), a corral, riding ring, or containment area shall then be set back a minimum of 8 feet from the property line.
5. Slaughtering of animals on the premises shall be prohibited.

D. Animals, Small:

1. Where identified as an accessory use, the keeping of small animals shall be subject to the following:
  - a. Rabbits and chinchillas:
    - i. The animals shall be in a fenced area or private rabbit and chinchilla hutches with no more than one animal for every 6 square feet of gross floor area.
    - ii. Hutches must be set back 15 feet from the side and rear property lines and behind the front edge of the primary structure.
  - b. Poultry:
    - i. Coops shall contain no more than one bird for every 4 square feet of gross floor area. All coops must be set back 15 feet from the side and rear property lines and behind the front edge of the primary structure.
    - ii. Poultry shall be kept in an enclosure or in a fenced area. The fence shall be a minimum of four feet in height.
  - c. Pigeons:
    - i. Pigeons may be kept without regard to number as long as they are in a fenced area or private pigeon coops.
    - ii. Coops shall contain no more than one bird for every 4 square feet of gross floor area.
    - iii. All coops must be set back 15 from the side and rear property lines and behind the front edge of the primary structure.
    - iv. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop or house as long as the pigeons do not create a public nuisance pursuant to the Lakewood Municipal Code.

2. Where identified as a limited use, small animals shall be limited to hens, ducks, drakes, and dwarf goats, or other similar small breed goats, and shall be accessory to the permitted use. The keeping of small animals shall be subject to the following:

- a. Hens, Ducks and Drakes:

- i. A permit for the keeping of hens, ducks, and drakes must be obtained from the City.
- ii. A maximum of six hens or six ducks or 5 ducks and one drake shall be allowed on a single property. Roosters shall be prohibited.
- iii. A predator-resistant enclosure must be provided. The enclosure shall have a minimum of 6 square feet of living space for each animal and shall be secure, roofed, and well ventilated. However, the total size of an enclosure shall not exceed 32 square feet and shall not exceed 10 feet in height.
- iv. Hens, ducks, and drakes shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of 4 feet shall enclose the yard area.
- v. An enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 17.5.1.
- vi. A permit shall apply only to the occupant of the property at the time of approval
- vii. In Mixed-Use districts the keeping of hens, ducks, and drakes may be allowed where a single-family dwelling unit or duplex exists as a non-conforming use.
- viii. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

- b. Dwarf Goats:

- i. A permit for the keeping of dwarf goats must be obtained from the City.
- ii. A maximum of three female dwarf goats or two females and one wether shall be allowed on a single property. Goats shall be counted towards the total number of household pets permitted on a property. Unneutered male dwarf goats shall be prohibited.
- iii. A predator-resistant enclosure must be provided. The enclosures shall have a minimum of 10 square feet of living space for each animal, and shall be secure, roofed, and well ventilated. However, the total size of an enclosure shall not exceed 90 square feet, and shall not exceed 10 feet in height.
- iv. Goats shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of 4 feet shall enclose the yard area.

- v. An enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 17.5.1
- vi. A permit shall apply only to the occupant of the property at the time of approval.
- vii. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated

3. Slaughtering of animals on the premises shall be prohibited.

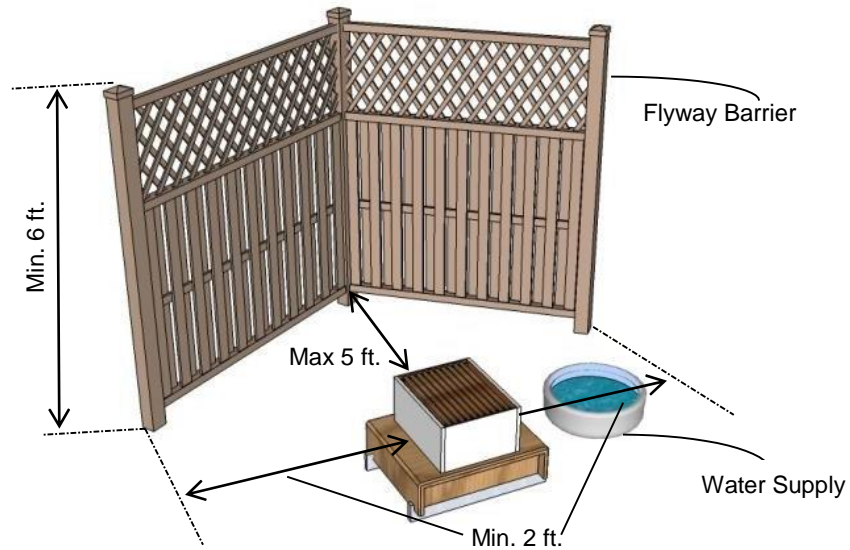
E. Apiaries:

Where identified as a limited use, apiaries shall be accessory to the permitted use, and subject to the following:

- 1. A permit for the keeping of an apiary must be obtained from the City.
- 2. One beehive shall be allowed for each 6,000 square feet of lot area.
- 3. Beehives in R zone districts shall be located in a side or rear yard only, and no closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 17.5.1.
- 4. Beehives in M zone districts may not be located in any required front yard.
- 5. Beehives shall be set back at least 25 feet from the nearest edge of a public walk.
- 6. The front of any beehive shall face away from the property line of an adjacent residential property closest to the beehive.
- 7. A flyway barrier shall be placed along the side of the beehive that contains the entrance to the hive. The flyway barrier shall be located within 5 feet of the hive and shall extend at least 2 feet on either side of the hive (See Figure 17.4.1).
- 8. The flyway barrier shall be 6 feet in height and consist of a solid hedge or be constructed of materials that comply with the standards set forth in Section 17.6.6.1.
- 9. No flyway barrier constructed of any materials other than a solid hedge shall be erected without a building permit unless the structure is less than 8 feet long.



10. No such flyway barrier shall be required if beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade and more than five feet from a property line.
11. A supply of fresh water shall be maintained on the lot in a location readily



**Figure 17.4.1: Example of Flyway Barrier**

accessible to all bee colonies throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.

12. A permit shall apply only to the occupant of the property at the time of approval.
13. Africanized bees are prohibited.
14. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

F. Bed and Breakfast:

Where identified as a special use, a bed and breakfast shall be subject to the following:

1. A bed and breakfast shall be operated by an individual who occupies the dwelling unit as a primary residence.
2. All bed and breakfast structures shall comply with all dimensional standards of the applicable zone district.
3. Food service shall be restricted to guests of the bed and breakfast.
4. The exterior of a dwelling unit may be modified for a bed and breakfast. However, the exterior shall be similar in appearance to that of the surrounding residential character of the neighborhood in which it is to be located including, but not limited to, materials, color, roof pitch, and detailing.
5. Signage shall comply with the standards set forth in Article 9.
6. All off-street parking required for the bed and breakfast, with the exception of the spaces required as part of the primary residence, shall be located behind the primary structure.
7. Parking shall be provided in accordance with Article 8.
8. A bed and breakfast shall be subject to the major site plan process, as described in Article 2, and the general design and development standards in Article 7.

G. Community Buildings, Religious Institutions, and Public Transportation Facilities:

Where identified as a limited use and located on a local or minor collector street, community buildings, religious institutions and public transportation facilities shall be limited in size as follows:

1. In the R-1-43 and R-1-18 zone districts to a maximum of 50,000 square feet of gross floor area.
2. In the R-1-12 zone district to a maximum of 30,000 square feet of gross floor area.
3. In the R-1-9 and R-1-6 zone districts to a maximum of 20,000 square feet of gross floor area.

H. Community Garden:

Where identified as a limited use, a community garden shall be subject to the following:

1. A community garden shall be well maintained at all times, including necessary watering, weeding, pruning, pest control, and removal of dead or diseased plant material.

2. Structures that are incidental to a community garden, such as storage or utility buildings, gazebos, trellises, or greenhouse structures, are allowed if they are 120 square feet or less in size and 10 feet or less in height.
3. One structure shall be allowed for each community garden containing up to 6,000 square feet of garden space. One additional structure shall be allowed per each additional 6,000 square feet of community garden space.
4. Structures shall comply with the accessory structure dimensional standards, except that all structures shall be located at least 25 feet from any adjacent public street.
5. Community gardens shall be subject to the Review of Supplemental Standards process, as described in Article 2.

I. Construction or Sales Trailer:

Where identified as a temporary accessory use, a construction or sales trailer shall be subject to the following:

1. The trailer may be approved by the Director for a period of up to one year, and may be renewed annually.
2. The trailer must be removed from the site prior to issuance of the final certificate of occupancy for the project.

J. Contractor Shop:

Where identified as a limited use, the overnight parking of business-related vehicles on site shall be limited to six vehicles.

K. Correctional Institution:

Where identified as a special use, a correctional facility shall be subject to the following:

1. A correctional institution shall comply with all applicable license requirements of the State of Colorado.
2. Correctional institutions shall require review and approval of the City Council.

L. Day Care Facility:

Where identified as an accessory use, a day care facility shall be subject to the following:

1. A day care facility shall comply with all applicable license requirements of the State of Colorado.
2. Day care facilities for adults on a residential single-family or duplex property shall be limited to a maximum of six adults.

3. External alterations that would change the residential character of a residential property shall be prohibited.
4. Parking associated with day care facilities shall be confined to the street frontage of the lot containing the day care, the driveway, the garage, or carport.
5. Any play equipment associated with a home child day care shall not be located within the primary front yard of the lot.
6. Signage shall comply with the standards set forth in Article 9.

M. Group Home:

1. A group home may be granted a reasonable accommodation for the number of residents based on the following:
  - a. The group home shall be limited to those individuals protected by the Fair Housing Act.
  - b. The group home of similar type shall not be located closer than 750 feet from any other group home of a similar type.
  - c. Any structure shall maintain the residential character of the neighborhood.
  - d. The group home shall not create a fundamental alteration to the City's land use and zoning scheme.
  - e. The group home shall not impose an undue financial or administrative burden to the City.
  - f. Upon application for a group home, the Planning Department shall send an informational notification to property owners within 300 feet of the subject property and registered neighborhood organizations within ¼ mile of the subject property. This requirement may be waived by the Director when required by state or federal law based on privacy or security issues associated with the resident population of the proposed group home.
  - g. The director shall have the authority to impose reasonable conditions necessary to mitigate against the impacts of any approved reasonable accommodation.
2. The group home shall be subject to the Review of Supplemental Standards process as described in Article 2 prior to the issuance of the initial building permit for the group home.

N. Home Business, Minor:

Where identified as an accessory use, minor home business shall be subject to the following:

1. Minor home businesses shall be conducted entirely in the primary dwelling unit or accessory structure, and not on outdoor portions of the lot.

2. External alterations that would change the residential character of the property are prohibited
3. Minor home businesses shall be conducted by no more than two residents of the dwelling unit. One additional employee or one volunteer is permitted in the residence at any one time. Within multifamily units, additional employees or volunteers shall be prohibited.
4. Minor home businesses shall not involve the retail sale of goods from the premises, except when the sale of a product is incidental to the service provided. Display of merchandise pertaining to a home occupation that is visible from the outside of the home shall be prohibited.
5. Outdoor storage of inventory or supplies shall be prohibited.
6. Garage sales shall not exceed 4 sales of 3 consecutive days each per calendar year, or one sale per calendar year lasting no more than 14 consecutive days. Placement of personal belongings or household effects associated with a garage sale shall not extend into the right-of-way. Overnight outdoor storage of personal belongings or household effects associated with a garage sale is prohibited.
7. Parking associated with minor home businesses shall be confined to the street frontage of the lot containing the minor home business or businesses, the driveway, the garage, or carport.
8. A minor home business shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.
9. Production, dumping or storage of combustible or toxic substances shall be limited to the nature and quantity ordinarily found in a residential neighborhood.
10. Motor vehicle repair, heavy equipment repair, contractor shops, and medical marijuana businesses shall be prohibited as home occupations.

O. Home Business, Major:

Where identified as a special use, a major home business shall be subject to the following:

1. A major home business shall be located on a lot, or lots, that are within 150 feet of the intersection, as measured from the back of curb or edge of asphalt, of:
  - a. Two arterial streets; or
  - b. Two collector streets; or
  - c. A collector street with an arterial street; or
  - d. A local street with an arterial street provided the live/work unit fronts onto the adjacent arterial street.

2. The commercial activity shall not have more than two employees or two volunteers in addition to the resident(s) on the premises at one time.
3. Either the business owner, or an employee of the business, shall occupy the residential portion of the live/work unit.
4. Outside storage of any type is prohibited.
5. Design Requirements:
  - a. The design of a unit shall reflect the primary residential character of the neighborhood in which it is to be located including, but not limited to, materials, color, roof pitch and detailing.
  - b. Parking shall not exceed 50 percent of the front yard area. Parking shall be provided in accordance with Article 8.

P. Mini-Warehouse Storage:

Where identified as a limited or special use, a mini-warehouse storage facility shall be subject to the following:

1. One accessory dwelling unit for the facility manager or caretaker shall be allowed.
2. Outdoor storage of any kind shall be prohibited.
3. Design Requirements:
  - a. If the facility abuts a residential zone district, the building architecture shall be compatible with the residential character of the abutting neighborhood including, but not limited to materials, color, roof pitch, and detailing.
  - b. The facility shall be designed so that doors to individual storage units do not face any abutting public street frontage or residential zone district.
4. In multi-storied buildings, mini-warehouse storage facilities that face an arterial or collector street shall have:
  - a. Ground floor commercial space for commercial uses other than mini-warehouse storage-units across 60% of the ground floor building façade.
  - b. The commercial space shall be built to a minimum depth of 40-feet.
  - c. The ground floor shall be built to a minimum height of 14-feet.
5. Open space requirements for Mini-Warehouse Storage uses shall be increased by 5% above the minimum open space required in Tables [17.5.2](#) Mixed Use Dimensional Standards and [17.5.5](#) Commercial and Light Industrial Dimensional Standards.
6. Ground floor commercial space for sites fronting more than two streets shall be subject to Section [17.4.3.1.P.4](#) at the discretion of the Director.

Q. Motor Vehicle Rental:

Where identified as a limited use, a motor vehicle rental facility shall be subject to the following:

1. The maximum number of licensed and operable vehicles that may be stored on a surface parking lot on the site for rent to customers at any one time shall be limited to the requirements found in Table 17.4.2.
2. When a facility is located in a multi-tenant building or structure, proof of adequate parking for customers of all businesses in the building or structure, and storage of rental vehicles shall be provided to the City.
3. On-site servicing of vehicles shall be prohibited.

<b>Table 17.4.2: Maximum Number of Stored Vehicles Permitted</b>						
Regulation	Zone District			M District Contexts		
	CR	LI	LI-RD	S	U	T
<b>X = Applicable    -- = Not Applicable</b>						
10 Vehicles	--	--	--	--	X	X <sup>(1)</sup>
15 Vehicles	--	--	--	X	--	--
30 Vehicles			X	--	--	--
Unlimited Vehicles	X	X				
<sup>(1)</sup> Within the M-C-T Zone District, zero vehicles shall be permitted.						

R. Motor Vehicle Sales with Outdoor Display and Storage:

Where identified as a limited use, motor vehicle sales with outdoor display and storage shall be subject to the following:

1. In the Suburban Context, the number of spaces dedicated for outdoor display and storage of motor vehicles shall be unlimited.
2. In the Urban Context, the number of spaces dedicated for outdoor display and storage of motor vehicles and vehicle parking shall not exceed 200 percent of the maximum parking requirements in Article 8.
3. In the Transit Context, motor vehicles sales with outdoor display and storage shall be prohibited.
4. The area utilized for the outdoor display and storage shall meet all the standards in Section 17.8.10.2.

S. Motor Vehicle Service, Major:

Where identified as a limited or special use, a major motor vehicle service facility shall be subject to the following:

1. Any outdoor storage associated with a major motor vehicle service facility shall be

completely screened with a wall surrounding the storage area. The wall shall be architecturally compatible with the primary structure including, but not limited to, materials, color, roof pitch and detailing and be a minimum of 6 feet in height.

T. Motor Vehicle Service, Minor:

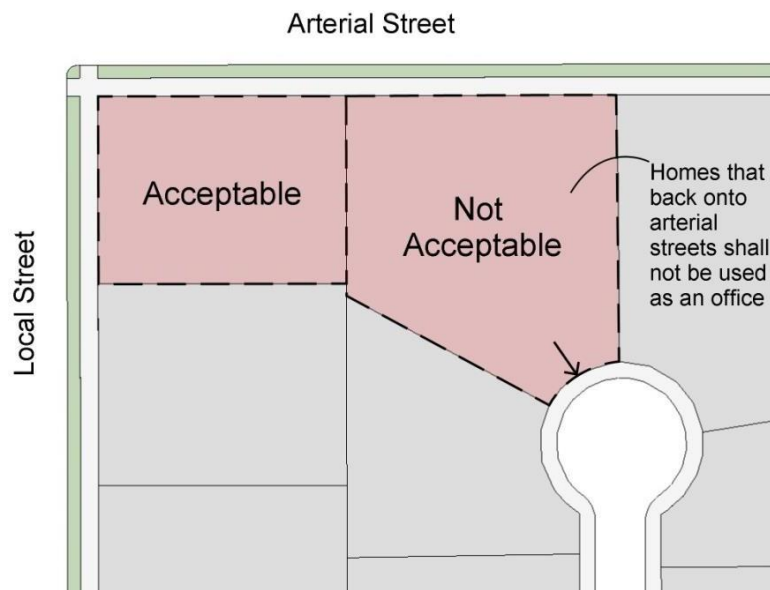
Where identified as a limited or special use, a minor motor vehicle service facility shall be subject to the following:

1. Overnight outdoor storage of vehicles shall be limited to the number of service bays.
2. Overnight outdoor storage of any vehicle shall not exceed a 24-hour period.

U. Office:

Where identified as a limited use, a single-family dwelling may be utilized as an office, subject to the following:

1. The dwelling is located on a lot abutting an arterial street, except those backing onto an arterial street (See Figure 17.4.2).



**Figure 17.4.2: Restrictions for single-family dwellings being used as an office**

2. Any proposed addition shall comply with the primary structure setbacks.
3. Outdoor storage of inventory or supplies shall be prohibited.
4. The office shall be subject to the major site plan process, as described in Article 2, and the general design and development standards in Articles 6.
5. Signage shall comply with the standards set forth in Article 9.



6. Design Requirements:

- a. The exterior of the building shall be similar in appearance to that of the surrounding residential character of the neighborhood in which it is located including, but not limited to, materials, color, roof pitch and detailing.
- b. Parking shall be provided in accordance with Article 8, and shall be screened from all adjacent residentially zoned properties.

V. Outdoor Display:

Where identified as an accessory use, outdoor display of merchandise shall be permitted subject to the following:

1. The merchandise shall be limited to merchandise sold within the business associated with the outdoor display.
2. Any merchandise and associated apparatus shall be kept within 10 linear feet parallel to the front entrance of the business which is displaying the merchandise, but in no case shall the merchandise extend beyond the business frontage.
3. The merchandise and associated apparatus shall be restricted to the sidewalk or plaza and shall not block pedestrian access.
4. The outdoor display of merchandise shall only occur during times of business operation
5. Outdoor display of merchandise may be located in the public right-of-way if specifically approved by the City.

W. Parking, Stand-Alone Surface:

Where identified as a limited use, a stand-alone surface parking lot shall be subject to the following:

1. A stand-alone surface parking lot shall be permitted only in the Suburban or Urban Contexts.
2. A stand-alone surface parking lot shall not front an arterial or collector street in Urban Contexts.
3. The principal use(s) associated with the stand-alone surface parking lot shall be separated by a local street or an adjacent lot line.
4. The total number of parking spaces provided on-site and on the stand-alone surface parking lot shall not exceed the maximum permitted parking spaces identified in Article 8.
5. The stand-alone surface parking lot shall meet all the requirements of Section 17.7.7.

X. Personal Service:

Where identified as a limited use, a single-family dwelling may be utilized as a personal service, subject to the following:

1. The dwelling is located on a lot abutting an arterial street, except those backing onto an arterial street.
2. Any proposed addition shall comply with the primary structure setbacks.
3. Outdoor storage of inventory or supplies shall be prohibited.
4. The personal service shall be subject to the major site plan process, as described in Article 2, and the general design and development standards in Articles 6 and 7.
5. Signage shall comply with the standards set forth in Article 9.
6. Design Requirements:
  - a. The exterior of the building shall be similar in appearance to that of the surrounding residential character of the neighborhood in which it is located including, but not limited to, materials, color, roof pitch, and detailing.
  - b. Parking shall be provided in accordance with Article 8, and shall be screened from all adjacent residentially zoned properties.

Y. Rental, Service or Repair of Large Items:

Where identified as a limited use, the rental, service, and repair of large items shall be permitted only in the Suburban Context.

Z. Roadside Stand:

Where identified as a limited use, a roadside stand shall be subject to the following:

1. A stand shall not operate for more than six months within any 12-month period.
2. Items sold at a stand shall be limited to farm products grown or made on the premises.
3. A stand shall be set back at least 15 feet from any edge of asphalt or back of curb of an abutting street.
4. Parking shall be provided in accordance with Article 8.
5. Signage shall comply with the standards set forth in Article 9.
6. A roadside stand shall be subject to the Review of Supplemental Standards process, as described in Article 2.

Where identified as an accessory use, a roadside stand shall be subject to the following:

1. A stand shall not operate for more than six months within any 12-month period.
2. Items sold at a stand shall be limited to food products grown, raised, and/or made on the premises.
3. Permanent structures are not permitted.
4. A farm stand may not exceed 50 square feet in size.
5. A farm stand may not encroach into public right-of-way.
6. Signage shall not exceed 4 square feet in size.

AA. Solar Garden:

Where identified as a limited or special use in any zone district, solar gardens shall be subject to the following:

1. Solar Gardens must be reviewed via the Major Site Plan process, as described in Article 2 of the Lakewood Zoning Ordinance.
2. Site plans for Solar Gardens shall comply with the following dimensional and design standards, or as determined by the Lakewood Planning Commission:
  - a. All structures must comply with the front setback and be setback at least 15 feet from all side and rear property lines.
  - b. Solar panels shall not exceed 20 feet in height at any angle.
  - c. Solar gardens are exempt from the open space requirement in all zone districts; however, landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences.
  - d. Access to the site must be an improved surface and meet all access requirements.
  - e. Solar Panels shall be oriented to minimize glare on adjacent properties and roadways. This information will need to be demonstrated in the photometric plan required with the major site plan.
  - f. For all M, C, and LI zone districts, the following design standards shall apply:
    - i. Section 17.7.3. Screening of Utility Structures, Outdoor Storage, and Service areas for all accessory equipment associated with the Solar Garden.
    - i. Section 17.7.7: Landscape Design Standards, except 17.7.7.3.A, B & C.
    - ii. Section 17.7.8 & Table 17.7.4. Fence and Wall Design Standards
    - iii. Section 17.7.9: Exterior Lighting Standards

- b. Solar gardens are exempt from all other design and dimensional standards not included in Section 17.4.3.1.DD.2
3. A property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a solar collector(s) to protect solar access, and shall record the easement with the county recorder. If no such easement is recorded, the owner of the solar garden shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction would cast shadows on the solar collection system.
4. Any solar energy system that has not been in working condition for a period of one (1) year shall be subject to Section 115 (Unsafe Structures and Equipment) of the International Building Code, which may require the panels and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If so determined by the Building Official, the panels and associated equipment shall be promptly removed from the property to a place of safe and legal disposal, after which the site and/or building, as applicable, must be returned to its preexisting condition.

BB. Storage, Outdoor:

Where identified as an accessory use, outdoor storage shall be subject to the following:

1. Outdoor storage shall be screened from view from adjacent streets and adjoining properties.
2. Outdoor storage shall not extend above the required screening.
3. The screening shall be architecturally compatible with the primary structure including, but not limited to, materials, color, roof pitch, and detailing.
4. The minimum height of any screening shall be 6 feet

CC. Temporary Use, Long-term:

Where identified as a special use, a long-term temporary use shall be subject to the following:

1. The Director may recommend approval of a long-term temporary use to operate up to two years. The Director may approve one extension of up to an additional six months.
2. Parking for a long-term temporary use shall be determined by the Director consistent with similar uses and context as identified in Article 8. If a long-term temporary use is located on a property with another use, adequate parking for both uses shall be provided. Shared parking may be permitted.
3. A long-term temporary use shall be subject to the special use process as described in Article 2. The Planning Commission, at its discretion, may require certain site improvements as a condition of approval in accordance with other standards of this Zoning Ordinance.

DD. Temporary Use, Short-term:

Where identified as a limited use, a short-term temporary use shall be subject to the following:

1. The Director may, at his or her sole discretion, approve a short-term temporary use not to exceed a cumulative of 120 days within any 12-month period per property.
2. Parking for a short-term temporary use shall be determined by the Director consistent with similar uses and context as identified in Article 8. Shared parking may be permitted.
3. The temporary use shall be subject to the Review of Supplemental Standards process as described in Article 2.
4. The Director may recommend approval of a short-term temporary use not to exceed a cumulative of 120 days within any 12-month period per property.
5. Parking for a short-term temporary use shall be provided pursuant to the requirements of the zone district in which it is located. Shared parking may be permitted.
6. The temporary use shall be subject to the special use process as described in Article 2. The Planning Commission, at its discretion, may require certain site improvements as a condition of approval in accordance with other standards of this Zoning Ordinance.

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## **ARTICLE 5: DIMENSIONAL AND DEVELOPMENTAL STANDARDS**

### **17.5.1: General**

#### **17.5.1.1: Purpose and Intent**

The following standards regulate the placement and height of buildings within the City, and shall apply to all new development and redevelopment.

#### **17.5.1.2: Setback Requirements**

The following setback requirements apply to all zone districts:

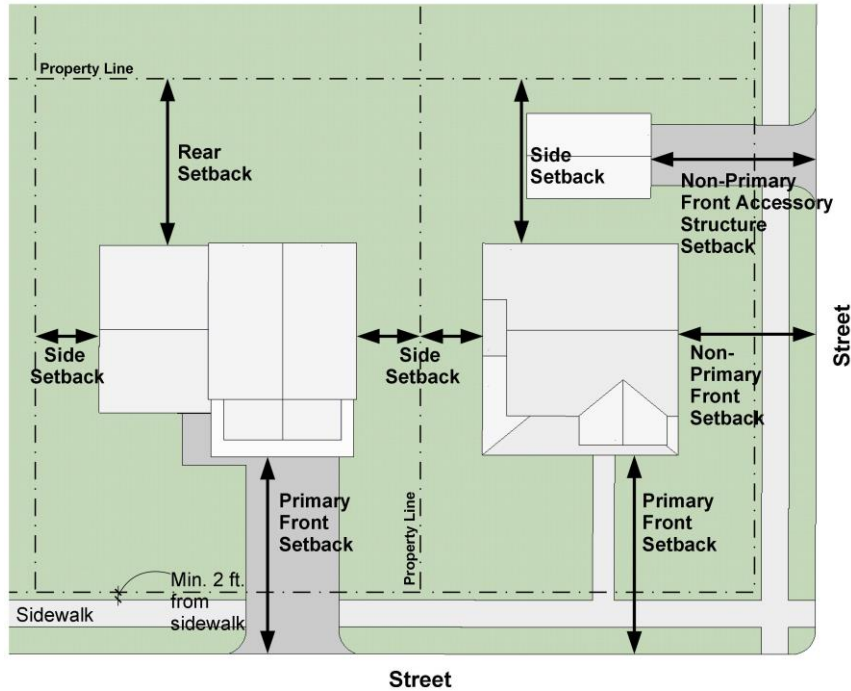
- A. Unless specifically excluded by this Zoning Ordinance, any building or structure, including any accessory building or structure, shall conform to the setback requirements for the applicable zone district as set forth in the dimensional standards identified in Article 5.
- B. Setbacks shall not apply to interior lots within a non-residential development that do not front a public or private street serving the development.
- C. No building or structure may be constructed, placed, or erected within or above public right-of-way or any easements unless otherwise approved by the City. A license agreement may be required.
- D. Where a curvilinear sidewalk exists, the setback shall be measured in a straight line from the furthest point behind a sidewalk between curves or as determined at the discretion of the Director.
- E. Minor architectural or site elements shall be permitted to encroach into required setbacks. Exceptions to setbacks include, but may not be limited to:
  - 1. Awnings that encroach no more than 5 feet into the front setback and are at least 10 feet above a sidewalk surface.
  - 2. Balconies that encroach no more than 5 feet into the front setback and are at least 10 feet above a sidewalk surface.
  - 3. Cantilever windows that encroach no more than 2 feet into the required side or rear setback, or no more than 5 feet into the front or non-primary front setback and are at least 10 feet above a sidewalk surface.
  - 4. Driveways.
  - 5. Eaves, if they encroach no more than 2 feet into the required setback.
  - 6. Flagpoles no greater than 35 feet in height.



7. Mailboxes and newspaper racks.
  8. Minor utility facilities.
  9. Planters, if no greater than 30 inches in height.
  10. Patios and decks, if uncovered and no greater than 30 inches in height.
  11. Porches that encroach no more than 8 feet into the required front yard setback.
  12. Retaining walls.
  13. Walkways.
  14. Walls, fences and entry features, if in compliance with Articles 6 and 7.
  15. Window planter boxes that encroach no more than 2 feet and are at least 10 feet above a sidewalk surface.
- F. The Director may grant other exceptions similar to those listed above.

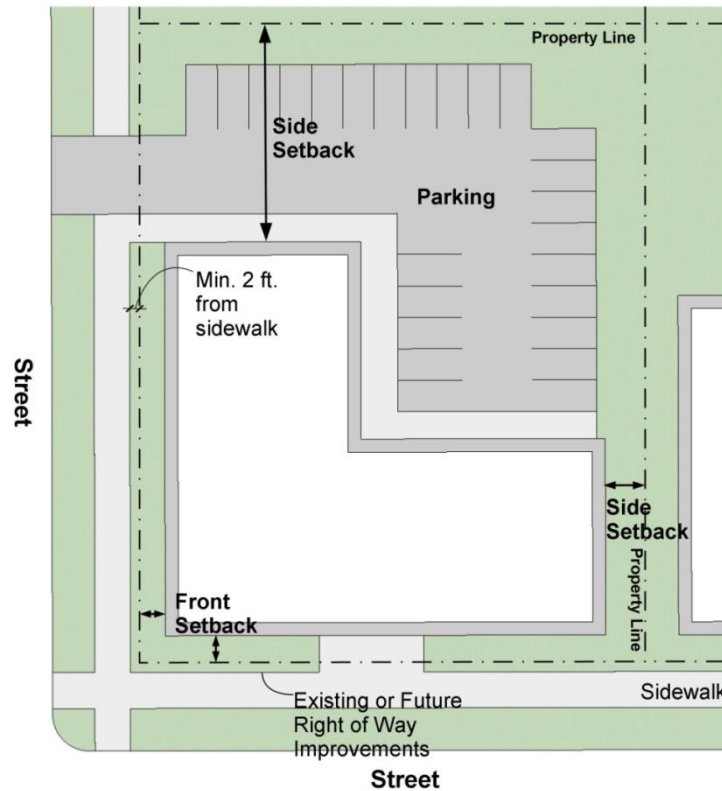
**17.5.1.3: Setback Measurements**

- A. Setbacks shall be measured from the foundation of any building or structure.
- B. Setbacks in all Residential zone districts except R-MF shall be measured as follows (See Figure 17.5.1):
  1. Front and non-primary front setbacks shall be measured from the back of curb. If a curb does not exist, an additional 3 feet shall be added to the setback distance as measured from the edge of asphalt.
  2. Front setbacks for flag lots shall be measured from the portion of the lot, closest to the back of curb or edge of asphalt, where the lot width meets the minimum standard for the zone district.
  3. Side setbacks shall be measured from each side property line to the outer most exterior finish material of the adjacent structure. Rear setbacks shall be measured from the rear property line to the outer most exterior finish material of the adjacent structure.



**Figure 17.5.1: Residential Zone District Setback Measurements**

- C. Setbacks in R-MF, Mixed-Use, Commercial, and Light Industrial zone districts shall be measured as follows (See Figure 17.5.2):
1. Front setbacks within the R-MF, M, C, and LI zone districts shall be measured as follows:
    - a. From the edge of the existing right-of-way improvements, where such improvements meet the City's Transportation Engineering Design Standards or Functional Plans; or
    - b. Where existing right-of-way improvements do not meet the City's Transportation Engineering Design Standards or Functional Plans, the front setbacks shall be measured from the edge of the future required right-of-way improvements; or
    - c. As determined by the Director when a compelling City interest exists.
  2. Side setbacks shall be measured from each side property line. Rear setbacks shall be measured from the rear property line. A setback greater than the minimums identified in [Table 17.5.2](#) and [Table 17.5.5](#) may be required, subject to building code requirements.
  3. Greater front, side, and rear setbacks may be required, based on specific use standards identified in Article 4 or landscape requirements identified in Article 7.



**Figure 17.5.2: Multi-Family, Institutional, Mixed Use, Commercial and Light Industrial Zone District Setback Measurements**

#### **17.5.1.4: Height Requirements**

The following height requirements apply to all zone districts:

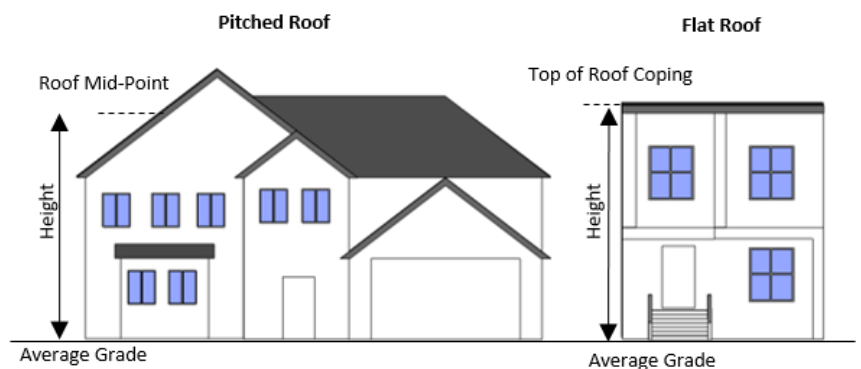
- A. Unless specifically excluded by this Zoning Ordinance, and building or structure, including any accessory building or structure, shall conform to the height requirements applicable to the relevant zone district as set forth in the dimensional standards identified in this Article.
- B. The following architectural elements, and utilities not intended for occupancy, may exceed the maximum height requirements for the applicable zone district. Any exception shall only be erected to the minimum height necessary to accomplish the purpose intended. Height exceptions include, but are not limited to:
  - 1. Belfries
  - 2. Bulkheads
  - 3. Chimneys
  - 4. Cupolas

5. Domes
  6. Elevator penthouses
  7. Flagpoles
  8. Skylights
  9. Spires
  10. Ventilators
  11. Roof mounted solar collection system, if otherwise in compliance with [17.5.5.3](#).
  12. Roof mounted wind-powered electric generator, if otherwise in compliance with Section [17.5.5.4](#).
  13. Roof mounted wireless communication systems on existing buildings that are non-conforming in height, if otherwise in compliance with Article 10.
  14. Necessary mechanical appurtenances and screening usually located above the roof level.
- C. Exceptions listed above, excluding spires, belfries, cupolas, domes, flagpoles, and chimneys, shall be set back from the perimeter of the building a minimum of one foot horizontally for every one foot of vertical height greater than the maximum height allowed in the applicable zone district.
- D. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 15 feet above the permitted height of the building.
- E. The Director may grant other exceptions similar to those listed above.

#### 17.5.1.5: Height Measurements

- A. Building and structure height shall be measured as follows:

1. Building and structure height shall be measured from average grade to the coping of a flat roof, the deck line of a mansard roof, the mid-point of the highest gable of a pitched or hipped roof, or the highest point of any other type of roof (See Figure 17.5.3).



**Illustrative Figure 17.5.3: Height Measurement**

2. Average grade shall be measured as follows:
  - a. Average grade shall be determined by calculating the average of the highest and lowest elevation points adjacent to the building or structure along the pre-development grade or the improved grade, whichever is more restrictive.
  - b. Within the height transition areas described in Sections [17.5.3.4](#) and [17.5.4.2](#): average grade may be calculated separately from the remainder of the building or structure.
  - c. Where significant grading has been approved by the City, the average grade shall be considered the improved grade following such approved grading.
- B. Fence and wall height shall be measured per Sections 17.6.6.2 for single-family and two-family development, and Section 17.7.8.2 for multifamily, mixed-use, commercial and light industrial development.
- C. Façade Stepback Requirement:
  1. Buildings taller than 45 feet in height, as measured from grade at the right-of-way, shall be subject to an upper level stepback for any façade on a front or non-primary front lot line.
  2. For these facades, the portion of the building exceeding 45 feet in height must stepback at least 10 feet from the outer edge of the first story.
  3. Stepbacks may be made at any height greater than the minimum building story requirement for the zone district.
  4. An additional 10 feet of stepback shall be required for every additional 30 feet in height of the building.
  5. Allowable encroachments include balconies, terraces, and other uncovered outdoor spaces with open or transparent railings.

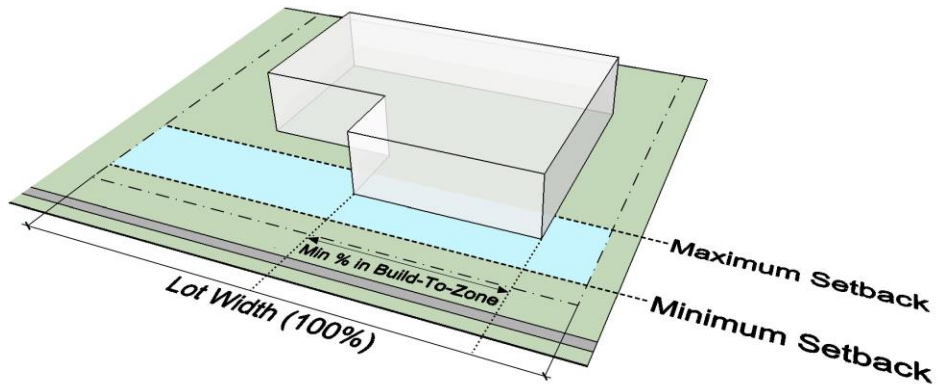
#### **17.5.1.6: Build-To-Zone Measurements**

The build-to-zone requirement is intended to help create vibrant and pedestrian-friendly mixed-use and commercial corridors by bringing building facades to the street.

The build-to-zone is the area between the minimum and maximum front setbacks. To determine compliance with the build-to-zone requirements, the total width of the building or building portion(s) located in the build-to-zone is divided by the width of the lot or parcel on which the building is located (See Figure 17.5.4).

Where multiple stories are required or where a site has multiple street frontages, the total aggregate of the build-to-zone may be satisfied on one or more of the required number of

stories or street frontages. Plaza or patio areas satisfying the requirements of 17.7.5.2.B may be used to meet the build-to-zone requirement.



**Figure 17.5.4: Build-To-Zone Requirement**

### 17.5.1.7: Build-To-Zone Plazas

When plaza areas are proposed to satisfy the build-to-zone requirement, plaza areas shall be constructed in compliance with Section 17.7.5.2.B

### 17.5.1.8: Sites with Uses that Have More than Two Public Street Frontages

A site shall have a minimum of two street frontages that must meet the front setback and build-to-zone requirements of this Article. If a site is bounded by more than two public streets, the Director may determine that additional frontages do not need to comply with the front setback and building frontage requirements, based on the following review criteria:

- A. The pedestrian and traffic volume on each street.
- B. The street classification, as identified in the Transportation Engineering Design Standards.
- C. The impact on any adjacent residential properties.
- D. The desired land use and pedestrian characteristic of each adjacent street.
- E. The street frontages that are most appropriately defined by buildings.
- F. Any other applicable criteria that may affect building placement, as determined by the Director.



**Figure 17.5.5: Example for Sites with More than 2 Public Street Frontages**

## 17.5.2: Residential Standards

### 17.5.2.1: Dimensional Standards

All development in residential zone districts must comply with the dimensional standards of [Table 17.5.1](#), except that the minimum lot size and minimum lot width requirements apply only to the creation of new lots. Lots existing prior to the adoption of this Zoning Ordinance and recognized as legal by the City, do not need to comply with the lot size or lot width requirements identified in [Table 17.5.1](#).

### 17.5.2.2: Driveway Length Requirements

A driveway accessing a front loaded garage for an individual single family dwelling unit or duplex home shall be a minimum of 18 feet in length as measured from the back of sidewalk, or 29 feet in length, as measured from the edge of asphalt if no sidewalk or curb exists. (See Figure 17.5.6).

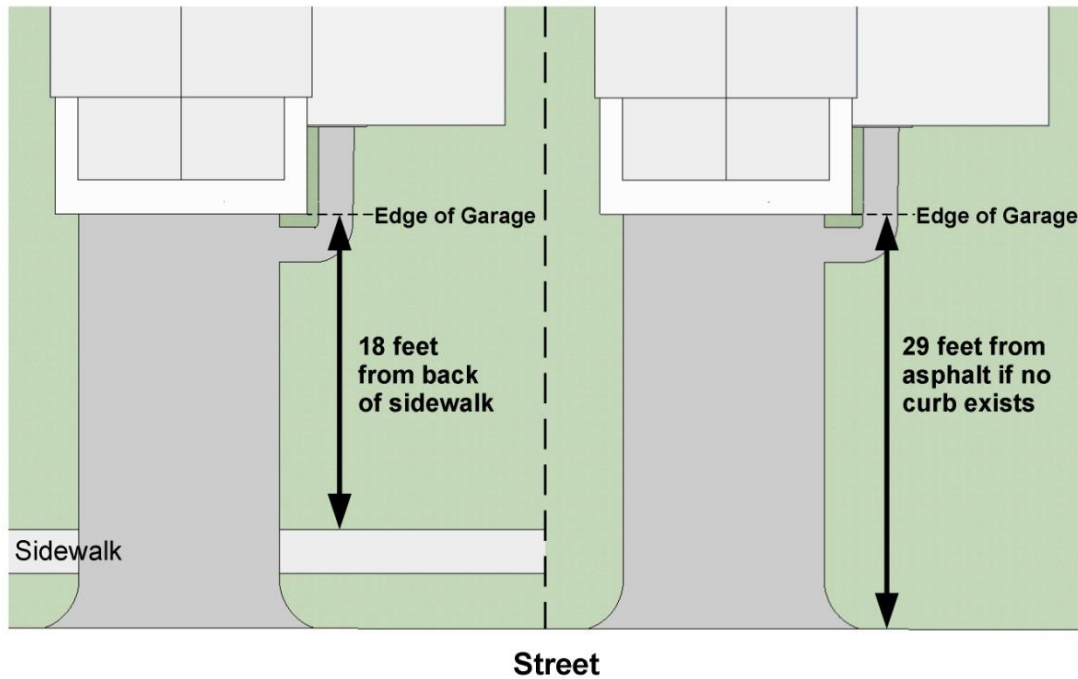


Figure 17.5.6: Driveway Length Measurements



<b>Table 17.5.1: Residential Dimensional Standards</b>									
<b>Standard</b>	<b>R-1-43</b>	<b>R-1-18</b>	<b>R-1-12</b>	<b>R-1-9</b>	<b>R-1-6</b>	<b>R-2</b>	<b>R-MF</b>	<b>R-MH</b>	<b>Notes</b>
<b>Minimum Lot Size and Width</b>									
Minimum Size for New Lots (Square Feet)	43,560	18,000	12,500	9,000	6,000	5,000	-	Minimum parcel size: 5 acres. Single wide dwelling: 2,400. Double wide dwelling: 3,600.	
Minimum Width for New Lots (Feet)	140	75	100	75	60	45	18	Single wide: 35. Double wide: 40.	Refer to the Subdivision Ordinance for corner lot regulations.
<b>Maximum Dwelling Units per Lot</b>									
Maximum Number of Dwelling Units per Lot	1	1	1	1	1	2 <sup>(1)</sup>	NA	NA	<sup>(1)</sup> A minimum lot size of 10,000 square feet is required for two dwelling units.

**Table 17.5.1: Residential Dimensional Standards**

Standard	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	Notes
<b>Primary and Large Accessory Structure Setbacks (Feet)</b>									
Minimum Front	25	25	25	25	25	25	10/25(1)	25	(1) 25-foot minimum setback when on-street parking is no provided.
Minimum Non-Primary Front	20	20	20	20	20	20	10/25(1)	20	
Maximum Front and Non-Primary Front	None	None	None	None	None	None	35	None	
Minimum Side	15	10	10	10	5	5/0 <sup>(1)</sup>	5/0 <sup>(1)</sup>	5	(1) No setback is required for common wall lot lines.
Minimum Rear	15	15	15	15	15	15	15	15	
<b>Minimum Accessory Structure Setbacks (Feet)</b>									
Front	All accessory structures shall be located behind the front edge of the primary structure.								
Non-Primary Front	20	20	20	20	20	20	20	20	Refer to Section <a href="#">17.5.5.1:</a> .
Side	10	10	5	5	5	5	5	5	

Table 17.5.1: Residential Dimensional Standards									
Standard	R-1-43	R-1-18	R-1-12	R-1-9	R-1-6	R-2	R-MF	R-MH	Notes
Rear	10	10	5	5	5	5	5	5	
Maximum Height (Feet)									
Primary Structure	35	35	35	35	35	35	45	35	
Accessory Structure	35	25	20	20	20	20	20	20	
Accessory Dwelling Unit	20 or 30 <sup>(1)</sup>								If located over a detached garage <sup>(1)</sup>
Solar Collection System									
Ground Mounted	10								
Roof Mounted	Refer to Section <a href="#">17.5.5.4:</a>								
Wind-Powered Generators	60								
Minimum Open Space									
Minimum Open Space (Percent)	65	60	60	60	50	50	30	25	

### **17.5.3: Mixed-Use Standards**

#### **17.5.3.1: Dimensional Standards**

All development in M zone districts must comply with the dimensional and density standards of [Table 17.5.2](#), except as otherwise expressly provided.

Table 17.5.2: Mixed Use Dimensional Standards															
Standard	M-N			M-G			M-C		M-E			M-R			Notes
	M-N-S	M-N-U	M-N-T	M-G-S	M-G-U	M-G-T	M-C-U	M-C-T	M-E-S	M-E-U	M-E-T	M-R-S	M-R-U	M-R-T	
Height (Feet)															
Minimum	None	None	30 <sup>(1)</sup>	None	None	30 <sup>(1)</sup>	30 <sup>(1)</sup>	45 <sup>(1)</sup>	None	None	30 <sup>(1)</sup>	None	None	40 <sup>(1)</sup>	<sup>(1)</sup> Refer to Section <a href="#">17.5.3.2</a> .
Maximum	45	45	60	60	90	Varies <sup>(2)</sup>	120	Varies <sup>(2)</sup>	60	60	180	60	60	90	<sup>(2)</sup> Refer to Section <a href="#">17.5.3.3</a> .  Refer to Section <a href="#">17.5.3.4</a> : when adjacent to an R zone district.  Refer to Section <a href="#">17.5.3.7</a> : for incentive regulations regarding height.

Table 17.5.2: Mixed Use Dimensional Standards															
Standard	M-N			M-G			M-C		M-E			M-R			Notes
	M-N-S	M-N-U	M-N-T	M-G-S	M-G-U	M-G-T	M-C-U	M-C-T	M-E-S	M-E-U	M-E-T	M-R-S	M-R-U	M-R-T	
<b>Setbacks (Feet)</b>															
Front															Refer to Section <a href="#">17.5.1.3:C.</a>
Minimum	10	0	0	10	0	0	0	0	10	0	0	10	5	0	Refer to Section <a href="#">17.5.3.5:</a> for additional setback regulations.  (3) Buildings not located at the 0-foot setback, shall be located a minimum of 5 feet from the property line.
Maximum	85	20	20	85	20	20	20	20	85	20	20	140	25	20	
Minimum Side	5	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	5	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	5	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	
Minimum Rear	10	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	10	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	10	0/5 <sup>(3)</sup>	0/5 <sup>(3)</sup>	
<b>Open Space</b>															
Minimum Open Space (Percent)	20 <sup>(1)</sup>	15 <sup>(1)</sup>	10	20 <sup>(1)</sup>	15 <sup>(1)</sup>	10	15 <sup>(1)</sup>	10	20 <sup>(1)</sup>	15 <sup>(1)</sup>	10	25 <sup>(1)</sup>	20 <sup>(1)</sup>	15	(1) All single use multi-family developments shall provide 30

<b>Table 17.5.2: Mixed Use Dimensional Standards</b>															
<b>Standard</b>	<b>M-N</b>			<b>M-G</b>			<b>M-C</b>		<b>M-E</b>			<b>M-R</b>			<b>Notes</b>
	<b>M-N-S</b>	<b>M-N-U</b>	<b>M-N-T</b>	<b>M-G-S</b>	<b>M-G-U</b>	<b>M-G-T</b>	<b>M-C-U</b>	<b>M-C-T</b>	<b>M-E-S</b>	<b>M-E-U</b>	<b>M-E-T</b>	<b>M-R-S</b>	<b>M-R-U</b>	<b>M-R-T</b>	
															percent open space
<b>Build-to-Zone</b>															
Build-to-Zone Req. (Percent)	40	50	60	45	55	65	70	75	40	50	65	25	50	75	Refer to Section <a href="#">17.5.1.6</a> for additional regulations.
<b>Maximum Non-Residential Building Footprint</b>															
Maximum Building Footprint (Square Feet)	15,000	15,000	30,000	None	75,000	40,000	60,000	40,000	None	40,000	40,000	None	None	None	Refer to Section <a href="#">17.5.3.6:E</a>
<b>Minimum Residential Density</b>															

<b>Table 17.5.2: Mixed Use Dimensional Standards</b>															
<b>Standard</b>	<b>M-N</b>			<b>M-G</b>			<b>M-C</b>		<b>M-E</b>			<b>M-R</b>			<b>Notes</b>
	<b>M-N-S</b>	<b>M-N-U</b>	<b>M-N-T</b>	<b>M-G-S</b>	<b>M-G-U</b>	<b>M-G-T</b>	<b>M-C-U</b>	<b>M-C-T</b>	<b>M-E-S</b>	<b>M-E-U</b>	<b>M-E-T</b>	<b>M-R-S</b>	<b>M-R-U</b>	<b>M-R-T</b>	
Minimum Residential Density (Dwelling Units per Acre)	8	10	12	None	None	25	None	35 <sup>(4)</sup>	None	None	20	5	10	30	<sup>(4)</sup> Refer to Section <a href="#">17.5.3.6:A.</a>
<b>Maximum Retail Allowed</b>															
Retail – Maximum Allowed per Business (Square Feet of Gross Floor Area)	20,000(P)	20,000(P)	20,000(P); 20,001-40,000(S)	None	75,000(P) More than 75,000(S)	40,000(P); More than 40,000(S)	60,000(P) More than 60,000(S)	40,000(P); 40,001-60,000(S)	None	40,000(P); More than 40,000(S)	40,000(P); More than 40,000(S)	20,000(P)	20,000(P)	20,000(P)	(P) Indicates Permitted;  (S) Indicates Special Use Permit approval is required.
<b>Standards for Single-Family and Duplex Residential in Mixed Use Districts</b>															
Minimum Density (Dwelling Units per acre)	12	12	12	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	



<b>Table 17.5.2: Mixed Use Dimensional Standards</b>															
<b>Standard</b>	<b>M-N</b>			<b>M-G</b>			<b>M-C</b>		<b>M-E</b>			<b>M-R</b>			<b>Notes</b>
	<b>M-N-S</b>	<b>M-N-U</b>	<b>M-N-T</b>	<b>M-G-S</b>	<b>M-G-U</b>	<b>M-G-T</b>	<b>M-C-U</b>	<b>M-C-T</b>	<b>M-E-S</b>	<b>M-E-U</b>	<b>M-E-T</b>	<b>M-R-S</b>	<b>M-R-U</b>	<b>M-R-T</b>	
<b>Setbacks (feet)</b>															
Front															Refer to Section <a href="#">17.5.1.4:B.</a>
Minimum	5	5	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Maximum	15	15	15	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum Side	5	5	5	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
Minimum Rear	10	10	10	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>Height (feet)</b>															
Maximum	40	40	40	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	
<b>Open Space</b>															
Minimum Open Space (Percent)	25	25	25	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	

### 17.5.3.2: Minimum Building Story Requirement

In addition to the minimum height identified in [Table 17.5.2](#), the following minimum number of occupiable stories shall be required as identified in [Table 17.5.3](#). When a minimum number of stories are required to be provided in the build-to-zone, the minimum story requirement shall be provided with one vertical building façade plane.

Within the build-to-zone, the occupiable second story shall be at least a minimum of 50 percent of the width and 50 percent of the depth of the building footprint.

<b>Table 17.5.3: Minimum Building Story Requirement</b>	
<b>Zone District</b>	<b>Minimum Height in Floors</b>
M-N-T	2
M-G-T	2
M-C-U	2
M-C-T	3
M-E-T	2
M-R-T	3

The minimum height in stories shall not apply to the expansion of existing single-family and duplex residential structures.

### 17.5.3.3: Maximum Building Height in Defined Station Areas

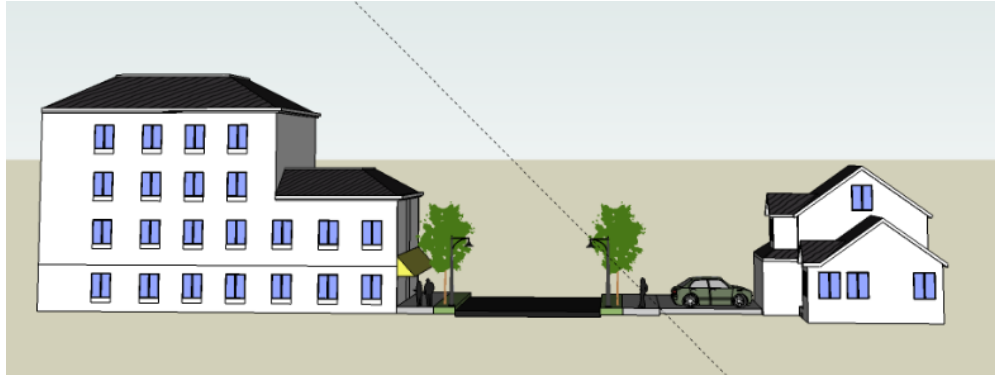
The maximum height allowed within the M-G-T and M-C-T districts varies by the station area location as identified in [Table 17.5.4](#):

<b>Table 17.5.4: Maximum Building Height By Station Area</b>		
<b>Station Area</b>	<b>M-C-T</b>	<b>M-G-T</b>
Sheridan Boulevard	120 feet	90 feet
Wadsworth Boulevard	120 feet	90 feet
Oak Street	90 feet	90 feet
Union Corridor	180 feet	180 feet

### 17.5.3.4: Height Transition to Adjacent Residential Districts

Where an multifamily or non-residential building is constructed adjacent to an R zone district where a single-family or duplex structure exists, the buildings design shall be dictated by the following criteria:

- A. A building located in the M zone district and within 125 feet of the zone district boundary shall be required to demonstrate compatibility with any adjacent residential property 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.
- A. No portion of a building shall extend beyond a 45-degree bulk plane from the adjacent single or two-family zone residential lot. Where a front or side lot line separates the zone districts, the first two floors of the building shall be permitted to encroach into the 45-degree bulk plane. (See Illustrative Figure 17.5.7)



**Illustrative Figure 17.5.7: Bulk Plane Height Transition**

#### **17.5.3.5: Additional Building Setback Regulations**

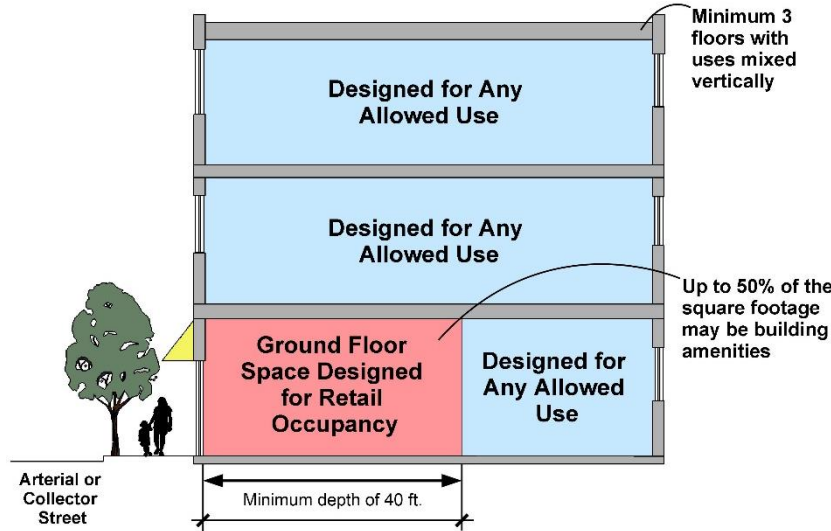
Within any Suburban or Urban context, buildings located interior to a site shall not be required to meet the front setback requirements or, where applicable, the minimum height as required by [Table 17.5.2](#), provided that liner buildings meeting the requirements of [Table 17.5.2](#) are provided. The liner buildings shall have a minimum depth of 60 feet. Within the Urban context, the liner buildings shall be designed as multi-tenant structures.

#### **17.5.3.6: Requirements for Specific Mixed-Use Zone District Contexts**

The following mixed-use development requirements apply to all projects within the districts indicated:

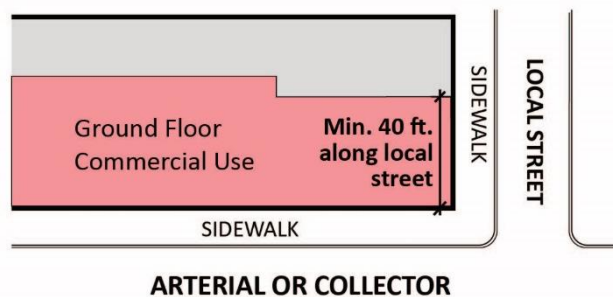
- A. The following shall apply to all M-C-T zones:
  - 1. A vertical mix of residential, commercial and/or public/civic/institutional uses as allowed in M-C-T zone district shall be required for all buildings adjacent to arterial or collector streets.
  - 2. All buildings adjacent to arterial or collector streets shall include ground floor space designed for retail occupancy fronting on the street(s) and meet the following requirements:
    - a. The ground floor space shall have a minimum depth of 40 feet.
    - b. The minimum floor to ceiling height of the ground floor space shall be 14 feet.

- c. The ground floor space shall meet the building code requirements for retail occupancy.
3. Amenities associated with the building may occupy up to 50 percent of the space designed for retail occupancy (See Figure 17.5.9).



**Figure 17.5.9: Institutional, Mixed-Use, Commercial, and Light Industrial Requirement and Minimum Commercial Use Depth in M-C-T**

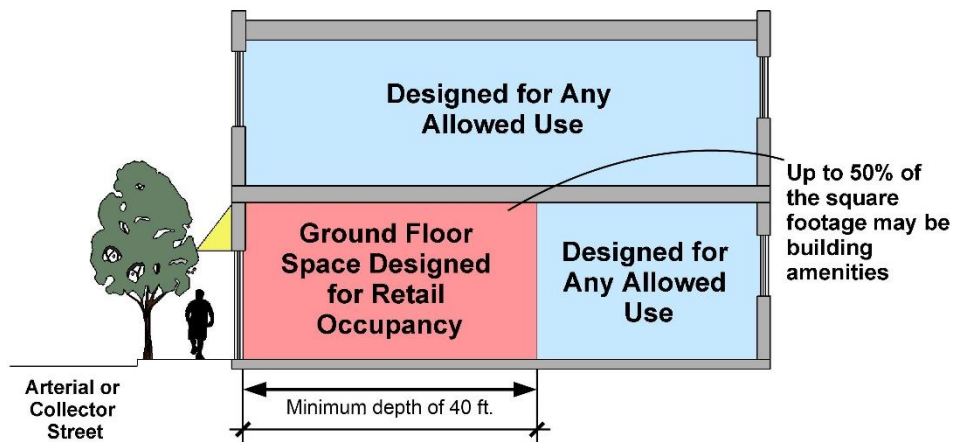
4. Other portions of the ground floor not required to be designed for retail occupancy may be designed for any allowed use.
5. Where a building is located at the intersection of an arterial or collector street with a local street, the ground floor commercial space shall extend along the local street a minimum length of 60 feet (See Figure 17.5.10).



**Figure 17.5.10: Minimum Commercial Depth along a Local Street**

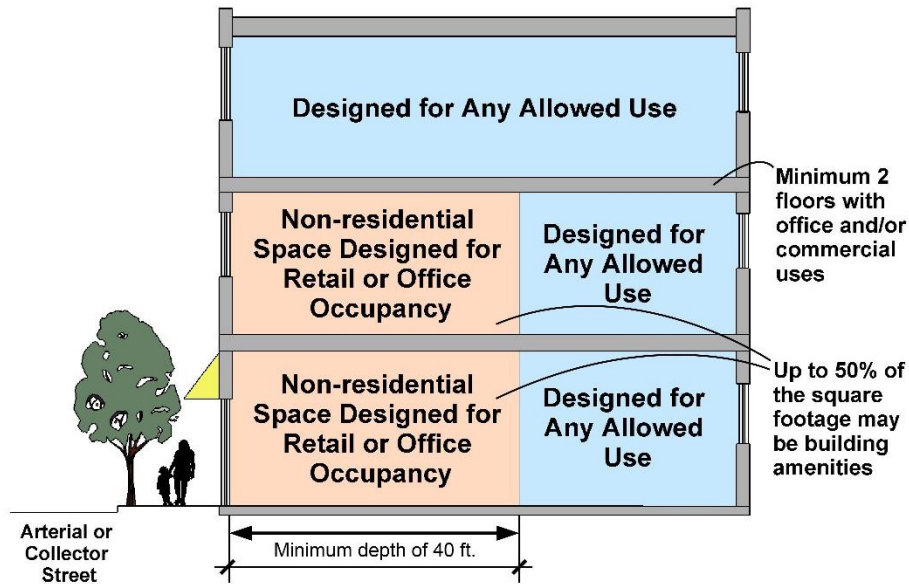
6. Single-use buildings are allowed within the zone district, provided that the requirements of [17.5.3.6:A.1](#) through [17.5.3.6:A.3](#) above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.
- B. The following shall apply to all M-G-T zones:

1. All buildings adjacent to arterial or collector streets shall include ground floor space designed for retail occupancy. The retail space shall be provided along the entire building frontage, excluding space used for vehicular access. Buildings shall front on the street(s) and meet the following requirements:
  - a. The ground floor space shall have a minimum depth of 40 feet.
  - b. The minimum floor to ceiling height of the ground floor space shall be 14 feet.
  - c. The ground floor space shall meet the building code requirements for retail occupancy.
2. Amenities associated with the building may occupy up to 50 percent of the space designed for retail occupancy (See Figure 17.5.11).



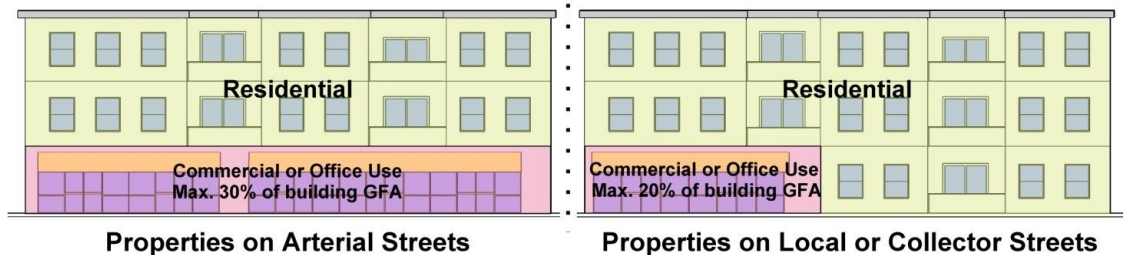
**Figure 17.5.11: Institutional, Mixed-Use, Commercial and Light Industrial Use Requirement and Minimum Commercial Depth in M-G-T**

3. Other portions of the ground floor not required to be designed for retail occupancy may be designed for other allowed uses.
  4. Single-use buildings are allowed within the zone district, provided that the requirements of [17.5.3.6:B.1](#) above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.
- C. The following shall apply to all M-E-T zones:
1. The lower two floors of all buildings adjacent to arterial or collector streets shall be designed to contain non-residential space and meet the following:
    - a. The space shall have a minimum depth of 40 feet.
    - b. The minimum floor to ceiling height of the ground floor space shall be 14 feet.
    - c. The space shall meet the building code requirements for retail or office occupancy.
  2. Amenities associated with the building may occupy up to 50 percent of the space designed for retail or office occupancy (See Figure 17.5.12).
  3. Other portions of the lower two floors not required to be designed for retail or office occupancy may be designed for any other use.
  4. Single-use buildings are allowed within the zone district, provided that the requirements of [17.5.3.6:C.1](#) above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.



**Figure 17.5.12: Institutional, Mixed-Use, Commercial, and Light Industrial Use Requirement in M-E-T**

- D. The following shall apply to all M-N zones:
1. Parcels containing single-family dwellings and duplexes may add additional units even if they do not comply with the minimum density requirements specified in Table 17.5.2. All new units must be designed to comply with the design and dimensional standards.
- E. The following shall apply to all M-R zones:
1. All buildings located adjacent to an arterial street may contain leasable non-residential space on the ground floor adjacent to the arterial street. However, the amount of commercial and/or office space shall not exceed 30 percent of the total building gross floor area (See Figure 17.5.13).
  2. For buildings located adjacent to collector or local streets, the amount of non-residential space shall not exceed 20 percent of the total building gross floor area (See Figure 17.5.13).



**Figure 17.5.13: Commercial or Office Space Allowance in M-R zones**

F. The following shall apply to all M-E zones:

1. The amount of residential space in any development shall not exceed 50 percent of the total building gross floor area.

#### 17.5.3.7: Incentives for Increased Height

The maximum building height within the mixed use districts may be increased by one story to a maximum of 12 additional feet, for each of the following incentives that are achieved:

- A. The development project shall be registered with the GBCI with the goal of LEED Gold certification or greater at the time of building permit issuance. The applicant must submit a LEED scorecard and proof of LEED registration.
- B. The development project includes affordable units that utilize federal low-income housing tax credits (LIHTC), pursuant to Section 42 of the Internal Revenue Code and include at least 20 percent market rate units.

### 17.5.4: Commercial and Light Industrial Standards

#### 17.5.4.1: Dimensional Standards

All development in C and LI zone districts must comply with the dimensional and density standards of , except as otherwise expressly provided.

Table 17.5.5: Commercial and Light Industrial Dimensional Standards				
Standard	C-R	LI	LI-RD	Notes
<b>Height (Feet)</b>				
Minimum	None	None	None	
Maximum	90	60	60	Refer to Section <a href="#">17.5.3.4</a> when adjacent to an R zone district.
<b>Setbacks (Feet)</b>				
Front				Refer to Section <a href="#">17.5.1.4:B</a> .
Minimum	15	15	10	
Maximum	None	None	None	
Minimum Side	5	5	5	



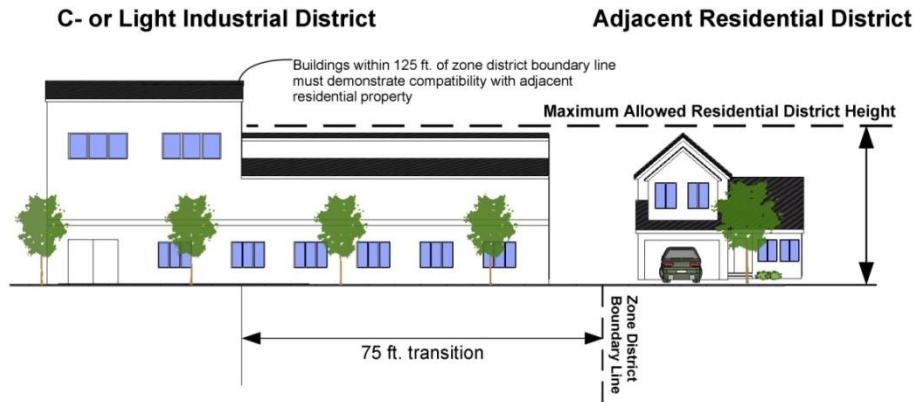
Minimum Rear	5	5	5	
<b>Open Space</b>				
Minimum Open Space (Percent)	20	20	15	

#### **17.5.4.2: Height Transition Requirements Adjacent to Residential Zone Districts**

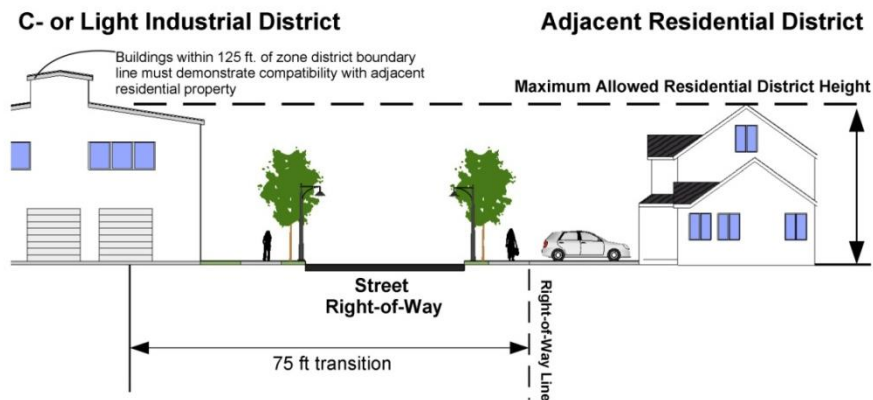
Where a C or LI zoned property abuts an R zone district where a single-family or two-family dwelling exists, the area within 125 feet of the zone district boundary must function and interact appropriately with adjacent land uses located outside of the C or LI district.

- A. A building located in the C or LI zone district and within 125 feet of the zone district boundary shall be required to demonstrate compatibility with any adjacent residential property 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.

- B. Any portion of a building located in the C or LI zone district and within 75 feet of a zone district boundary line shall have a maximum height no greater than the maximum height allowed in the adjacent residential district (See Figure 17.5.14). Where a street separates the zone districts, the measurement shall be from the right-of-way line opposite the M district site (See Figure 17.5.15).



**Figure 17.5.14: Example of Height Transition in Commercial or Light Industrial District Abutting a Residential District**



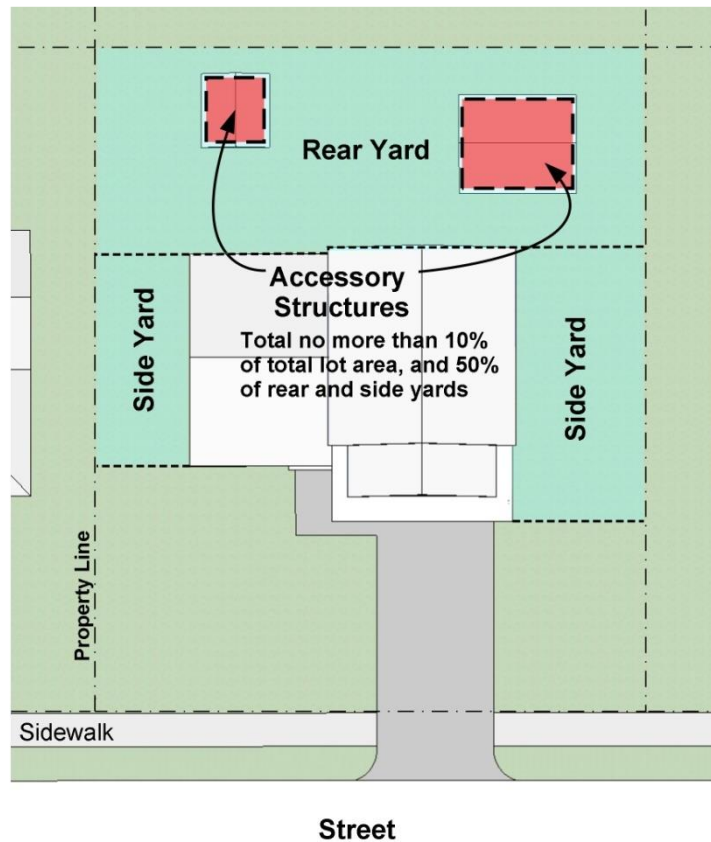
**Figure 17.5.15: Example of Height Transition in Commercial or Light Industrial District Separated by Right-of-Way**

## 17.5.5: Accessory Structures and Elements

### 17.5.5.1: Detached Structures

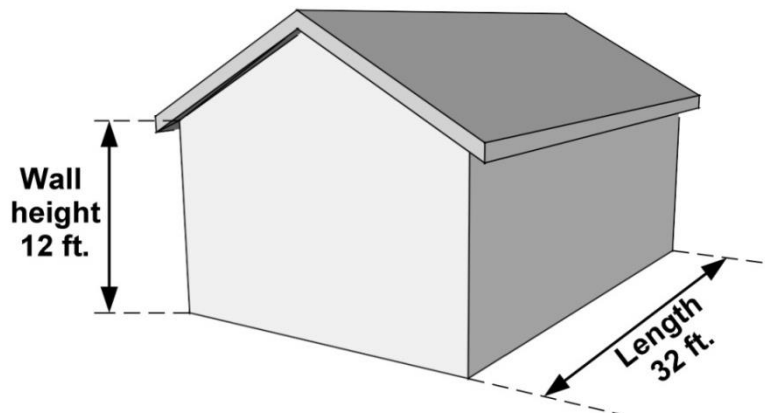
- A. A detached accessory structure shall be located a minimum of 3 feet from the primary structure as measured from the closest adjacent walls and a minimum of two feet from the primary structure as measured from the closest adjacent eaves.
- B. A detached accessory structure located on a single-family, duplex, or attached dwelling unit lot shall be subject to the following standards:

1. An accessory structure or combination of accessory structures shall not exceed more than 50 percent coverage of the rear, side, and non-primary front yard area of a lot, and no more than 10 percent of the total lot area (See Figure 17.5.16).



**Figure 17.5.16: Determination of Accessory Structure Lot Coverage**

2. Large accessory structures with any wall greater than 32 feet in length or with a vertical wall 12 feet or greater in height shall comply with the minimum setbacks for a primary structure and be architecturally complementary to, and compatible with, the primary structure (See Figure 17.5.17). Accessory structure wall height shall be measured using the averages of the existing grade.



**Figure 17.5.17: Measurement of Wall Height and Length**

3. An accessory structure that is less than or equal to 120 square feet in size, does not exceed 10 feet in height, and does not require a building permit shall comply with the accessory structure front setback requirements, but shall be exempt from side and rear setback requirements. The structure may encroach into the non-primary front setback, if it is located behind a solid 6-foot-high fence or wall. The structure shall not be placed in a designated easement, or flood plain.
- C. A detached accessory structure located on an institutional, multi-family mixed-use, commercial, or industrial lot shall be subject to the following standards:
1. An accessory structure shall not be located between a primary building and a public street.
  2. An accessory structure shall not be located within any required landscape area or parking spaces.
  3. The structure shall reflect the design and color scheme of the primary structure.

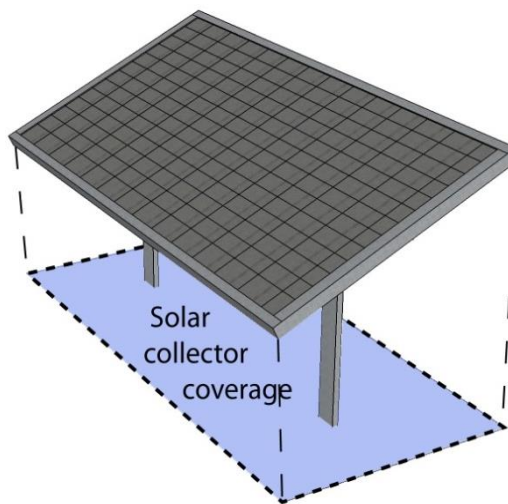
**17.5.5.2: Satellite Dish Antenna**

- A. A satellite dish antenna located on a single-family, duplex, or attached dwelling unit lot shall be subject to the following:
1. Satellite dish antennas with a diameter of 40 inches or less shall be allowed without restrictions.
  2. One dish antenna greater than 40 inches in diameter shall be allowed per dwelling unit.
  3. A satellite dish antenna with a diameter greater than 40 inches shall be ground-mounted, shall be no greater than 10 feet in height, and shall comply with the accessory structure dimensional standards identified in [Table 17.5.1](#).
- B. A satellite dish antenna located on a lot other than listed in [17.5.5.2:A](#) shall be subject to the following:
1. Satellite dish antennas with a diameter of 40 inches or less shall be allowed without restrictions.
  2. A ground-mounted satellite dish antenna with a diameter greater than 40 inches shall comply with the dimensional standards identified in [Table 17.5.1](#) for R-MF zones, [Table 17.5.2](#) for mixed-use zones, or [Table 17.5.5](#) for commercial and light industrial zones.
  3. A ground-mounted satellite dish shall not be located in an area required for parking, landscaping, buffering, or water detention.
  4. A ground-mounted satellite dish antenna shall not exceed 12 feet in height.

5. A ground-mounted satellite dish antenna shall be screened from any adjacent public street or residential use through the installation of landscaping or decorative solid fencing. Landscaping shall be capable of reaching a height of 8 feet within two years of the installation of the dish antenna. Fencing shall be constructed to a height equal to the dish antenna, or to the maximum height allowed within the zone district, whichever is less.
6. A roof-mounted satellite dish antenna greater than 40 inches in diameter shall be screened. This screening can be accomplished through the utilization of parapet walls, through the installation of mechanical equipment screens, or other means to the extent that the dish antenna is hidden from view from all adjacent public streets or residential uses.

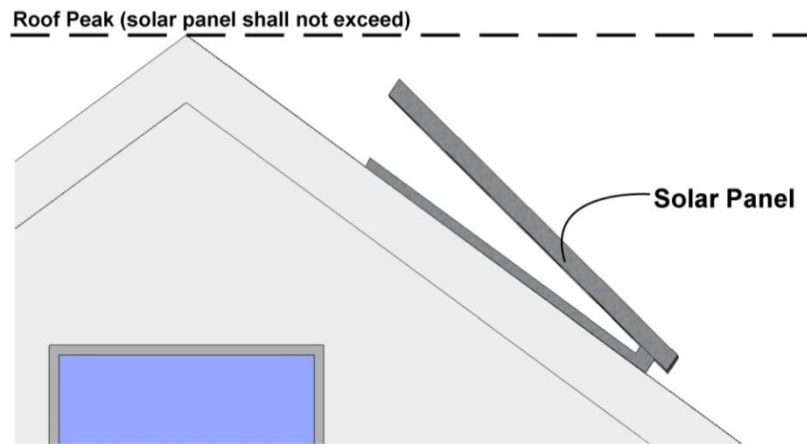
### 17.5.5.3: Solar Collection System

- A. A solar collection system located on single-family, duplex, or attached dwelling unit lot shall be subject to the following:
  1. Ground mounted solar collection system:
    - a. Solar collectors shall not be located in the front yard between a primary structure and a public right-of-way, unless the collectors are located more than twice the distance as the required setback identified in [Table 17.5.1](#) and the collectors are screened and not visible from the adjacent street.
    - b. A solar collector shall be allowed in the non-primary front yard, if it is located behind a solid 6-foot-high fence or wall.
    - c. Solar collectors shall be located a minimum of 5 feet from all property lines.
    - d. The area covered by solar collector arrays in any residential district shall be considered a detached accessory structure, and shall comply with the coverage limitations of Section [17.5.5.1](#): (See Figure 17.5.18).



**Figure 17.5.18: Measurement of Solar Collector Coverage**

- e. Solar collectors shall not exceed 10 feet in height.
  - f. A ground mounted solar collection system shall be subject to the minor site plan process, as described in Article 2.
2. Roof mounted or wall mounted solar collection system:
- a. Solar collectors shall be located a minimum of 5 feet from all property lines and other structures, except the structure on which it is mounted.
  - b. Solar collectors shall not project beyond the peak of the roof. If a solar collector is attached to a flat roof, the collector shall not extend more than 5 feet above the roof (See Figure 17.5.19).



**Figure 17.5.19: Solar Collector Projection Above Roof Peak**

3. Solar easements:
- a. A property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a solar collector to protect solar access, and shall record the easement with the county recorder.
  - b. If no such easement is recorded, the owner of the solar collection system shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction would cast shadows on the solar collection system.
  - c. Landscaping required by this Ordinance shall be exempt from any solar easement agreement.
- B. A solar collection system located on a lot other than those specific listed in Section [17.5.5.3:A](#) shall be subject to the following:
- 1. All collection systems shall comply with the primary structure dimensional requirements.

2. Solar easements:

- a. A property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a solar collector to protect solar access, and shall record the easement with the county recorder.
  - b. If no such easement is recorded, the owner of the solar collection system shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction would cast shadows on the solar collection system.
  - c. Landscaping required by this Ordinance shall be exempt from any solar easement agreement.
3. A solar collection system shall be subject to the minor site plan process, as described in Article 2.

**17.5.5.4: Wind-Powered Electric Generator**

- A. A wind-powered electric generator located on a single-family, duplex, or attached dwelling unit lot shall be subject to the following:
1. No wind-powered electric generator shall exceed 60 feet in height measured from ground level to the top of the blade diameter.
  2. No wind-powered electric generator blade shall be located closer than 15 feet above the finished grade of the surrounding property.
  3. No wind-powered electric generator or portion thereof may extend or encroach into the accessory building setbacks or onto any adjacent property.
  4. Sound produced by the turbine under normal operating conditions, as measured at the nearest property line and at ground level of any adjacent property improved with a dwelling unit at the time of the issuance of a building permit, shall not exceed 55 dBA sound level for any period of time, except during short-term events out of the owner's control, such as utility outages or strong windstorms.
  5. A turbine and tower shall be of a neutral color.
  6. All electrical wiring shall be located underground and within the tower.
  7. A wind-powered electric generator shall be subject to the minor site plan process, as described in Article 2.
- B. A wind-powered electric generator located on a lot other than those specific listed in Section [17.5.5.3:A](#) shall be subject to the following:
1. No ground-mounted wind-powered electric generator shall exceed 60 feet in height measured from ground level to the top of the blade diameter.

2. All roof mounted wind-powered electric generators shall comply with the dimensional requirements of the zone district in which it is located.
3. No wind-powered electric generator or portion thereof may extend or encroach into the building setbacks or onto any adjacent property.
4. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of a building permit, shall not exceed 55 dBA sound levels for any period of time. The 55 dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages or strong windstorms.
5. A turbine and tower shall be of a neutral color.
6. All electrical wiring shall be underground or contained within the building to which the generator is attached.
7. A wind-powered electric generator shall be subject to the minor site plan process, as described in Article 2.



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## **ARTICLE 6: RESIDENTIAL BUILDING AND SITE DESIGN STANDARDS**

### **17.6.1: General**

#### **17.6.1.1: Purpose and Intent**

This Article establishes site and building design standards for residential development in the City of Lakewood. The purpose of these design standards is to ensure that development implements the principles and goals articulated in the Comprehensive Plan for quality, sustainable development that interacts and functions well with the surrounding community. The purpose of the design standards in this Article is to:

- A. Provide opportunities for residential infill development that interacts well with the character of adjoining neighborhoods.
- B. Provide for a diverse mix of land uses, densities, and housing types for infill projects.
- C. Provide a well-designed site circulation system that is conducive to pedestrian use.
- D. Provide sustainable development through the preservation and adaptive reuse of existing housing stock.

The manner in which a particular land use functions and interacts with adjacent and surrounding land uses is integral in creating a successful development. The design of a new development or redevelopment should embrace the intent of the particular zone district and the purpose of the design standards in this Article.

#### **17.6.1.2: Applicability**

This Article establishes building and site design standards for a development that contains only a residential use. The design standards shall be applied to any addition or new construction except where explicitly superseded by an approved Official Development Plan or as identified in this Article.

#### **17.6.1.3: Design and Development Manuals**

In addition to the design standards established in this Article, the City has adopted design and development manuals to further articulate the intended design for specific areas of the City. Any new development or redevelopment of a site located in an area governed by a design and development manual shall adhere to the standards outlined in such manuals.

### **17.6.2: Building Design Standards**

#### **17.6.2.1: Architecture**

The following design standards are intended to provide for the architectural interest of buildings throughout the City:

- A. Single-family dwelling and duplex structures on flag lots that are located away from the street shall maintain a street presence, be oriented toward and visible from the street.
- B. All residential elevations shall have a similar level of architectural treatment and detail. Residential buildings shall be designed to include at least four of the following:
  - 1. The incorporation of a porch or balcony;
  - 2. The incorporation of windows and doors;
  - 3. A change in material types or textures;
  - 4. The use of offsets or insets, such as bays;
  - 5. A vertical or horizontal change to a wall plane;
  - 6. Vertical breaks or changes to roof lines
  - 7. The use of masonry or stone on 30% or more of the building façade;
- C. Building Transparency:

Attached dwelling or multifamily building façades oriented towards a public or private street and located within 20 feet of the back of existing or required right-of-way improvements shall be designed so that the ground-floor 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 30 percent of that portion of the façade located within 2 and 10 feet above grade.
- D. Structure Variation:
  - 1. Single-family dwelling and duplex structures shall not have the same color, model or building footprint on more than three consecutive lots or buildings along a street frontage.
  - 2. A different façade, façade material, or model shall be introduced for every 12 attached dwelling units within a development project.
- E. Façades and Entry Ways:
  - 1. All residential structures that are adjacent to a public or private street shall contribute to the streetscape. The street-facing elevation shall have windows and at least one of the following: a porch, stoop, balcony, or dormer.
  - 2. Attached dwellings that are adjacent to a public or private street shall provide a primary entrance or other architectural feature that faces the street.
  - 3. Attached dwelling and multi-family structures shall have articulated façades to differentiate individual buildings.

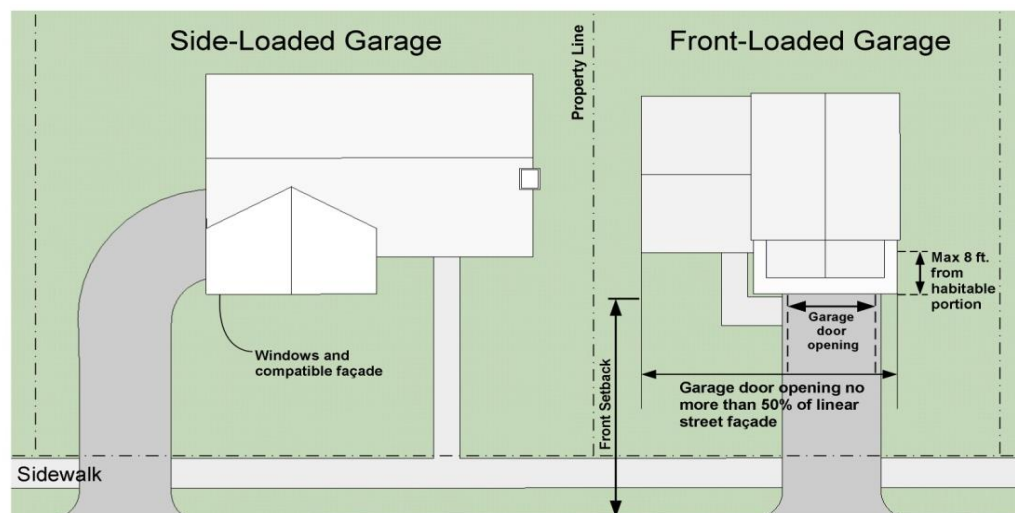
F. Roof tops:

For attached dwelling and multi-family structures, all sloped roofs shall be designed to provide a shadow line along major long wall planes and on end units.

G. Garages:

These additional design standards are for garages and only apply to the primary front setback.

1. The garage door opening shall not comprise more than 50 percent of a linear street façade of a residential building.
2. Attached front-loaded garages for single-family dwelling or duplex structures shall not project more than 8 feet in front of the habitable portion of the structure and must meet the required front setback.
3. Detached garages for single-family dwelling, duplex, attached dwelling or multifamily structures shall be setback behind the front edge of the primary residential building.
4. The street facing façade of attached front-loaded garages for single-family dwelling, duplex, or attached dwelling structures shall include windows along at least 50% of the width of the door in a style that is compatible with the architecture of the residence.
5. The street-facing façade of attached side-loaded garages for single-family dwelling, duplex, or attached dwelling structures shall include at least one window and a similar architectural treatment as the remainder of the residential building (See Figure 17.6.1).



**Figure 17.6.1: Attached Garages - Front and Side Loaded**

**17.6.2.2: Parking within a Multi-Family Building or Structure**

- A. The first floor façade of a parking structure located adjacent to a public street shall be designed to encourage and complement pedestrian-scale interest and activity through the inclusion of at least three architectural elements such as arcades, windows, awnings, overhangs, screens, grills, louvers or other similar non-opaque features.
- B. Façade openings that face a public street or open space shall be vertically and horizontally aligned and all floors fronting on those façades shall be level, not inclined.
- C. Parking structures shall be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of 42 inches.
- D. Within the Urban context, the ground floor façade of a structured parking facility that abuts a public sidewalk, street, or open space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed with a minimum unfinished floor to ceiling height of 14 feet in order to allow occupancy by uses other than parking that are allowed in the underlying zone district.
- E. Within the Transit context, 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. At least 50 percent of a street-level facing a public sidewalk, street, or open space area shall contain retail or office uses to a minimum depth of 60 feet.

**17.6.2.3: Exterior Building Elements**

The following design standards for attached dwelling or multifamily structures are intended to minimize the impact of mechanical and service elements of buildings:

- A. Utility meters shall be screened from view from a public street to the greatest extent possible and shall be painted a color to blend with the building façade.
- B. All external rooftop mechanical equipment shall be screened from a public street 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 use one of the predominant materials or colors used on the primary façade of the building.
- C. On all structures exceeding 35 feet in height, roofs shall have drainage systems that are architecturally integrated into the building design.
- D. Any external stairwells, corridors and circulation components of a building shall be architecturally compatible with the overall structure, through the use of similar materials, colors, and other building elements.

### **17.6.3: Screening of Utility Structures, Outdoor Storage and Service Areas**

#### **17.6.3.1: General Standards**

The following standards are intended to reduce the visual impact of certain site elements for attached dwelling or multi-family structures or common areas within residential developments.

- A. Utility boxes or equipment on private property shall not be located along a public street frontage.
- B. Landscape and structural elements shall be used to screen utility structures, service areas, loading docks, outdoor storage, recycling facilities, and trash containers.
- C. 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 solid gate or door shall be required.
- D. Required screening shall result in an opaque barrier to a minimum height of 6 feet and be provided in the form of new or existing plantings, walls, fences, topographic changes, buildings, horizontal separation, or a combination of these techniques.
- E. Where structural forms of screening are utilized, the materials shall match the primary building materials and colors, or provide a comparable level of quality.
- F. Trash and recycling enclosures shall be covered with a roof, or they shall be self-contained.

### **17.6.4: On-Site Pedestrian Circulation Standards**

#### **17.6.4.1: Sidewalk Design Standards**

The on-site circulation system shall be designed to provide safe pedestrian paths throughout attached dwelling or multi-family sites or common areas within residential developments and shall integrate with adjacent properties and neighborhoods.

- A. Internal sidewalk connections shall be required:
  - 1. Between the front doors of residential buildings;
  - 2. From residential building entrances to all on-site facilities, such as parking areas, bicycle facilities, and open space;
  - 3. To connect to any transit stop that is adjacent to a site; and
  - 4. To provide direct access from all residential buildings to existing or planned public sidewalks, multi-use trails, parks, and greenways.

- B. Internal sidewalks shall be barrier-free and unblocked at all times.
- C. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.
- D. In order to create a safe pedestrian environment attached and multi-family dwelling units shall be placed and sited so that internal sidewalks are in view of at least one unit's living area windows.
- E. Internal sidewalks parallel and adjacent to a street or drive aisle shall use a raised walk or be separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps
- F. Internal sidewalks must be hard surfaced, and a minimum of 5 feet in width. When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of 7 feet when parking is located on one side, and a minimum of 9 feet when parking is located on both sides.
- G. Where a sidewalk is provided between two or more parallel buildings, the minimum distance between the buildings shall be 15 feet from building wall to building wall. Where a sidewalk is located between a property line and a building that is parallel to a property line, the minimum distance from the property line to the building shall be 7.5 feet. The sidewalk shall have a minimum width of 5 feet.

## **17.6.5: Landscape Design Standards**

### **17.6.5.1: General Standards**

The following standards shall apply to all residential additions greater than 20 percent or new construction:

- A. Any portion of a site not utilized for buildings, structures, parking, driveways, service areas or storage areas shall be considered a landscape area.
- B. Plantings shall be arranged to promote energy conservation to the greatest extent possible. Where practicable:
  - 1. Deciduous trees which are sun tolerant shall be placed on the south and west sides of buildings to provide shade from summer sun.
  - 2. Evergreens and other plant materials which are shade tolerant shall be concentrated on the north side of buildings to dissipate the effect of winter winds.
- C. Drought tolerant landscaping and design is required as part of the overall landscape theme. Drought tolerant landscaping techniques include, but are not limited to, using native and/or low-water plants, employing water-conserving irrigation techniques and systems, and reducing the percentage of turf coverage
- D. Evergreen trees shall not be used in the tree lawn or within 8 feet of a public walk.



- E. Artificial trees, shrubs, turf or plants shall not be used to fulfill the minimum requirements for landscaping as required by this Article.

#### **17.6.5.2: Street Tree Placement**

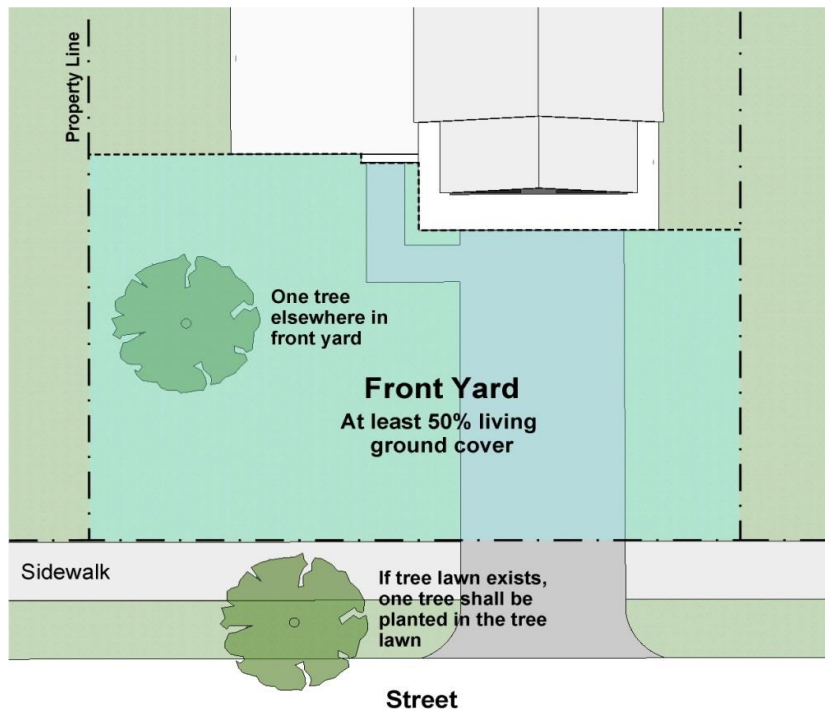
The following standards shall apply to all residential additions greater than 20 percent or new construction.

- A. One deciduous street tree shall be provided for every 35 lineal feet of street frontage. Street trees shall be evenly spaced along the street frontage
  - 1. Where a detached sidewalk exists, the tree shall be placed between the edge of asphalt or curb and sidewalk.
  - 2. In single-family dwelling and duplex developments, where the sidewalk is attached to the street, canopy shade trees shall be established in an area ranging from 4 to 8 feet behind the sidewalk.
  - 3. In attached dwelling and multifamily developments, wherever the sidewalk is attached to the street and is 9 feet or more in width, shade trees shall be established in planting cutout areas that are a minimum of 25 square feet of planting area.
- B. The Director shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved shade trees that may be used as street trees.
- C. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. A tree canopy may project over a right-of-way or easement.
- D. Ornamental trees may be planted in substitution of the shade trees where overhead lines and fixtures prevent normal growth and maturity.
- E. Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of 8 feet at maturity.

#### **17.6.5.3: Single-family Dwelling and Duplex Landscape Standards**

In addition to the general landscape standards, this Section establishes the standards for landscaping that is provided in the area behind the sidewalk along public streets for all residential additions greater than 50 percent or new construction. All landscape areas in the front yard shall meet the following minimum requirements.

- A. Each single-family dwelling unit or duplex unit shall provide at least one tree in the front yard in addition to any street tree(s) required per Section [17.6.5.2](#):
- B. The front yard shall be landscaped with a minimum of 50 percent living ground cover or drought tolerant landscaping approved by the Director.
- C. Existing trees, shrubs, turf, or plants shall count toward fulfilling the minimum requirements for landscaping in the front yard.



**Figure 17.6.2: Front Yard Landscaping**

#### **17.6.5.4: Attached Dwelling and Multifamily Landscape Standards**

In addition to the general landscape standards, this Section establishes the standards for landscaping that is specific to attached dwelling and multifamily residential development for all additions greater than 20 percent or new construction. All landscape areas shall meet the following minimum requirements:

- A. One tree and three shrubs shall be provided for every 550 square feet of landscape area. Tree lawn areas, parking lot landscape areas and landscape buffer areas are counted separately and independently from this requirement.

B. In situations where it is not practical to plant a tree on site, trees may be replaced at a ratio of 10 shrubs or 20 ornamental grasses to one tree. Tree substitution is at the discretion of the Director.

C. Landscape areas shall have a minimum of 50 percent living ground cover or drought tolerant landscaping approved by the Director, and shall grow to the required coverage within 5 years of installation.

D. Whenever an attached dwelling or multifamily site directly abuts a single-family dwelling or duplex residential use within a single-family dwelling or duplex residential zone district, one of the following transition options shall be installed in lieu of these landscaping requirements (See Figure 17.6.3):

1. Option A: A landscaped area with a width of 30 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:

- a. Three trees, and
- b. Twenty shrubs.

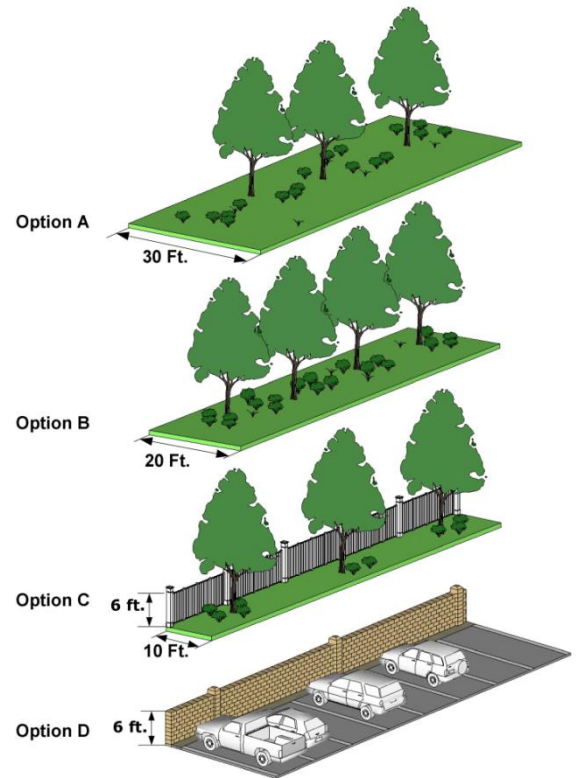
2. Option B: A landscaped area with a width of 20 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:

- a. Four trees, and
- b. Twenty-four shrubs.

3. Option C: A 6-foot tall solid fence or wall shall be provided along the property line. Brick or stone columns must be incorporated into the fence or wall design and spaced at least every 32 feet. A landscaped area with a width of 10 feet shall be provided adjacent to the fence. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:

- a. Three trees, and
- b. Ten shrubs.

4. Option D: A 6-foot tall wall made of brick or stone or other comparable material with brick or stone columns spaced at least every 32 feet may be installed in-lieu of landscaping for sites containing 25 or fewer parking spaces.



**Figure 17.6.3: Side and Rear Transition Areas**

#### 17.6.5.5: Landscape Materials

- A. 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.
- B. All plants shall be free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Nursery and Landscape Association standards.
- C. 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 monocultures are prohibited. The requirements identified in Table 17.6.1 shall apply to site development plans.

<b>Table 17.6.1: Tree Species</b>	
<b>Number of required trees</b>	<b>Maximum percentage of any tree species</b>
10 - 19	75%
20 - 39	60%
40 or more	50%

- D. The following minimum tree and shrub sizes identified in Table 17.6.2 shall be required for planting.

<b>Table 17.6.2: Tree and Shrub Size</b>	
<b>Type</b>	<b>Minimum Size</b>
Canopy Shade (Deciduous) Tree	2.5" caliper balled and burlapped or 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 a size consistent with design intent
<b>Note: Any tree or shrub plantings that are in addition to the minimum required by this Article are exempt from the foregoing size requirements.</b>	

#### 17.6.5.6: Landscape Installation

- A. 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. All landscaping shall be installed according to the American Nursery and Landscape Association horticultural practices in a manner designed to encourage quick establishment and healthy growth.

- C. Whenever the installation of required landscaping is not possible by the time construction on the primary structure has been completed, the City may authorize a delay in installation until no later than May 31<sup>st</sup> of the next calendar year.
- D. All landscaping in each development or development phase shall be installed prior to issuance of a certificate of occupancy. As a condition of authorizing a delay in installation, the City may:
  - 1. Require that a surety or other guarantee, in a form acceptable to the City, is provided in the amount of 150 percent of the value of the landscaping; or
  - 2. Issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping.

#### **17.6.5.7: Landscape Maintenance**

The following standards shall apply to all residential development:

- A. Trees and vegetation, irrigation systems, and other landscape elements shall be considered elements of the project in the same manner as parking, building materials, and other site details. The landowner shall be responsible for the regular and proper maintenance of all landscaping elements.
- B. All landscaping shall be maintained free from disease, pests, weeds, litter, and all landscape structures shall be repaired and replaced as necessary to maintain a structurally sound condition.
- C. Any required element that fails, dies, or is otherwise damaged or removed, shall be replaced within 30 days or by May 31<sup>st</sup> of the next calendar year if it is found dead during the winter months.
- D. 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.

#### **17.6.5.8: Existing Tree Preservation**

- A. Existing trees with trunks greater than 8-inch caliper, measured 1 foot above grade, within a 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. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to protected trees.
- B. The Director shall determine through consultation with the City Forester when it is not feasible to preserve and retain protected tree(s) or to transplant them to another on site location. If it is determined that it is not feasible to preserve or transplant protected tree(s), 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.

- 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 include Cottonwoods, Siberian Elms, Russian Olives, and Female Box Elders. Native cotton bearing Cottonwood trees and Female Box Elder trees as well as any other species of tree, are not considered nuisance trees when they are located near a property line and are used to create a buffer between any land uses.
  - 4. Trees that are determined by the Director to prohibit reasonable use or development of a site may be replaced following the standards in Section 17.6.5.9.
- D. All existing street trees that are located on City rights of way or easements adjacent to a development and all trees located on private property shall be accurately identified by species, size, location, and condition on required landscape plans.
- E. The following tree protection standards shall be followed for all projects with protected existing trees:
  - 1. Within the drip line of any “protected” tree, there shall be no cut or fill over a 4-inch depth unless the City Forester has evaluated and approved the disturbance.
  - 2. Prior to and during construction, a fenced tree protection zone, formed by barriers, shall be erected and maintained around all protected trees at the drip line.
  - 3. 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.

**17.6.5.9: Tree Replacement**

- A. Trees that are removed following the standards outlined in Section 17.6.5.8.C.4 shall be replaced at a rate of 100 percent of the total caliper of trees removed from the site.
- B. Each tree to be replaced shall be a minimum of 2-inch caliper or 6 feet in height for evergreens
- C. If a property owner chooses not to replace the total caliper of trees on-site, the owner may make a cash payment of \$1,200.00 per tree into a tree fund which shall then be used to replace trees on public property in the Ward in which the property is located.
- D. When the development causes any disturbance within any natural area on a property replacement shall occur as required in this Section.

## **17.6.6: Residential Fence and Wall Standards**

### **17.6.6.1: General Standards**

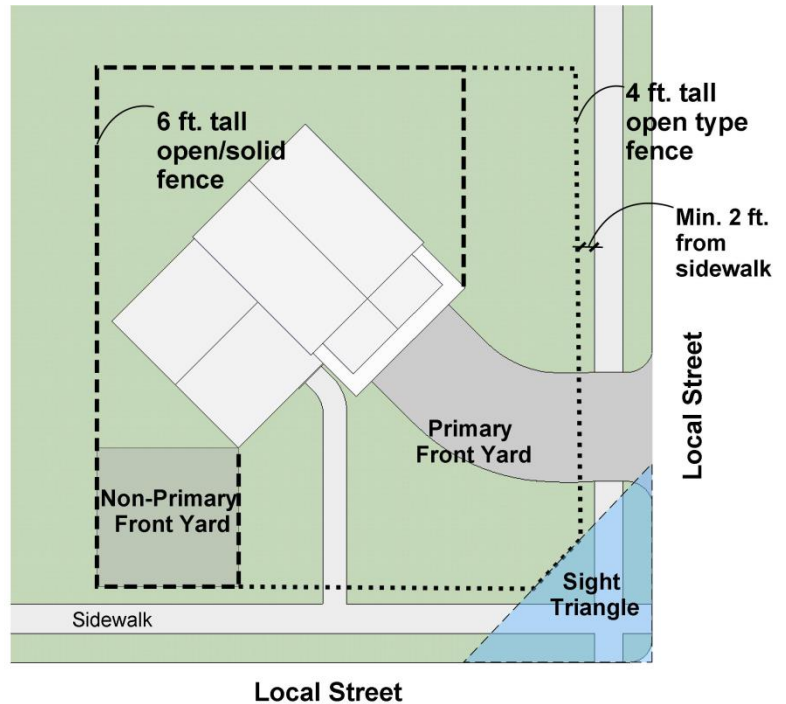
The following standards shall apply to all residential development:

- A. No fence, wall, trellis, pergola, or arbor shall be erected including replacement and repair without a fence and/or building permit unless these structures are less than 8 feet long and 6 feet high.
- B. Retaining walls greater than 3 feet in height require a building permit and must satisfy all engineering design requirements.
- C. A temporary fence permit may be issued in conjunction with an active building permit. A temporary fence permit may be granted for a one-year renewable period. All temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.
- D. Fences and walls shall be installed so that a finished side faces a public street or public space.
- E. Fences and walls shall follow the contour of the ground as far as practicable. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- F. Permanent fencing and walls shall not be erected which restricts access by emergency equipment to any building.
- G. 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, missing sections of fence, sagging or leaning pickets and supports, extending into a traveled sidewalk or creating a hazard for a pedestrian or motor vehicle.
- H. Solid fencing or wall sections along a street totaling more than 200 linear feet shall include architectural features, such as masonry, brick or wood-framed columns for every 50 feet of length. The minimum separation between those features shall be no less than 10 feet.
- I. Approved columns or posts may exceed the height of the fence by 1 foot and must meet all permit and setback requirements.

### 17.6.6.2: Fence and Wall Height

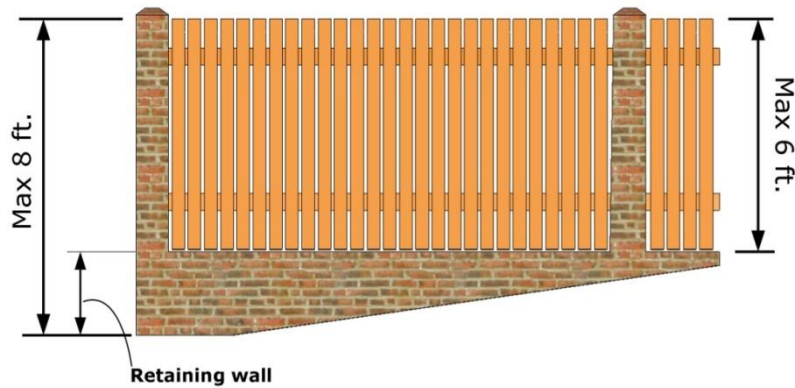
The following standards shall apply to all residential development:

- A. All fence, wall and structure heights shall be measured from the lowest finished grade at the location of the fence, wall or structure.
- B. If a minimum linear distance of 10 feet separates a fence and retaining wall, a fence may be erected to a height of 6 feet above the highest finished grade.
- C. All fences in the primary front yard of single-family, duplex and attached residential uses shall not exceed 4 feet in height and a minimum 50 percent open (See Figure 17.6.4).
- D. All fences in the rear yard, side yard, non-primary front of single-family, duplex, attached residential, and multifamily uses may be solid and shall not exceed 6 feet in height (See Figures 17.6.4) except that recreational facility fences may be 10 feet in height when placed in a side or rear yard
- E. Perimeter fencing for public and private utilities and solar gardens shall not exceed 6 feet in height and shall be at least 50 percent open along a street frontage.
- F. Fences in the front yard for multifamily uses may be 6 feet in height and shall be 50 percent open. Fence in the front yard for multifamily uses may be solid at the discretion of the Director.
- G. A combination fence and retaining wall may be erected to a height of 6 feet above the highest finished grade or 8 feet above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed 6 feet above the highest finished grade at any point (See Figure 17.6.5).
- H. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed by Section 17.6.6.2.E.
- I. An entry feature or trellis may exceed the 6-foot height standard indicated in Section [17.6.6.1:A](#). An entry feature or trellis may have a maximum height of 10 feet and maximum width of 10 feet.



**Figure 17.6.4: Single-Family and Duplex Fence Location**



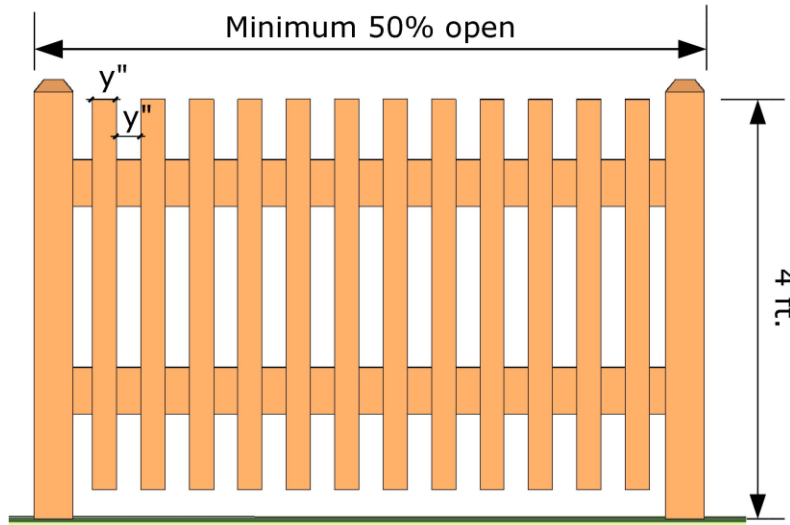


**Figure 17.6.5: Fence Wall Combination**

#### **17.6.6.3: Fence and Wall Placement**

The following standards shall apply to all residential development:

- A. No portion of a fence shall extend beyond the property line of the fenced property into the public right-of-way without approval of the Director. It may also be necessary to obtain a License Agreement prior to erecting a fence in the public right-of-way.
- B. All fences and walls including fence support systems such as posts, pillars and columns shall be set back at least to the property line and a minimum of 2 feet from the back edge of the sidewalk to allow for safe passage by persons on a sidewalk or traveled walkway or where no sidewalk exists then 2 feet behind the edge of asphalt.
- C. Vehicular gates must be setback at a minimum 20 feet from flowline of the street or back of curb in order to meet vehicle stacking requirements.
- D. Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
- E. A fence along common property lines may be placed at the furthest point forward of the adjacent property if the adjacent property allows for fence placement that differs from the neighbors.
- F. All fence locations on through-lots shall be reviewed on a case-by-case basis by the Director following the waiver criteria specified in Section 17.2.6 of this Zoning Ordinance
- G. Solid fences and walls may be erected to a height of 8 feet to separate a property from an arterial street or a frontage road adjacent to U.S. 6 and U.S. 285 highways. The Director shall consider the aesthetic, visual, and noise reduction characteristics of the fence or wall.
- H. A 4-foot fence that is a minimum of 50 percent open may be permitted within a sight triangle with review and approval of the City of Lakewood Traffic Engineering Division (See Figure 17.6.6).



**Figure 17.6.6: Fifty-percent Open Fence**

- I. Where a corner lot 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 site distance hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walk way.

#### **17.6.6.4: Fence and Wall Materials**

The following standards shall apply to all residential development:

- 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 following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance.
- B. Barbed wire shall be allowed to a height of 12 inches above a 72-inch-tall fence on non-primary front, side and rear property lines in the R-1-43 zone district only.
- C. Combination fences of lattice and other decorative materials may be used in conjunction; however, at no time shall the combination exceed the fence height limitation for that zone district.
- D. All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance.
- E. Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle 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.
- F. Plastic or temporary construction fence may not be used as a permanent fence material.
- G. Approved materials for wall construction include, but are not limited to: commercial quality brick, decorative masonry units, or decorative concrete or any other material

approved by the Director following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance.

- H. Prohibited wall materials shall include, but are not limited to, landscape timbers, smooth face concrete masonry units/blocks, and other materials not customarily sold for retaining walls.

## **17.6.7: Exterior Lighting Standards**

### **17.6.7.1: General Standards**

The following lighting standards shall apply to all residential development:

- A. Unless specifically excluded by this Zoning Ordinance, any building or structure, including any accessory building or structure, shall conform to the lighting requirements for the applicable use as set forth in this Zoning Ordinance.
- B. Light sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way.
- C. Lighting sources shall be positioned in such a manner as to direct light away from adjacent property.
- D. No direct rays of light shall extend beyond the boundaries of the property from where the light originates.
- E. Excluding single-family dwelling and duplex sites and associated accessory structures, light fixtures on structures, walls canopies, poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.

### **17.6.7.2: Exceptions**

Minor exceptions to the lighting standards include, but may not be limited to:

- A. Hazard warning lighting required by Federal and State regulatory agencies.
- B. Temporary emergency lighting required by local law enforcement, emergency service and utility department(s).
- C. Traffic control and directional lighting.
- D. Underwater lighting used for the illumination of swimming pools and water features.
- E. Lighting for temporary festivals and carnivals.
- F. Lighting for recreational facilities. No private recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.
- G. Low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture.

- H. Other exceptions may be approved by the Director.

**17.6.7.3: Prohibitions**

The following lighting sources are prohibited:

- A. Laser lights or other high intensity outdoor lights.
- B. Searchlights and floodlights used for advertising purposes.
- C. Lighting sources used on towers except as required by the Federal Aviation Administration.

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## **ARTICLE 7: INSTITUTIONAL, MIXED-USE, COMMERCIAL, AND LIGHT INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS**

### **17.7.1: General**

#### **17.7.1.1: Purpose and Intent**

This Article establishes site and building design standards for development in the City of Lakewood. The purpose of these design standards is to ensure that development implements the principles and goals articulated in the Comprehensive Plan for quality and sustainable development that interacts and functions well with the surrounding community. The purpose of the design standards in this Article is to:

- A. Provide high quality design in new development and redevelopment that promotes a sense of community identity.
- B. Provide a well-designed site circulation system with a strongly defined pedestrian and vehicular network, good connections to adjacent land uses and efficient connections to transit stops.
- C. Provide an overall landscape treatment of exterior spaces which enhances the quality of the project, creates usable open space, establishes an urban tree canopy, and creates transitions between land uses.
- D. Provide sustainable development through the adaptive reuse of existing buildings, the design of energy efficient buildings, the use of renewable and low-energy use materials and the installation of water wise landscaping.

The manner in which a particular land use functions and interacts with adjacent and surrounding land uses is integral in creating a successful development. The design of a new development or redevelopment should embrace the intent of the particular zone district and the purpose of the design standards in this Article.

#### **17.7.1.2: Applicability**

This Article establishes building and site design standards for all buildings and sites with uses other than residential development in the City. The design standards shall be applied to any addition or new construction except where explicitly superseded by an approved Official Development Plan or as identified in this Article.

#### **17.7.1.3: Design and Development Manuals**

In addition to the design standards established in this Article, the City has adopted design and development manuals to further articulate the intended design for specific areas of the City. Any new development or redevelopment of a site located in an area governed by a design manual shall adhere to the standards outlined in such manuals.

## 17.7.2: Building Design Standards

### 17.7.2.1: Architecture

The following design standards are intended to provide for the architectural interest of buildings throughout the City:

- A. The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features.
- B. Architectural features and treatments shall not be limited to a single façade. All visible sides of a building, whether viewed from public or private property, shall display a similar level of quality and architectural interest, with elements such as windows, awnings, a variety of exterior materials, reveals, and other similar features.
- C. All buildings shall be designed to have at least two of the following (See Figure 17.7.1):
  - 1. Visual breaks in the façade such as horizontal articulation in the plane of the façade by at least 2 feet; or
  - 2. Change in height of the façade by at least 2 feet; or
  - 3. Change in materials, color, texture or pattern; or
  - 4. Columns or pilasters with a minimum 4-inch horizontal depth from the plane of the façade and spaced at a maximum interval of 50 feet.



Figure 17.7.1: Façade Design



### 17.7.2.2: Materials and Colors

- A. A variety of materials and colors shall be used on each building to avoid uniform façades. Contrast on a building may be accomplished by providing the appearance of various depths to the façade, overhangs, shadow lines on a façade of a building, or a variety of materials and texture.
- B. Color shades shall be used to unify a building or development where there is more than one tenant. Color combinations shall be complementary to the building and overall site development.

### 17.7.2.3: Exterior Building Elements

The following design standards are intended to minimize the impact of mechanical and service elements of buildings:

- A. Utility meters shall be screened from view from a public street to the greatest extent possible and shall be painted a color to blend with the building façade.
- B. All exterior rooftop mechanical equipment shall be setback a distance at least equal to their height above the roof, or be screened from public right-of-way 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 use one of the predominant materials or colors used on the primary façade of the building.
- C. On all structures exceeding 35 feet in height, roofs shall have drainage systems that are architecturally integrated into the building design.
- D. Any external stairwells, corridors and circulation components of a building shall be architecturally compatible with the overall structure, through the use of similar materials, colors, and other building elements.

### 17.7.2.4: Additional Standards for Mixed-Use Zone Districts

#### A. Building Transparency:

Any institutional, mixed use, commercial or light industrial building façade oriented towards a public or private street and located within the front setback shall be designed so that the ground-floor 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 50 percent or more of that portion of the façade located between 2 feet and 10 feet above grade (See Figure 17.7.2).

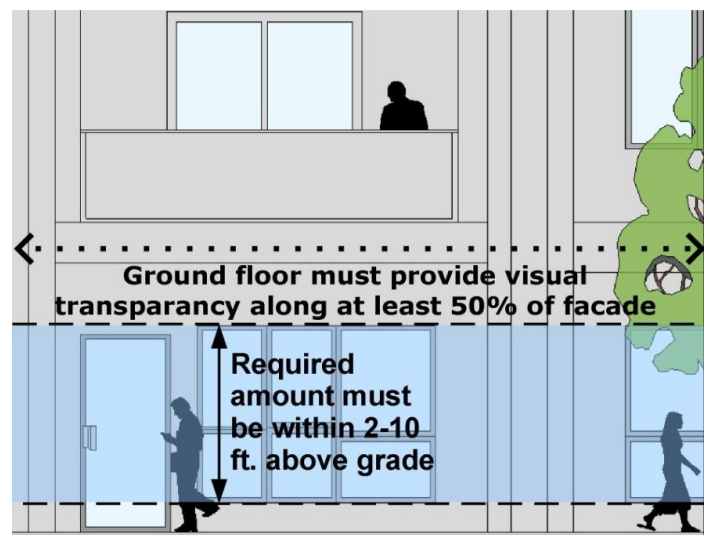


Figure 17.7.2: Ground Floor Transparency

B. Building Transparency Alternatives:

1. Up to 40 percent of the Building Transparency requirement may be satisfied with windows on the ground floor located outside of the transparency zone; or
2. Up to 40 percent of the Building Transparency requirement may be satisfied with display cases; or
3. Up to 20 percent of the Building Transparency requirement may be satisfied with permanent art displays; or
4. In no instance shall more than 40 percent of the Building Transparency requirement may be satisfied through a combination of windows outside the transparency zone, display cases, or permanent art displays.

C. Building Entrances:

1. Within the Suburban context, all institutional, mixed use, commercial or light industrial buildings and ground floor users shall have a primary entrance either facing an adjacent street, placed at an angle not more than 45 degrees from an adjacent street, or within 100 feet of the adjacent street on a perpendicular façade.
2. Within the Urban context, except the M-C-U district, all institutional, mixed use, commercial or light industrial buildings and ground floor users shall have a primary entrance either facing an adjacent street, placed at an angle not more than 45 degrees from an adjacent street, or within 50 feet of the adjacent street on a perpendicular façade.
3. Within the Transit context and the M-C-U district, all institutional, mixed use, commercial or light industrial buildings and ground floor users shall provide a primary entrance facing an adjacent street or placed at an angle up to 45 degrees from an adjacent street
4. Within all zoning district contexts, courtyards, plazas and similar entry features may be utilized to satisfy the building entrance requirement when these features are designed to connect the adjacent street edge to the main building entrance

### **17.7.3: Screening of Utility Structures, Outdoor Storage and Service Areas**

#### **17.7.3.1: General Standards**

The following standards are intended to reduce the visual impact of certain site elements.

- A. Utility boxes or equipment on private property shall not be located along a public street frontage.
- B. Landscape and structural elements shall be used to screen utility structures, service areas, loading docks, outdoor storage, recycling facilities, and trash containers.
- C. 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 solid gate or door shall be required.
- D. Required screening shall result in an opaque barrier to a minimum height of 6 feet and be provided in the form of new or existing plantings, walls, fences, topographic changes, buildings, horizontal separation, or a combination of these techniques.
- E. Where structural forms of screening are utilized, the materials shall match the primary building materials and colors, or provide a comparable level of quality.
- F. Trash and recycling enclosures shall be covered with a roof or they shall be self-contained.

#### **17.7.4: On-Site Circulation Standards**

##### **17.7.4.1: Sidewalk Design Standards**

The on-site circulation system shall be designed to provide safe pedestrian paths throughout the site and shall integrate with adjacent properties and neighborhoods.

- A. Internal sidewalk connections shall be required:
  - 1. Between the front doors of primary buildings;
  - 2. From buildings to all on-site facilities, such as parking areas, bicycle facilities, and open space;
  - 3. To connect to any transit stop that is adjacent to a site; and
  - 4. To provide direct access from all buildings on the site to existing or planned public sidewalks, adjacent multi-use trails, parks, and greenways.

- B. Internal sidewalks shall be barrier-free and unblocked at all times.
- C. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.
- D. In order to create a safe pedestrian environment, multifamily residential buildings shall be placed and sited so that all required internal sidewalks are in view of at least one unit's living area windows.
- E. Internal sidewalks parallel and adjacent to a street or drive aisle shall use a raised walk or be separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps.
- F. Internal sidewalks must be hard surfaced, and a minimum of 5 feet in width. When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of 7 feet when parking is located on one side, and a minimum of 9 feet when parking is located on both sides
- G. Where a sidewalk is provided between two or more parallel buildings, the minimum distance between the buildings shall be 15 feet from building wall to building wall. Where a sidewalk is located between a property line and a building that is parallel to a property line, the minimum distance from the property line to the building shall be 7.5 feet. The sidewalk shall have a minimum width of 5 feet.

#### **17.7.4.2: Internal Street Connectivity for Mixed-Use Zone Districts**

In the Urban and Transit contexts, any development 5 acres or greater in size shall provide for public and private street connections into and through the site at a maximum of every 600 feet to increase pedestrian and vehicular connectivity and all spacing standards shall be met (See Figure 17.7.3). New streets shall connect to the existing street network, unless one or more of the following factors applies:

- A. Grade changes within the site make it impossible to connect with adjacent streets.

- B. The area surrounding the site already has patterns of through streets allowing circulation and the Director determines that additional street connections through the site would not significantly improve circulation or reduce congestion on surrounding streets.

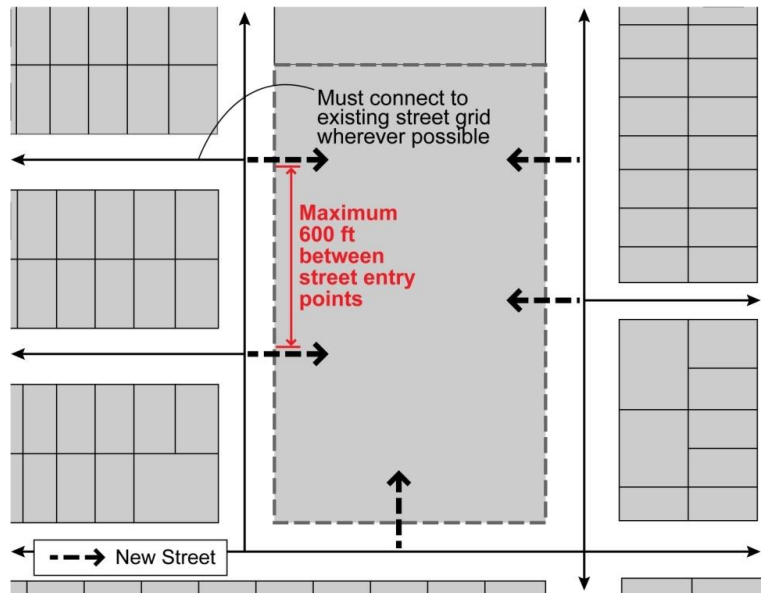


Figure 17.7.3: Street Connectivity

## 17.7.5: Open Space and On-Site Amenities

### 17.7.5.1: General Standards

The following open space design standards are intended to enhance the overall site layout and ensure that open space is designed as an accessible amenity.

- A. All development or redevelopment requiring a site plan per Article 2 of this Zoning Ordinance must meet the open space requirements set forth in Article 5.
- B. Open space areas should be visible from adjacent streets or pedestrian areas to the greatest extent possible.
- C. Stormwater detention areas should be integrated into the site design and used as an amenity to the greatest extent possible.

### 17.7.5.2: Additional Requirement for Mixed-Use and Commercial Zone Districts

In order to provide enhanced pedestrian amenities on larger sites, plaza space shall be required when a multifamily residential, commercial, or mixed use development or redevelopment involves a gross site area greater than 2 acres, the following shall apply:

- A. The plaza space shall consist of the following minimum percentage of the overall open space requirement as identified in Article 5:

<b>Table 17.7.1: Plaza Space Requirement</b>	
<b>Zone District or Context</b>	<b>Minimum Percentage of Overall Open Space Requirement</b>
Suburban	35%
Urban	45%
Transit	55%

- B. When a plaza is required as a percentage of the overall required open space, the plaza space shall incorporate the following element
1. One linear foot of seating shall be provided for every 30 square feet of plaza area and/or public space. The seating space requirement may be met by providing benches, chairs, and/or seat-walls. Benches and seat-walls accessible from both sides and 33 inches or greater in depth may count both sides toward the seating requirement.
- C. In addition to the requirements in Section 17.7.5.2.B, plaza spaces must provide at least 2 of the following elements:
1. Shade structures such as pergolas, canopies, awnings, arcades, or other similar elements.
  2. In addition to trees required to satisfy the open space requirement, trees shall be provided at a rate of one tree per 800 square feet of plaza or public space area.
  3. Water features or public art.
  4. Activity areas including but not limited to outdoor cafes, retail spaces, and/or programmed spaces that accommodate entertainment, meetings, educational activities, and play areas
  5. Pedestrian-scale information kiosk

## **17.7.6: Standards for Motor Vehicle Design Elements**

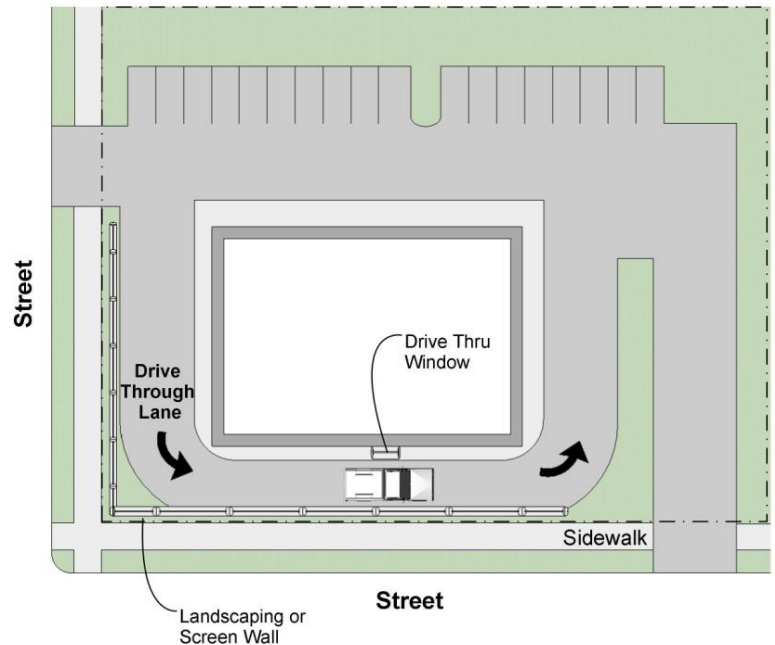
### **17.7.6.1: General Standards**

This Section establishes design standards for the construction of drive-through facilities, car wash facilities, fueling stations and parking structures.

### 17.7.6.2: Drive-Through Facility

A drive-through facility shall be subject to the following standards:

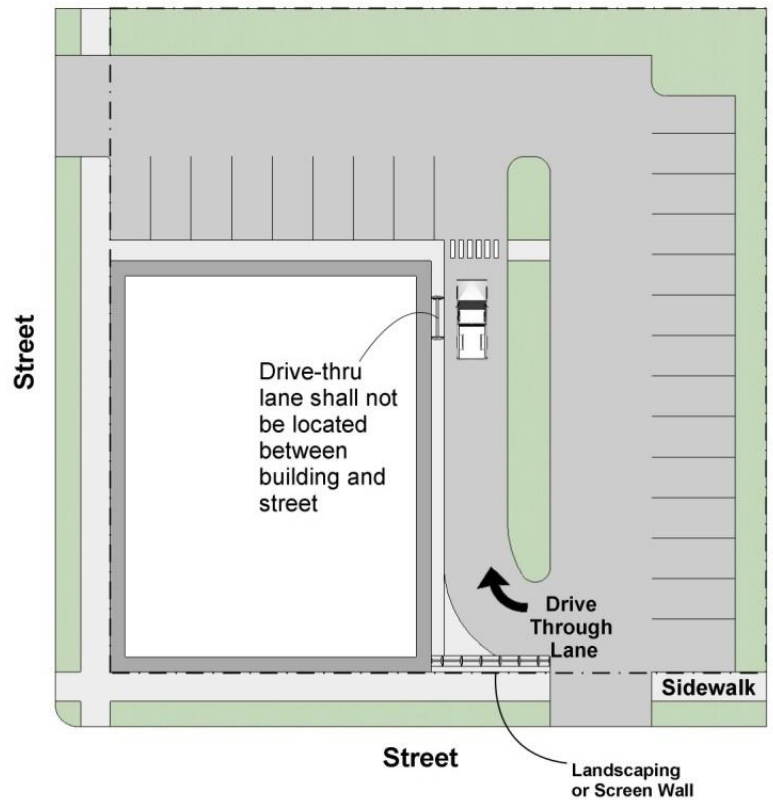
- A. Uses with drive-through facilities shall be located only on properties with frontage on an arterial or collector street.
- B. Speakers shall not be oriented towards an adjacent residential zone district unless an intervening building exists. Where an intervening building does not exist, the following shall also apply to minimize the speaker noise impact on an adjacent residential property:
  - 1. If the speaker is located within 15 feet of the property line, a solid wall with a minimum height of 6 feet shall be installed on the property line.
  - 2. If the speaker is located 15 feet or more from the property line, a solid fence with a minimum height of 6 feet shall be installed on the property line.



**Figure 17.7.4: Suburban Context – Landscaping or Screen Wall and Drive-Through Location**

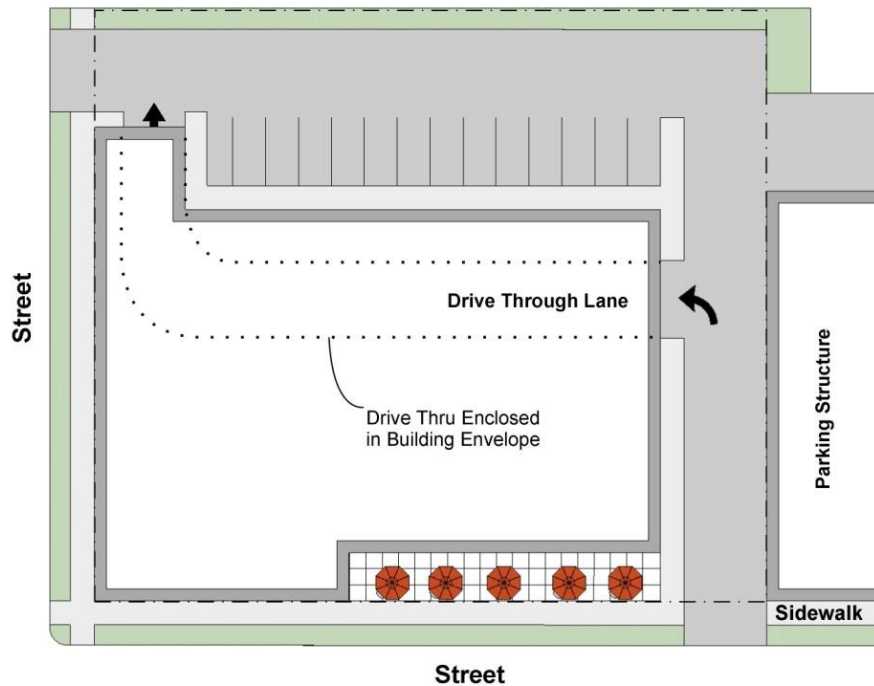
C. In mixed-use zone districts, a drive-through facility shall be subject to the following:

1. In the Suburban context, a drive-through lane may be located in the area between a building and a public street. The drive-through lane shall be screened from the public street by landscaping or a low decorative wall to a minimum height of 42 inches and a maximum height of 48 inches. If a low screen wall is installed, the construction material shall match the first floor exterior color and materials used on the primary building or provide a comparable level of quality (See Figure 17.7.4).
2. In the Urban context, a drive-through lane shall not be located in the area between a building and a public street and the drive-through windows shall not face a public street (See Figure 17.7.5).
3. In the Transit context, a drive-through lane shall be designed so that it is enclosed within the envelope of the building, the drive-through windows are not visible from adjacent public streets and the drive-through lane shall not be located in the area between a building and a public street (See Figure 17.7.6)



**Figure 17.7.5: Urban Context – Landscaping or Screen Wall and Drive-Through Location**





**Figure 17.7.6: Transit Context – Drive-Through Enclosed in Building Envelope**

**17.7.6.3: Motor Vehicle Service Facility**

**A. Car Wash Facility:**

1. Openings to wash bays or wash tunnels shall not face an adjacent residential zone district (See Figure 17.7.7).
2. Openings to wash bays or wash tunnels shall not face, or shall be adequately screened through landscaping from a public right-of-way.
3. Landscaping or a low screen wall to a minimum height of 42 inches and a maximum height of 48 inches shall be provided on the property adjacent to all public streets in front of the wash bay or tunnel, except at access drive locations.
4. Vacuuming equipment associated with the car wash shall not be placed adjacent to or face a residential zone district, unless an intervening building exists between the vacuum equipment and residential zone district.

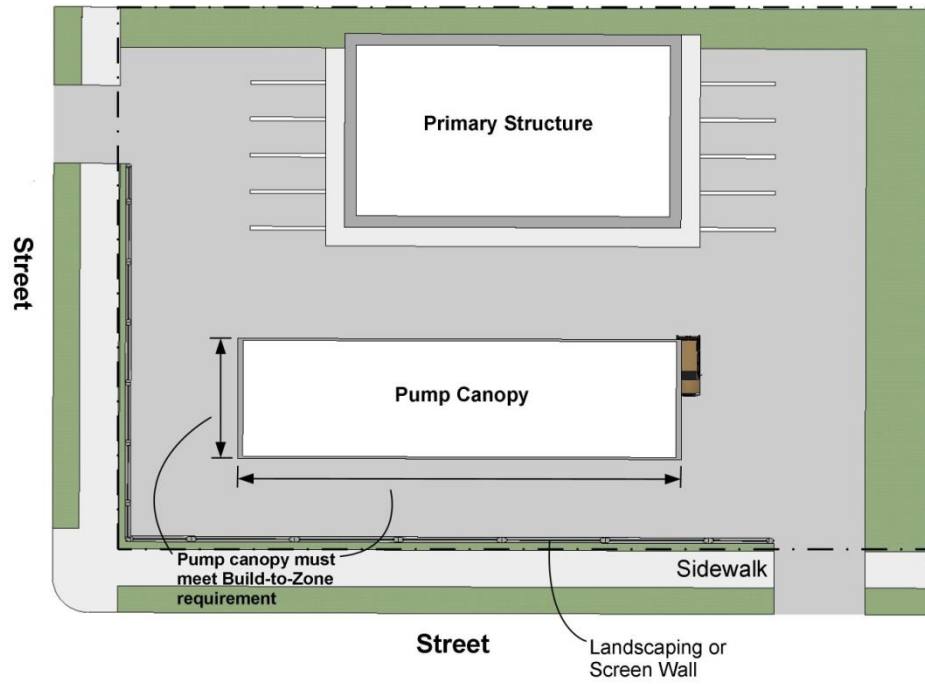


**Figure 17.7.7: Car Wash Bay Location**

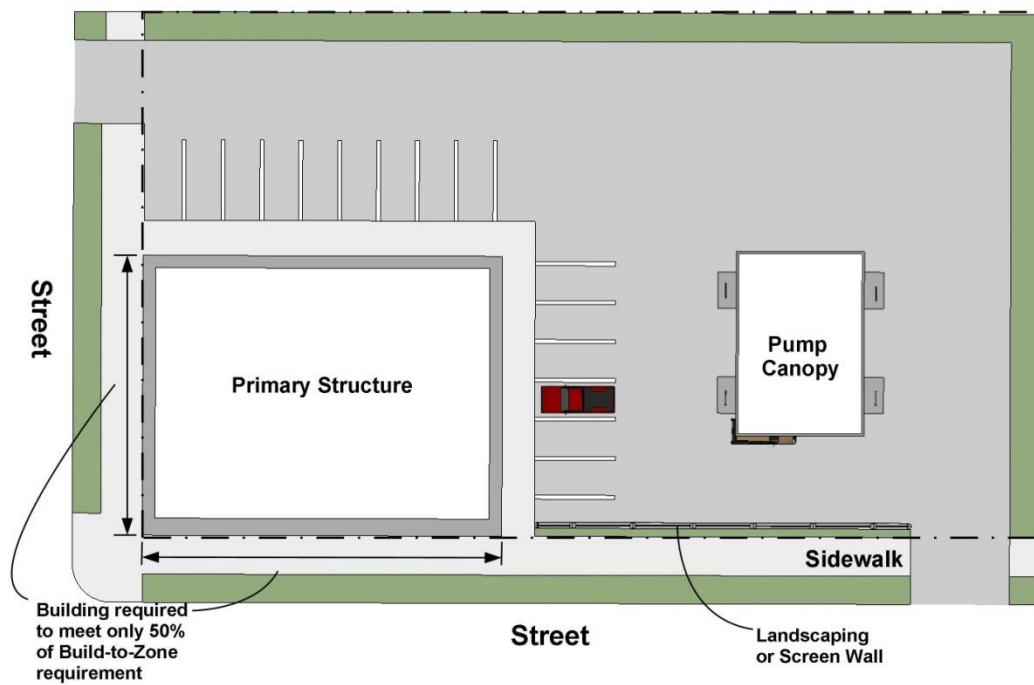
5. A car wash facility associated with a motor vehicle fueling station shall be constructed of materials that match the first floor exterior material used on the primary building.
6. In the Transit context, a car wash shall not be an allowed use.

**B. Fueling Station:**

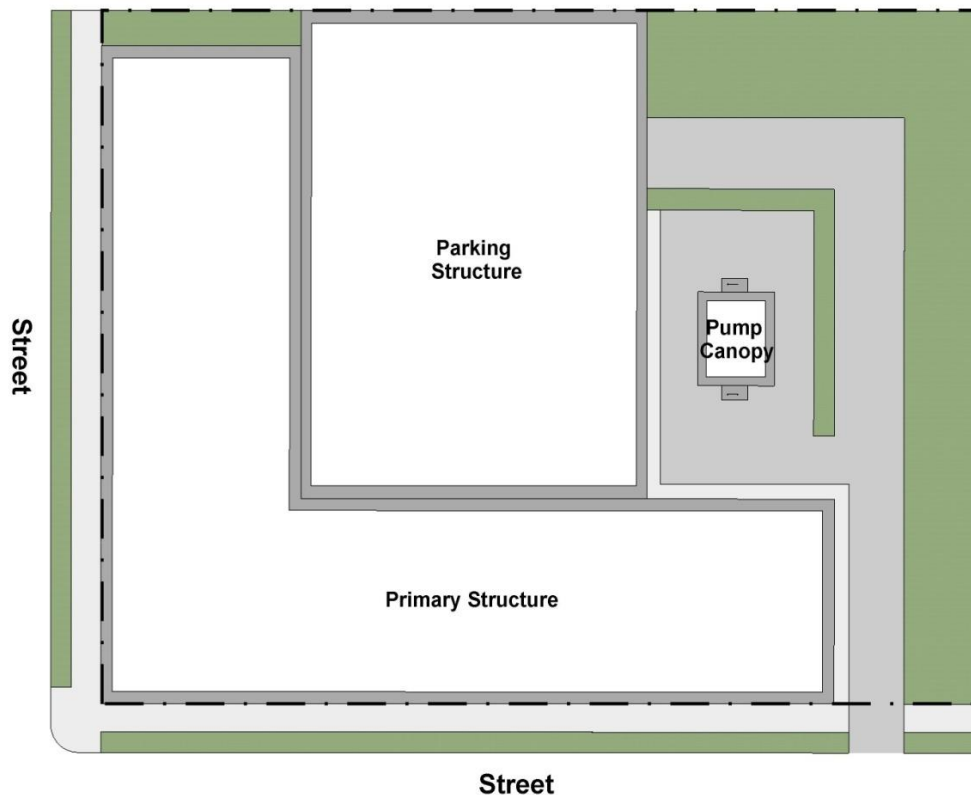
1. A fueling station shall be located only on a property with frontage on an arterial or collector street.
2. In mixed-use zone districts, a fueling station shall be subject to the following:
  - a. In the Suburban context, the pump canopy shall meet the primary structure Build-to-Zone standards identified in Table 17.5.2. The retail building or convenience kiosk associated with the fueling station may be located behind the pump canopy (See Figure 17.7.8).
  - b. In the Urban context, the retail building or convenience kiosk associated with the fueling station shall meet the primary structure Build-to-Zone standards identified in Table 17.5.2, except that the building or kiosk shall only be required to meet 50 percent of the Build-to-Zone requirement. The pump canopy may be located behind or to the side of the building or kiosk (See Figure 17.7.9).
  - c. In the Transit context, the retail building or convenience kiosk associated with the fueling station shall meet the primary structure Build-to-Zone standards identified in Table 17.5.2. The pump canopy shall only be located behind the building or kiosk (See Figure 17.7.10).



**Figure 17.7.8: Fueling Stations in Suburban Context**



**Figure 17.7.9: Fueling Stations in Urban Context**



**Figure 17.7.10: Fueling Stations in Transit Context**

3. The pump canopy shall match the architectural style of the convenience store or service kiosk associated with the facility in terms of color, facing materials, and roof pitch.
4. A pump canopy shall not exceed 20 feet in height for a parapet roof. A pitched roof element may extend above the height limit.
5. Landscaping or a low screen wall to a minimum height of 42 inches and maximum height of 48 inches shall be provided on the property adjacent to all public streets in front of the pump canopy, except at access drive locations.
6. Service bay doors shall not face an adjacent residential zone district unless there is a building between the service bay doors and the residential zone district. Within the Urban and Transit contexts, service bay doors shall not face a public street.

**17.7.6.4: Parking within a Building or Structure**

- A. Façade openings that face a public street or open space shall be vertically and horizontally aligned and all floors fronting on those façades shall be level, not inclined.
- B. The first floor façade of a parking structure located adjacent to a public street shall be designed to encourage and complement pedestrian-scale interest and activity through

the inclusion of at least three architectural elements such as arcades, windows, awnings, overhangs, screens, grills, louvers or other similar non-opaque features.

- C. Parking structures shall be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of 42 inches.
- D. Within the Urban context, the ground floor façade of a structured parking facility that abuts a public sidewalk, street, or open space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed with a minimum unfinished floor to ceiling height of 14 feet in order to allow occupancy by uses other than parking that are allowed in the underlying zone district
- E. Within the Transit context, 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. At least 50 percent of a street-level facing a public sidewalk, street, or open space area shall contain retail or office uses to a minimum depth of 60 feet.

### **17.7.7: Landscape Design Standards**

#### **17.7.7.1: General Standards**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction:

- A. Any portion of a site not utilized for buildings, structures, parking, driveways, service areas or storage areas shall be considered a landscape area.
- B. Plantings shall be arranged to promote energy conservation to the greatest extent possible. Where practicable:
  - 1. Deciduous trees which are sun tolerant shall be placed on the south and west sides of buildings to provide shade from summer sun.
  - 2. Evergreens and other plant materials which are shade tolerant shall be concentrated on the north side of buildings to dissipate the effect of winter winds.
- C. Drought tolerant landscaping and design is required as part of the overall landscape theme. Drought tolerant landscaping techniques include, but are not limited to, using native and/or low-water plants, employing water-conserving irrigation techniques and systems, and reducing the percentage of turf coverage
- D. Evergreen trees shall not be used in the tree lawn or within 8 feet of a public walk
- E. Artificial trees, shrubs, turf or plants shall not be used to fulfill the minimum requirements for landscaping as required by this Article.

#### **17.7.7.2: Street Tree Placement**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction.

- A. One deciduous street tree shall be provided for every 35 lineal feet of street frontage. Street trees shall be evenly spaced along the street frontage.
  - 1. Where a detached sidewalk exists, the tree shall be placed between the edge of asphalt or curb and sidewalk.
  - 2. Where the sidewalk is attached to the street and not required to meet current sidewalk standards, shade trees shall be established in an area ranging from 4 to 8 feet behind the sidewalk.
  - 3. Wherever the sidewalk is attached to the street and is 9 feet or more in width, shade trees shall be established in planting cutout areas that are a minimum of 25 square feet of planting area.
- B. 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.
- C. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. A tree canopy may project over a right-of-way or easement.
- D. Ornamental trees may be planted in substitution of the canopy shade trees where overhead lines and fixtures prevent normal growth and maturity.
- E. Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of 8 feet at maturity.

#### **17.7.7.3: Institutional, Mixed-Use, Commercial, and Light Industrial Landscape Standards**

In addition to the general landscape standards, this Section establishes the standards for landscaping that is specific to Institutional, Mixed-use, Commercial, and Light Industrial development. All landscape areas shall meet the following minimum requirements.

- A. One tree and three shrubs shall be provided for every 550 square feet of landscape area. Tree lawn areas, parking lot landscape areas and landscape buffer areas are counted separately and independently from this requirement.
- B. In situations where it is not practical to plant a tree on site, trees may be replaced at a ratio of 10 shrubs or 20 ornamental grasses to one tree. Tree substitution is at the discretion of the Director.
- C. Landscape areas shall have a minimum of 50 percent living ground or drought tolerant landscaping approved by the Director, and shall grow to the required landscape coverage within 5 years of installation.

D. Whenever an institutional, mixed-use, commercial or light industrial zone district directly abuts a single-family dwelling or duplex residential use within a single-family dwelling or duplex zone district, one of the following transition options shall be installed in lieu of these landscaping requirements (See Figure 17.7.11):

a. Option A: A landscaped area with a width of 30 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:

i. Three trees, and

ii. Twenty shrubs.

b. Option B: A landscaped area with a width of 20 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:

i. Four trees, and

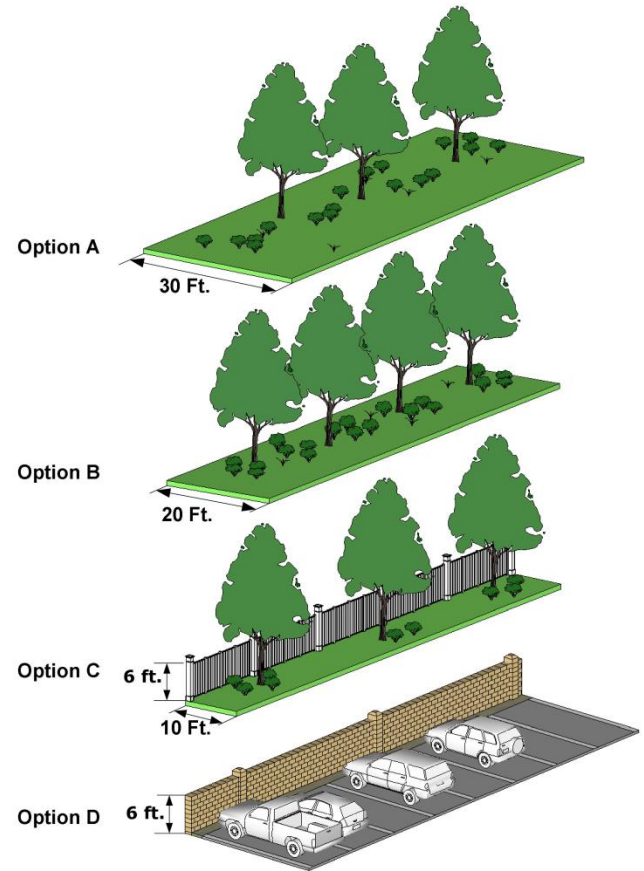
ii. Twenty-four shrubs.

c. Option C: A 6-foot tall solid fence or wall shall be provided along the property line. Brick or stone columns must be incorporated into the fence or wall design and spaced at least every 32 feet. A landscaped area with a width of 10 feet shall be provided adjacent to the fence. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:

i. Three trees, and

ii. Ten shrubs.

d. Option D: A 6-foot tall wall brick or stone or comparable material with brick or stone columns spaced at least every 32 feet may be installed in-lieu of landscaping for sites containing 25 or fewer parking spaces.



**Figure 17.7.11: Side and Rear Transition Areas**

#### 17.7.7.4: Landscape Materials

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction.

- A. 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.
- B. All plants shall be free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Nursery and Landscape Association standards.
- C. 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 monocultures are prohibited. The following tree species requirements identified in [Table 17.7.2](#) shall apply to site development plans:

Table 17.\

Table 17.7.2 Tree Species	
Number of required trees	Maximum percentage of any tree species
10 - 19	75%
20 - 39	60%
40 or more	50%

- D. The following minimum tree and shrub sizes identified in [Table 17.7.3](#) shall be required.

Table 17.7.1

Table 17.7.3 Tree and Shrub Sizes	
Type	Minimum Size
Canopy Shade (Deciduous) Tree	2.5" caliper balled and burlapped or 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 a size consistent with design intent
<b>Note: Any tree or shrub plantings that are in addition to the minimum required by this Article are exempt from the foregoing size requirements.</b>	

#### 17.7.7.5: Landscape Installation

- A. 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. All landscaping shall be installed according to the American Nursery and Landscape Association horticultural practices in a manner designed to encourage quick establishment and healthy growth.
- C. Whenever the installation of required landscaping is not possible by the time construction on the primary structure or primary use parking lot has been completed, the City may authorize a delay in installation until no later than May 31<sup>st</sup> of the next calendar year.
- D. All landscaping in each development or development phase shall be installed prior to issuance of a certificate of occupancy. As a condition of authorizing a delay in installation, the City may:
  - 1. Require that a surety or other guarantee, in a form acceptable to the City, be provided in the amount of 150 percent of the value of the landscaping; or
  - 2. Issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping.

#### **17.7.7.6: Landscape Maintenance**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction:

- A. Trees and vegetation, irrigation systems, and other landscape elements shall be considered 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.
- B. All landscaping shall be maintained free from disease, pests, weeds, litter and all landscape structures shall be repaired and replaced as necessary to maintain a structurally sound condition.
- C. Any required element that fails, dies, or is otherwise damaged or removed, shall be replaced within 30 days, or by May 31<sup>st</sup> of the next calendar year, if it is found dead during the winter months.
- D. 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.

#### **17.7.7.7: Existing Tree Preservation**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction.

- A. Existing trees greater than 8-inch caliper, measured 1 foot above grade, within a 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. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to protected trees.
- B. The Director shall determine through consultation with the City Forester when it is not feasible to preserve and retain protected tree(s) or to transplant them to another on-site location. If it is determined that it is not feasible to preserve or transplant protected tree(s), 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.
- C. Trees that meet one or more of the following removal criteria shall be exempt from the requirements of this subsection as follows:
  - 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 include Cottonwoods, Siberian Elms, Russian Olives, and Female Box Elders. Native cotton bearing Cottonwood trees and Female Box Elder trees as well as any other species of tree, are not considered nuisance trees when they are located near a property line and are used to create a buffer between any land uses.
  - 4. Trees that are determined by the Director to prohibit reasonable use or development of a site may be replaced following the standards in Section 17.7.7.8.
- D. All existing street trees that are located on City rights-of-way or easements adjacent to a development and all trees located on private property shall be accurately identified by species, size, location, and condition on required landscape plans.
- E. The following tree protection standards shall be followed for all projects with protected existing trees:
  - 1. Within the drip line of any protected tree, there shall be no cut or fill over a 4-inch depth unless the City Forester has evaluated and approved the disturbance.
  - 2. Prior to and during construction, a fenced tree protection zone, formed by barriers, shall be erected and maintained around all protected trees at the drip line.
  - 3. The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than 6 inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches.

#### **17.7.7.8: Tree Replacement**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction.

- A. Trees that are removed following the standards outlined in Section 17.7.7.C.4 shall be replaced at a rate of 100 percent of the total caliper of trees removed from the site.
- B. Each tree to be replaced shall be a minimum of 3-inch caliper or 8 feet in height for evergreens.
- C. If a property owner chooses not to replace the total caliper of trees on-site, the owner may make a cash payment of \$1,200.00 per tree into a tree fund which shall then be used to replace trees on public property in the Ward in which the property is located.
- D. When the development causes any disturbance within any natural area on a property, replacement shall occur as required in this Section.

## **17.7.8: Fence and Wall Design Standards**

### **17.7.8.1: General Standards**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction:

- A. No fence, wall, trellis, pergola, or arbor shall be erected without a fence and/or building permit unless these structures are less than 8 feet long and 6 feet high.
- B. Retaining walls greater than 3 feet in height require a building permit and must satisfy all engineering design requirements.
- C. A temporary fence permit may be issued in conjunction with an active building permit. A temporary fence permit may be granted for a one-year renewable period. All temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.
- D. Walls, when applicable, shall be constructed using the same or similar materials as the main building.
- E. Fences and walls shall be installed so that a finished side faces a public street or public space.
- F. Fences and walls shall follow the contour of the ground as far as practicable. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- G. Permanent fencing and walls shall not be erected which restricts access by emergency equipment to any building.
- H. 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, missing sections of fence, sagging or leaning pickets and supports, extending into a traveled sidewalk or creating a hazard for a pedestrian or motor vehicle.

- I. Solid fencing or wall sections along a street totaling more than 200 linear feet shall include architectural features, such as masonry, brick or wood-framed columns for every 50 feet of length. The minimum separation between those features shall be no less than 10 feet.
- J. Approved columns or posts may exceed the height of the fence by 1 foot and must meet all setback requirements.

#### 17.7.8.2: Fence and Wall Height

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction:

- A. [Table 17.7.4](#) identifies the permitted location, type of fence, maximum height and minimum setback for fences (See Figure 17.7.13).
- B. All fence, wall and structure heights shall be measured from the lowest finished grade at the location of the fence, wall or structure.
- C. An entry feature or entry trellis may exceed the 6-foot height standard in Section [17.7.8.2:A](#) by up to 4 feet for a maximum height of 10 feet and the entry feature or entry trellis may be a maximum width of 10 feet.
- D. Solid fences and walls may be erected to a height of 8 feet to separate a property from an arterial street or a frontage road adjacent to US 6 and US 285 highways. The Director shall consider the aesthetic, visual, and noise reduction characteristics of the fence or wall.
- E. A combination fence and retaining wall may be erected to a height of 6 feet above the highest finished grade or 8 feet above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed 6 feet above the highest finished grade at any point (See Figure 17.7.12).
- F. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed by this Section.

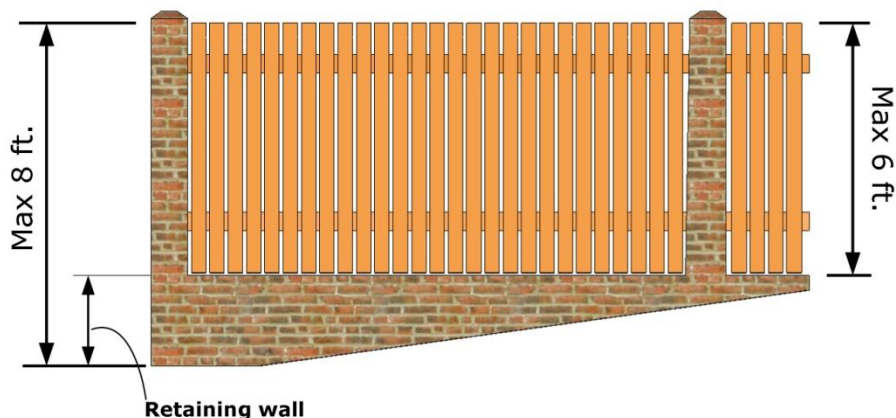
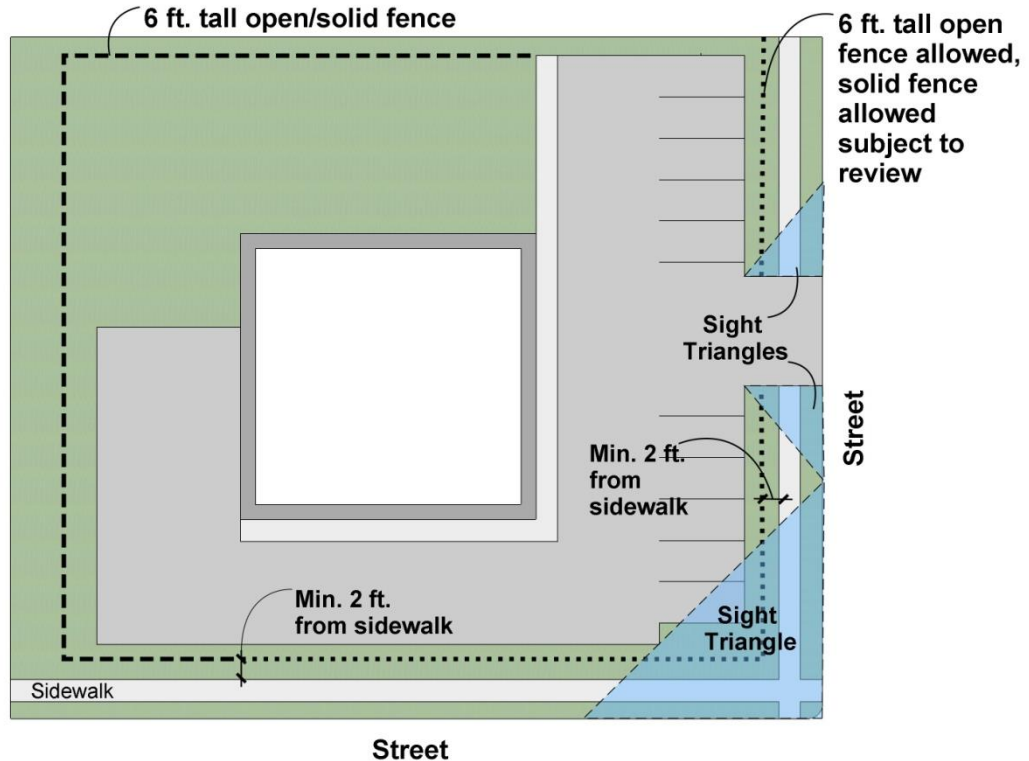


Figure 17.7.12 Fence Wall Combination

<b>Table 17.7.4 Fence and Wall Standards</b>				
<b>Land Use</b>	<b>Permitted Location</b>	<b>Type of Fence Permitted</b>	<b>Maximum Height</b>	<b>Minimum Setback</b>
Institutional, Mixed Use, Office and Commercial	Side, rear and non-primary front yards	Open, solid	6'	Property line and 2' back of walk
	Front yard or build to zone	Open, solid (Director discretion)	6'	Property line and 2' back of walk
Industrial	Side and rear yards	Solid	7'	Property line and 2' back of walk
	Side and rear yards	Barbed Wire	7', but not below 6'	Property line and 2' back of walk
	Front and non-primary front yard or build to zone	Open, solid (at the discretion of the Director)	7'	Property line and 2' back of walk
Public Utility Installations	Front, side and rear yards or build to zone	Open, solid	7'	
	Side and rear yards	Barbed Wire	7', but not below 6'	
Solar Garden	Front and non-primary front yard	Open	8'	Property line and 2' back of a walk
	Side and rear yards	Open or solid (when adjacent to a residential unit or residentially zoned property)	8'	
Recreational Facilities	Side and rear yards	Open	10'	15' from property line and 2' back of walk
Noise Control Walls and Fences	Rear and non-primary front yards adjacent to arterial streets;  Any yard adjacent to frontage roads on US 6 and US 285	Solid masonry or wood with pickets on both sides of the horizontal boards. Pickets must be a minimum of 3/4-inch-thick and staggered from the opposite pickets.	8'	



**Figure 17.7.13 Commercial Fence Setbacks and Height Restrictions**

#### 17.7.8.3: Fence and Wall Placement

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction:

- A. No portion of a fence or wall shall extend beyond the property line of the fenced property into the public right-of-way without approval of the Director. It may also be necessary to obtain a License Agreement prior to erecting a fence in the public right-of-way.
- B. All fences and walls including fence support systems such as posts, pillars and columns shall be set back a minimum of 2 feet from the back edge of the sidewalk or traveled walkway to allow for safe passage by persons on a sidewalk or traveled walkway.
- C. Vehicle access gates must be setback at a minimum 20 feet from flow line of the street or back of curb in order to meet vehicle stacking requirements.
- D. Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
- E. All fence locations on through-lots shall be reviewed on a case-by-case basis by the Director following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance.
- F. A 4-foot fence that is a minimum of 50 percent open may be permitted within a sight triangle with review and approval of the City of Lakewood Traffic Engineering Division (See Figure 17.7.14).



**Figure 17.7.14 Fifty-percent Open Fence**

- G. Where a corner lot 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.

#### **17.7.8.4: Fence and Wall Materials**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction:

- 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 following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance
- B. Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicles, 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.
- C. Approved materials for wall construction include, but are not limited to, commercial quality brick, decorative masonry units, or decorative concrete or any other material approved by the Director following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance.
- D. Prohibited wall materials shall include, but are not limited to, landscape timbers, smooth face concrete masonry units/blocks, and other materials not customarily sold for retaining walls in the Denver Metropolitan area.

- E. Combination fences of lattice and other decorative materials may be used in conjunction; however, at no time shall the combination exceed the fence height limitation for that zone district.
- F. All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance.
- G. Plastic or temporary construction fence may not be used as a permanent fence material.

## **17.7.9: Exterior Lighting Standards**

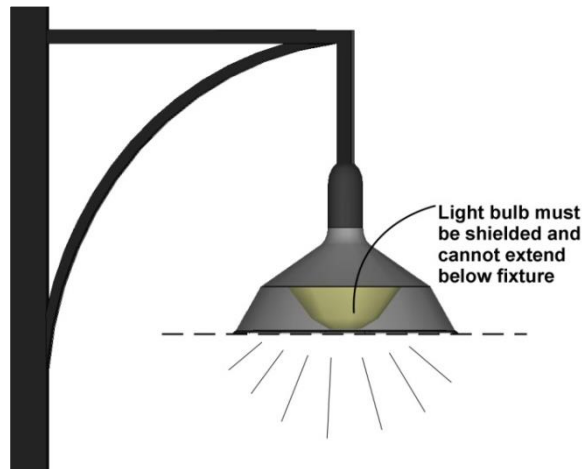
### **17.7.9.1: General Standards**

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial additions or new construction:

- A. Unless specifically excluded by this Zoning Ordinance, any building or structure, including any accessory building or structure, shall conform to the lighting requirements for the applicable zone district as set forth in this Zoning Ordinance.
- B. All light fixtures shall be fully shielded and direct light downward toward the earth's surface (See Figure 17.7.15).
- C. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way.
- D. All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way.
- E. All light fixtures on structures, canopies, poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.
- F. Lighting under awnings and canopies shall primarily illuminate a building front, landscaping, a sign under an awning or canopy, or the sidewalk, and not directly illuminate the awning or canopy itself.
- G. Light pole height shall not exceed 25 feet in height except in industrial zones districts where light pole height shall not exceed 35 feet.
- H. Light poles shall be measured from the base of the light pole at ground level to the top of the light fixture.
- I. Light poles adjacent to single-family and two-family uses shall be setback from the property line the same distance as the pole height or if fully shield a minimum of 5 feet.
- J. All parking area light fixtures shall be designed and located to confine emitted light to the parking area.
- K. Light meter readings shall not exceed:
  - 1. One-half foot-candles at a single-family dwelling or duplex property line; or



2. One foot-candle at an attached dwelling or multifamily residential property line; or
3. Two foot-candles at all other non-residential property lines.
4. It should be understood that, with all of these measurements, light will still be visible at or beyond property lines.



**Figure 17.7.15: Lighting – Downcast and Shielded**

#### **17.7.9.2: Exceptions**

Exceptions to the lighting standards include, but may not be limited to:

- A. Hazard warning lighting required by Federal and State regulatory agencies.
- B. Temporary emergency lighting required by local law enforcement, emergency service and utility department(s).
- C. Traffic control and directional lighting.
- D. Underwater lighting used for the illumination of swimming pools and water features.
- E. Lighting for temporary festivals and carnivals.
- F. No private recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.
- G. Architectural accent and landscape lighting, up lighting and low wattage fixtures.

**17.7.9.3: Prohibitions**

The following lighting sources are prohibited:

- A. Laser lights or other high intensity outdoor lights.
- B. Searchlights and floodlights used for advertising purposes.
- C. Lighting sources used on towers except as required by the Federal Aviation Administration.

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## **ARTICLE 8: PARKING AND LOADING STANDARDS**

### **17.8.1: General**

#### **17.8.1.1: Purpose and Intent**

This Article establishes parking and loading standards for development in the City of Lakewood. The purpose of these parking and loading standards is to ensure that development implements the principles and goals articulated in the Comprehensive Plan for land use, community sustainability and transportation. The purpose of the parking and loading standards in this Article is to:

- A. Provide for pedestrian connections and safety.
- B. Prevent the establishment of excessive amounts of off-street parking.
- C. Reduce the need for parking by promoting the use of transit, bicycles, and other alternative forms of transportation.

#### **17.8.1.2: Applicability**

This Article establishes parking standards for all land uses in the City. The parking standards shall be applied for any addition or new construction except where explicitly superseded by an approved Official Development Plan or as identified in this Article.

Additions or new construction shall follow the site plan process outlined in Article 2 of this Zoning Ordinance. Provisions for nonconforming parking and loading standards shall be found in Article 12 of this Zoning Ordinance.

#### **17.8.1.3: General Standards**

- A. Provision of parking spaces within an integrated parking and access system is required. The total number of parking spaces provided shall be the sum total of the individual parking standards. Mixed developments, shopping centers, and industrial or office parks, shall be evaluated on individual uses, however shared parking agreements, and the relationship between specific uses shall be used to determine parking standards. Off-street parking standards are indicated in [Table 17.8.1](#)
- B. The minimum and maximum off-street vehicle and bicycle parking standards identified in [Table 17.8.1](#) shall apply to all new development and redevelopment.
- C. Parking standards that are based on building square footage, outdoor recreational field square footage, and/or outdoor entertainment area shall be calculated on the gross floor area of a building, field or entertainment area.
- D. For motor vehicles sales, the parking requirement will be calculated on the building footprint.



- E. When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.
- F. Parking maximums shall not apply to structured parking.
- G. Driveways shall not count as a parking space(s).
- H. On-site parking shall be maintained in good condition free of weeds, dust, trash and debris, and major surfacing defects.
- I. No person shall construct, pave or repave a parking lot without first obtaining a building permit. Newly paved and repaved parking lots shall comply with Americans with Disabilities Act Parking Standards.

#### **17.8.1.4: Design and Development Manuals**

In addition to the parking standards established in this Article, the City has adopted several design and development manuals to further articulate the intended design for specific areas of the City. Any new development or redevelopment of a site located in an area governed by a design manual shall adhere to the standards and guidelines outlined in such manuals.

Parking Standards [Table 17.8.1](#) identifies the minimum and maximum parking requirements for all uses in all zone districts.

<b>Table 17.8.1: Parking Standards</b>						
<b>Land Use</b>	<b>Vehicle Parking</b>				<b>Bicycle Parking</b>	
	<b>Minimum</b>	<b>Maximum</b>			<b>Long-Term</b>	<b>Short-Term</b>
	<b>All Districts</b>	<b>Residential, Commercial, Light Industrial and Suburban Context</b>	<b>Urban Context</b>	<b>Transit Context</b>	<b>All Districts</b>	<b>All Districts</b>
<b>Residential</b>						
Single-Family dwelling unit	NA*	7 spaces per unit	3 spaces per unit	2 spaces per unit	NA	NA
Accessory dwelling unit	1 space per unit	2 spaces per unit	2 spaces per unit	2 spaces per unit	NA	NA
Duplex dwelling unit	NA	4 spaces per unit	2 spaces per unit	2 spaces per unit	NA	NA
Attached dwelling unit	NA	3 spaces per unit	2 spaces per unit	2 spaces per unit	NA	NA
Multifamily dwelling unit						
Residential, Commercial, Light Industrial and Suburban	1.5 spaces per unit	3 spaces per unit	NA	NA	1 space per 2 units	1 space per 10 units
Urban	1.25 spaces per unit	NA	2 spaces per unit	NA		
Transit	1 space per unit	NA	NA	1.5 spaces per unit		
Mobile Home	1 space per unit	2 spaces per unit	NA	NA	NA	NA
Group Home	2 spaces per unit	5 spaces per unit	4 spaces per unit	3 spaces per unit	NA	NA
Group Residential Facility	0.25 spaces per bedroom	2.0 spaces per bedroom	1.5 spaces per bedroom	1.0 space per bedroom	1 space per 25 bedrooms	1 space per 35 bedrooms
Shelter	0.25 spaces per 1,000 sf	1.5 space per 1,000 sf	0.75 spaces per 1,000 sf	0.50 spaces per 1,000 sf	1 space per 2,500 sf	1 space per 5,000 sf

<b>Table 17.8.1: Parking Standards</b>						
<b>Land Use</b>	<b>Vehicle Parking</b>				<b>Bicycle Parking</b>	
	<b>Minimum</b>	<b>Maximum</b>			<b>Long-Term</b>	<b>Short-Term</b>
	<b>All Districts</b>	<b>Residential, Commercial, Light Industrial and Suburban Context</b>	<b>Urban Context</b>	<b>Transit Context</b>	<b>All Districts</b>	<b>All Districts</b>
<b>Commercial and Industrial</b>						
Adult Business	1 space per 1,000 sf	3 space per 1,000 sf	2.5 spaces per 1,000 sf	2.0 space per 1,000 sf	1 space per 2,500 sf	1 space per 5,000 sf
Animal Care	2 spaces per 1,000 sf	4 spaces per 1,000 sf	3.5 space per 1,000 sf	3 spaces per unit	1 space per 2,500 sf	1 space per 5,000 sf
Bar	2 spaces per 1,000 sf	6 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	NA	1 space per 5,000 sf
Bed and Breakfast	1 space per bedroom	4 spaces plus 1 space per bedroom	3 spaces plus 1 space per bedroom	2 spaces plus 1 space per bedroom	NA	NA
Cemetery	NA	NA	NA	NA	NA	NA
Club, Lodge, or Service Organization	2 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,500 sf	1 space per 5,000 sf
Contractor Shop	1 space per 1,000 sf	3 spaces per 1,000 sf	NA	NA	1 space per 2,500 sf	NA
Crematory	1 space per 1,000 sf	3 spaces per 1,000 sf	NA	NA	NA	NA
Day Care Facility, Child or Adult	1.5 spaces per 1,000 sf	4 space per 1,000 sf	3 space per 1,000 sf	2.5 space per 1,000 sf	1 space per 1,000 sf	1 space per 5,000 sf
Emergency Medical Facility	1 space per 1,000 sf	4 space per 1,000 sf	3 space per 1,000 sf	2 spaces per 1,000 sf	1 space per 2,000 sf	1 space per 5,000 sf
Entertainment Facility						
Indoor	2.5 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 5,000 sf	1 space per 1,000 sf
Outdoor	2 space per 1,000 sf	6 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	NA	1 space per 5,000 sf
Fitness or Athletic Facility, Private	2 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,500 sf	1 space per 1,000 sf

<b>Table 17.8.1: Parking Standards</b>						
<b>Land Use</b>	<b>Vehicle Parking</b>				<b>Bicycle Parking</b>	
	<b>Minimum</b>	<b>Maximum</b>			<b>Long-Term</b>	<b>Short-Term</b>
	<b>All Districts</b>	<b>Residential, Commercial, Light Industrial and Suburban Context</b>	<b>Urban Context</b>	<b>Transit Context</b>	<b>All Districts</b>	<b>All Districts</b>
Gallery or Studio	1 space per 1,000	4 per spaces 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 space per 5,000 sf	1 space per 5,000 sf
Golf Course	2 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 5,000 sf	1 space per 5,000 sf
Hotel	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 5,000 sf	1 space per 10,000 sf
Junkyard or Motor Vehicle Wrecking	0.25 per 1,000 sf	2 per 1,000 sf	NA	NA	NA	1 space per 10,000 sf
Manufacturing						
Light	1 per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 per 2,500 sf	NA
Heavy	1 per 1,000 sf	4 spaces per 1,000 sf	NA	NA	1 per 2,500 sf	NA
Medical Marijuana Business	1.5 per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 per 2,500 sf	1 space per 5,000 sf
Mini-Warehouse or Storage	0.1 per 1,000 sf	.2 per 1,000 sf	NA	NA	1 per 20,000 sf	NA
Mortuary	1 per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 per 2,500 sf	1 space per 5,000 sf
Motel	1 per 1,000 sf	4 per 1,000 sf	NA	NA	1 per 5,000 sf	1 space per 10,000 sf
Motor Vehicle Rental	1 per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 per 2,500 sf	1 space per 5,000 sf

<b>Table 17.8.1: Parking Standards</b>						
<b>Land Use</b>	<b>Vehicle Parking</b>				<b>Bicycle Parking</b>	
	<b>Minimum</b>	<b>Maximum</b>			<b>Long-Term</b>	<b>Short-Term</b>
	<b>All Districts</b>	<b>Residential, Commercial, Light Industrial and Suburban Context</b>	<b>Urban Context</b>	<b>Transit Context</b>	<b>All Districts</b>	<b>All Districts</b>
Motor Vehicle Sales	0.25 per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	NA	1 per 2,500 sf	1 space per 5,000 sf
Motor Vehicle Service						
Car Wash	0.25 per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 spaces per 1,000 sf	1 per 2,500 sf	1 space per 5,000 sf
Fueling Station	0.25 per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 spaces per 1,000 sf	1 per 2,500 sf	1 space per 5,000 sf
Major	0.25 per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 spaces per 1,000 sf	1 per 2,500 sf	1 space per 5,000 sf
Minor	0.25 per 1,000 sf	4 spaces per 1,000 sf	2 spaces per 1,000 sf	1 spaces per 1,000 sf	1 per 2,500 sf	1 space per 5,000 sf
Office	1.5 per 1,000 sf	5 spaces per 1,000 sf	3.5 spaces per 1,000 sf	2.5 spaces per 1,000 sf	1 per 2,000 sf	1 space per 5,000 sf
Parking, Stand-Alone	NA	NA	NA	NA	NA	1 space per 5,000 sf
Pawnbroker	1 per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 per 2,500 sf	1 space per 2,000 sf
Personal Service	1 per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	2 spaces per 1,000 sf	1 per 2,500 sf	1 space per 2,000 sf
Plant Nursery	1 space per 2,500 sf	4 spaces per 1,000 sf	NA	NA	1 space per 5,000 sf	1 space per 10,000 sf

<b>Table 17.8.1: Parking Standards</b>						
<b>Land Use</b>	<b>Vehicle Parking</b>				<b>Bicycle Parking</b>	
	<b>Minimum</b>	<b>Maximum</b>			<b>Long-Term</b>	<b>Short-Term</b>
	<b>All Districts</b>	<b>Residential, Commercial, Light Industrial and Suburban Context</b>	<b>Urban Context</b>	<b>Transit Context</b>	<b>All Districts</b>	<b>All Districts</b>
Restaurant						
Residential, Commercial, Light Industrial and Suburban	9 spaces per 1,000 sf	12 spaces per 1,000 sf	NA	NA	1 space per 2,000 sf	1 space per 2,000 sf
Urban	6 spaces per 1,000 sf	NA	8 spaces per 1,000 sf	NA		
Transit	4 spaces per 1,000 sf	NA	NA	5 spaces per 1,000 sf		
Retail	1 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,500 sf	1 space per 2,000 sf
Rental, Service, or Repair of Large Items	1 space per 1,000 sf	5 spaces per 1,000 sf	NA	NA	1 space per 2,500 sf	1 space per 5,000 sf
Storage, Outdoor	NA	NA	NA	NA	NA	NA
Vehicle Dispatch Facility	NA	NA	NA	NA	NA	NA
Warehouse or Distribution	0.25 spaces per 1,000 sf	1 space per 1,000 sf	NA	NA	1 space per 5,000 sf	1 space per 10,000 sf
<b>Public / Civic / Institutional</b>						
Community Building	2 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,500 sf	1 space per 5,000 sf

<b>Table 17.8.1: Parking Standards</b>						
<b>Land Use</b>	<b>Vehicle Parking</b>				<b>Bicycle Parking</b>	
	<b>Minimum</b>	<b>Maximum</b>			<b>Long-Term</b>	<b>Short-Term</b>
	<b>All Districts</b>	<b>Residential, Commercial, Light Industrial and Suburban Context</b>	<b>Urban Context</b>	<b>Transit Context</b>	<b>All Districts</b>	<b>All Districts</b>
Convention or Exposition Center	2 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 1,000 sf	1 space per 5,000 sf
Correctional Institution	2 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,500 sf	1 space per 5,000 sf
Hospital	2 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 5,000 sf	1 space per 10,000 sf
Park	NA	NA	NA	NA	NA	NA
Religious Institution	2 spaces per 1,000 sf	12 spaces per 1,000 sf	8 spaces per 1,000 sf	5 spaces per 1,000 sf	NA	1 space per 2,500 sf
School, Public or Private						
Elementary and Middle	0.5 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,000 sf	1 space per 1,000 sf
High	1 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,000 sf	1 space per 1,000 sf
School, Vocational or Trade	2 space per 1,000 sf	6 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	1 space per 2,000 sf	1 space per 1,000 sf
Solar Garden	NA	NA	NA	NA	NA	NA
Transportation Facility, Public	NA	NA	NA	NA	NA	NA
University or College	1 spaces per 1,000 sf	5 spaces per 1,000 sf	4 spaces per 1,000 sf	3 spaces per 1,000 sf	1 space per 2,500 sf	1 space per 1,000 sf
Utility Facility						
Major	NA	NA	NA	NA	NA	NA
Minor	NA	NA	NA	NA	NA	NA

\* N/A = Not Applicable

## **17.8.2: Visitor Parking**

### **17.8.2.1: General Standards**

- A. A minimum of 1 visitor parking space shall be provided with every multifamily development.
- B. All multifamily developments of 10 or more units shall provide visitor parking spaces in addition to parking for individual units.
  - 1. In the Suburban context and R-MF district, 1 visitor parking space shall be provided for every 10 units.
  - 2. In the Urban context, 1 visitor parking space shall be provided for every 15 units.
  - 3. In the Transit context, 1 visitor parking space shall be provided for every 20 units.

## **17.8.3: Parking Substitutions and Reductions**

### **17.8.3.1: General Standards**

- A. Motorcycle and scooter parking spaces may substitute for up to five percent of the required vehicle parking requirement.
- B. For every four motorcycle and scooter spaces provided, the vehicle parking requirement is reduced by one space.
- C. Each motorcycle and scooter space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this standard.
- D. At the discretion of the Director,
  - 1. 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 only if spaces are new, indented parking outside of the lanes of traffic;
  - 2. Up to a 20 percent reduction in parking may be granted for age restricted communities, where the residents are age 55 or older or for income restricted residential communities, where the average income is less than or equal to 65 percent of the area median income (AMI);
  - 3. Up to a 20 percent reduction in parking may be granted for restaurant uses located within a Transit context.
- E. 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.



- F. The minimum parking count in [Table 17.8.2](#) is used to determine the parking count for each individual land use for a development application. The minimum number of parking spaces required may be reduced by the percentage indicated for each column of the five time periods in the parking reduction schedule as shown below in [Table 17.8.2](#).

The resulting parking count from [Table 17.8.2](#) for each individual land use is then determined by totaling the number of spaces in each column. The resulting column total that generates the highest total number parking spaces then becomes the new minimum parking requirement.

<b>Table 17.8.2: Parking Reduction Schedule</b>					
<b>Use</b>	<b>Weekday</b>		<b>Weekend</b>		<b>Night-time</b>
	<b>6 AM - 6 PM</b>	<b>6 PM - 12 AM</b>	<b>6 AM - 6 PM</b>	<b>6 PM - 12 AM</b>	<b>12 AM - 6 AM</b>
Residential	40%	10%	20%	10%	0%
Club, Lodge or Service Organization; Fitness or Athletic Facility; Gallery or Studio	50%	0%	0%	0%	90%
Entertainment Facility	60%	0%	20%	0%	90%
Industrial	0%	90%	90%	95%	95%
Hotel	30%	0%	30%	0%	30%
Office	0%	90%	90%	95%	95%
Public / Civic / Institutional	50%	0%	0%	70%	95%
Restaurant	50%	0%	0%	0%	90%
Retail	50%	10%	0%	30%	95%
All other uses	0%	0%	0%	0%	0%

## **17.8.4: Bicycle Parking**

### **17.8.4.1: General Standards**

Bicycle parking is required in order to encourage the use of bicycles by providing for safe and convenient places to park bicycles. The purpose of these design standards is to ensure that bicycle parking is convenient to bicyclists and provides sufficient security from theft and damage.

- A. Bicycle parking shall be designed so that bicycles may be securely locked and safeguarded from intentional or accidental damage.
- B. Bicycle parking areas shall be clearly identified by a sign near the main building entrance.
- C. Bicycle parking areas shall be located along the “desire line” from adjacent bikeways; the path that cyclists are most likely to travel.
- D. Each required bicycle parking space shall be accessible without moving another bicycle.

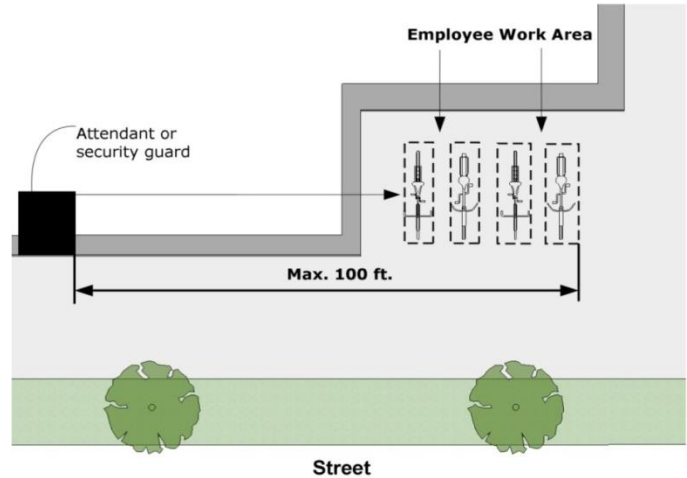
- E. There shall be an aisle at least 5 feet around the perimeter of all bicycle parking areas to allow room for bicycle maneuvering.
- F. Short-term bicycle parking shall be provided in lockers or racks that meet the standards of this Article.
- G. Short-term bicycle parking spaces shall be located within 50 feet of the main entrance to the building. With the permission of the City, bicycle parking may be located in the public right of way. Where there is more than one main entrance to a building, short-term spaces should be split between building entrances.

#### **17.8.4.2: Long-term Bicycle Parking**

Long-term bicycle parking provides users of a site a secure and weather-protected place to park bicycles. Long-term parking does not have to be provided on site, however long-term bicycle parking must be within a reasonable distance of a site in order to encourage bicycle use.

- A. Long-term bicycle parking is not required on a site when:
  - 1. Non-residential gross building area is less than 5,000 square feet; or
  - 2. There are 10 or fewer residential units in a development or redevelopment.
- B. Shower and changing facilities are required in employment-based buildings of 30,000 square feet or more where long-term bicycle parking is required.
- C. Long-term bicycle parking shall be located on the site or in an area within 250 feet of the building.
  - 1. All long-term bicycle parking shall be designed to provide maneuvering areas sufficient to prevent conflicts with other bicycles.
  - 2. Covered bicycle parking may be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. When covered bicycle parking is not located within a building or locker, the cover shall be:
    - a. Designed to protect bicycles from precipitation.
    - b. High enough to provide at least 10 feet of clearance above the floor or ground.
    - c. Posted with a sign indicating the location of the bicycle parking when not directly visible at a transit facility or main building entrance.
  - 3. To provide security, long-term bicycle parking shall be in at least one of the following locations:

- a. In a locked room;
- b. In bicycle lockers;
- c. In an area that is enclosed by a fence with a locked gate;
- d. In a freestanding shelter;
- e. Within view of an attendant or security guard;
- f. Within 100 feet of an attendant or security guard;
- g. In an area that is monitored by a security camera; or
- h. In an area that is visible from employee work areas.



**Figure 17.8.1: Long-term Bicycle Parking**

## **17.8.5: Electric Vehicle Parking Standards**

Lakewood Sustainability Plan's Goal T1 is to "Develop, maintain, and operate sustainable transportation systems and infrastructure". In order to support sustainable transportation via electric vehicles, new construction needs to include charging stations, as well as infrastructure to add more stations in the future.

### **17.8.5.1: General Standards**

- A. All parking spaces that are required to be electric vehicle charging stations (EVCS) capable or that are required to install EVCS must meet the EVCS specifications in the Lakewood Building Code.
- B. Required EVCS capable spaces must include space, electrical conduit or cable raceway, electrical banks, and access points.
- C. Required EVCS installations should be at minimum a Level 2 electric vehicle charging station, supplying current at 240 V or 208 V.
- D. All EVCS shall include signage identifying spaces as restricted parking. For purposes of this section, "charging" means that an electric vehicle is parked at an electric vehicle charging station and connected to the electric vehicle supply equipment ports. If time limits or vehicle removal provisions are to be enforced, regulatory signage including parking restrictions shall be installed immediately adjacent to, and visible from the electric vehicle charging station.
- E. The property owner is not restricted from collecting a service fee for the use of an EVCS made available to residents, employees, and visitors to the property.

**17.8.5.2: Electric Vehicle Charging Station Standards**

- A. Developments that meet the following conditions must follow the standards in this section.
  - 1. New development with more than 10 off-street parking spaces; and
  - 2. The development includes one or more of the uses identified in Table 17.8.5.
- B. Electric Vehicle Charging Stations are to be included in the calculation for both the number of minimum and maximum spaces required, as provided by Table 17.8.53
  - 1. For developments that meet the threshold listed in section 17.8.5.2.A. the number of EVCS required to be installed at the time of development is stated as a percentage of the total number of new or additional parking spaces in Column A of Table 17.8.5.
  - 2. To meet anticipated demand for EVCS Column B specifies the required EVCS capable parking spaces to enable future EVCS.
  - 3. Requirements will be rounded to the nearest whole number, but will always be a value of at least one EV charging station to be available at the time of development.

**Table 17.8.3: Electric Vehicle Charging Station Standards**

<b><u>Land Use</u></b>	<b><u>A: EVCS Installed Spaces</u></b>	<b><u>B: EVCS Capable Spaces</u></b>	<b><u>C: Total Percent of EV Ready Spaces</u></b>
<b><u>Tier 1</u></b>			
<u>Multifamily dwelling unit</u>	<u>2%</u>	<u>18%</u>	<u>20%</u>
<u>Hotel</u>	<u>2%</u>	<u>18%</u>	<u>20%</u>
<u>Motel</u>	<u>2%</u>	<u>18%</u>	<u>20%</u>
<u>Office</u>	<u>2%</u>	<u>18%</u>	<u>20%</u>
<u>Parking, Stand-Alone</u>	<u>2%</u>	<u>18%</u>	<u>20%</u>
<b><u>Tier 2</u></b>			
<u>Group Residential Facility</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Bed and Breakfast</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Club, Lodge, or Service Organization</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Entertainment Facility (Indoor or Outdoor)</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Golf Course</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Community Building</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Convention or Exposition Center</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Correctional Institution</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Hospital</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>Religious Institution</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>School, Public or Private, Elementary and Middle and High</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>School, Vocational or Trade</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>
<u>University or College</u>	<u>2%</u>	<u>13%</u>	<u>15%</u>

## **17.8.6: Single-family, Duplex and Attached Residential Parking Standards**

### **17.8.6.1: Driveways and Parking Areas**

The following standards shall apply to all single-family and duplex residential lots:

- A. On single-family and duplex residential (R) zoned lots, driveways and parking areas shall not exceed 50 percent of the back yard, 50 percent of the front yard, and 50 percent of the side yard.
- B. Each lot shall be allowed no more than 35 feet of drive-cuts along a lot's street frontage and may occupy no more than 50 percent of the lot frontage, cul-de-sacs excluded.

- C. Driveways and parking areas are to be maintained as dust-free, weed-free, and mud-free surfaces.
- D. Driveways and parking areas shall not be allowed in location intended for other purposes such as landscaping or open space.
- E. Parking shall not be allowed on grass, weeds, mud or dirt. This includes, but is not limited to, the parking of trailers, campers and camper shells, and recreational vehicles.
- F. Approved all weather parking surfaces for detached single-family include concrete paving, asphalt paving and rock applied to a minimum depth of 3 inches. Rock driveways and parking areas shall use a minimum  $\frac{3}{4}$  inch rock size.
- G. All weather surfaces shall not include materials including but not limited to carpet, shingles, wood or cardboard.
- H. A property owner shall comply with the requirement for an improved parking surface within 30 days of a posting or receipt of a notice of violation of subsection 17.6.3.2.

### **17.8.7: Multifamily, Institutional, Mixed-Use, Commercial, and Light Industrial Parking and Loading Standards**

#### **17.8.7.1: Americans with Disabilities Act Parking Standards**

All places of public accommodation must comply with the Department of Justice published revised regulations for Titles II and III of the Americans with Disabilities Act (ADA) 42 U.S.C.S. 12101, et. seq.

#### **17.8.7.2: Loading Space Standards**

This Section establishes off-street loading space standards which provide requirements for the design and construction of loading areas.

- A. At no time may loading or unloading occur from the right-of-way of a collector or arterial street.
- B. Whether or not a loading space is provided, all vehicle maneuvering for loading or unloading shall occur on site.
- C. A loading space shall not encroach on or interfere with the public use of streets and sidewalks by vehicles and pedestrians.
- D. No loading space shall permit any vehicle to extend into any front setback area or across any lot line of a more restrictive district while being loaded or unloaded.
- E. Loading spaces shall not conflict with or overlap any required drive aisles or off-street parking spaces, unless the loading space will only be used during hours when the primary structure is not open for business.

### 17.8.7.3: Sight Triangles

For information pertaining to the measurement of sight distance triangles, please refer to the Transportation Engineering Design Standards (TEDS) as amended.

### 17.8.7.4: Vehicle Stacking

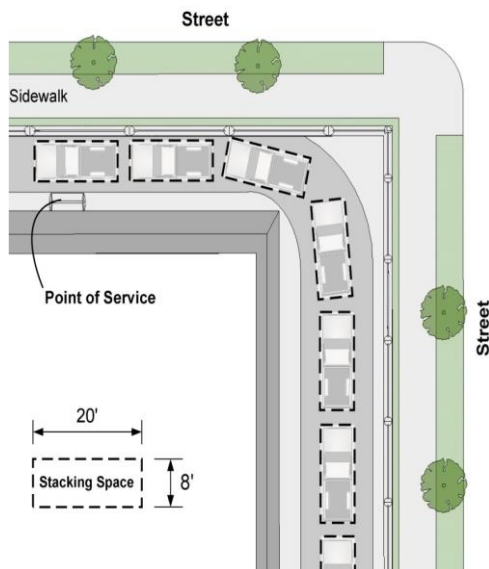
Vehicle stacking is the minimum length required for an on-site drive aisle necessary to facilitate the safe movement of vehicles between the parking lot and the public street; and/or the minimum required length of an on-site drive aisle necessary to facilitate movement of vehicles within a parking lot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

- A. Adequate space must be provided for on-site stacking, storage and queuing of vehicles.
- B. The required stacking distance for the site may be distributed between access points serving the site, provided a minimum stacking of 20 feet is provided at all access points.
- C. Stacking spaces must be a minimum of 8 feet in width and 20 feet in length.
- D. Vehicles using drive-thru facilities shall not encroach on or interfere with the on-site or off-site use of streets, and sidewalks by vehicles and pedestrians.
- E. Stacking spaces for internal drive-through services shall be measured from the point of service and within a designated drive aisle (See Figure 17.8.2). Stacking spaces are shown in [Table 17.8.34](#).

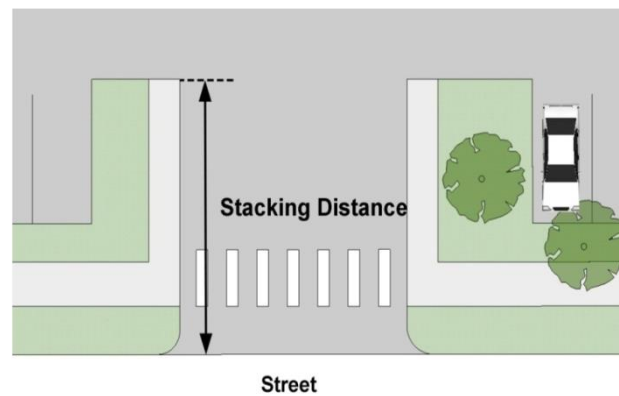
<b>Table 17.8.4: Drive-Through Stacking</b>	
<b>Type of Facility</b>	<b>Minimum Number of Stacking Spaces</b>
Car Wash, Automatic	2
Car Wash, Self-Service	2
Dry Cleaner, Drive-Through	2
Financial Institution, Drive-Through	1
Gasoline Pump Island	1
Liquor Store, Drive-Through	2
Restaurant, Drive-Through	4
Other	Determined by the Director with queuing study

- F. Stacking distances for individual parking lots are indicated in [Table 17.8.4](#) (See Figure 17.8.3).

<b>Table 17.8.5: Vehicle Stacking at Entrances</b>	
<b>Number of Parking Lot Spaces</b>	<b>Stacking Distance in Feet</b>
0 to 100 spaces	20
101 to 500 spaces	40
501 to 1000 spaces	60
1001+ spaces	100



**Figure 17.8.2: Drive -Through Stacking**



**Figure 17.8.3: Stacking Distance**

## 17.8.8: Surface Parking Lot Dimensions

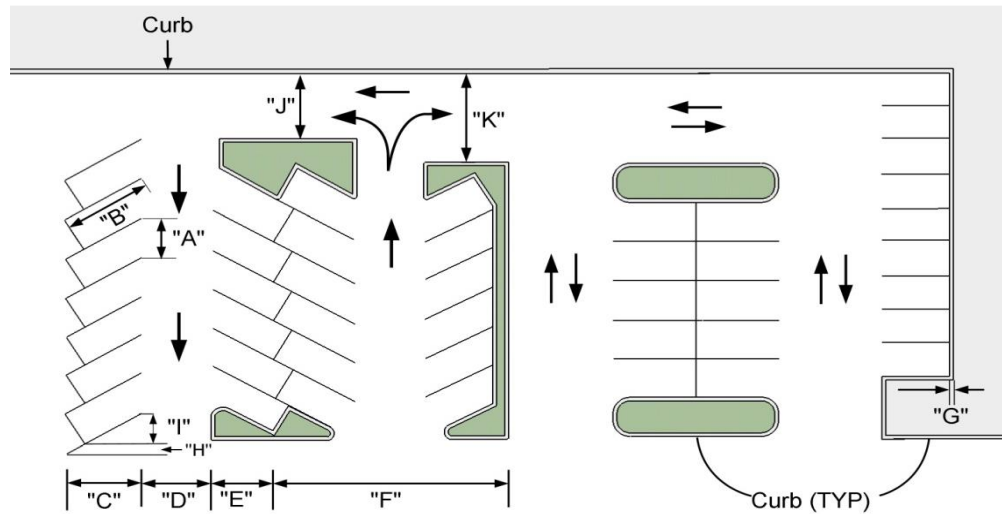
### 17.8.8.1: General Standards

The following standards are intended to create landscaped surface parking areas that are easy to navigate for pedestrians and vehicles.



- A. Vehicular drive aisles, parking areas, stacking areas, and loading areas shall be surfaced with asphalt, concrete, brick, stone pavers or an equivalent material including pervious materials. Gravel or other similar compacted materials are not an acceptable parking surface.
- B. Parking space dimensions for parking spaces in parking structures may differ from [Table 17.8.2](#) as part of a site plan review as outlined in Article 2 of this Zoning Ordinance.
- C. Parking spaces shall be defined on the pavement surface with striping, change of color or material.
- D. Bumper blocks are not permitted in parking lots except to provide for separation between an ADA accessible parking space and a sidewalk or where needed to provide for surface flows to a storm water management facility or at the discretion of the Director.
- E. Parking lots and loading areas shall have access from a clearly defined drive aisle not less than 18 feet in width for one-way traffic and 24 feet in width for two-way traffic.
- F. The size of a parking stall, its angle, and the width of the access aisle shall conform to the parking layout dimensions listed in [Table 17.8.56](#) and illustrated in Figure 17.8.4.

<b>Table 17.8.6: Parking Lot Layout Dimension</b>						
<b>Dimension</b>	<b>Figure 17.8.4</b>	<b>0°</b>	<b>45°</b>	<b>60°</b>	<b>75°</b>	<b>90°</b>
Stall width, parallel to aisle	A	9.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	24.5	21.5	19.5	18.0
Stall depth to wall	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	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	24.0	24.0	24.0	24.0	24.0



**Figure 17.8.4: Parking Lot and Layout Dimensions**

- G. Dead end aisles shall only be permitted for 90-degree parking layouts. An area of 5 feet in depth and the same width as the aisle shall be provided as the end of the dead end aisle to allow vehicles to safely maneuver.
- H. The minimum length of a parking stall which is perpendicular to a landscaped area may be reduced by 2 feet provided suitable ground cover is placed behind the curb a minimum distance of 2 feet.
- I. All new parking lot structural sections must be designed by a professional engineer specializing in the geo-technical field, registered in the State of Colorado, based on a soils report and shall reflect traffic volume and vehicle types.
  - 1. The minimum cross section under any condition shall be 2.5 inches of hot bituminous pavement and 4 inches of aggregate base course (Class VI) on 6 inches compacted sub-grade or 4 inches of non-reinforced Portland Cement concrete pavement on 6 inches compacted sub-grade. An equivalent full depth section over compacted sub-grade may also be used.
  - 2. A special inspector as defined and provided for in the Lakewood Building 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.
  - 3. 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 percent; the maximum cumulative grade break must not exceed eight percent.

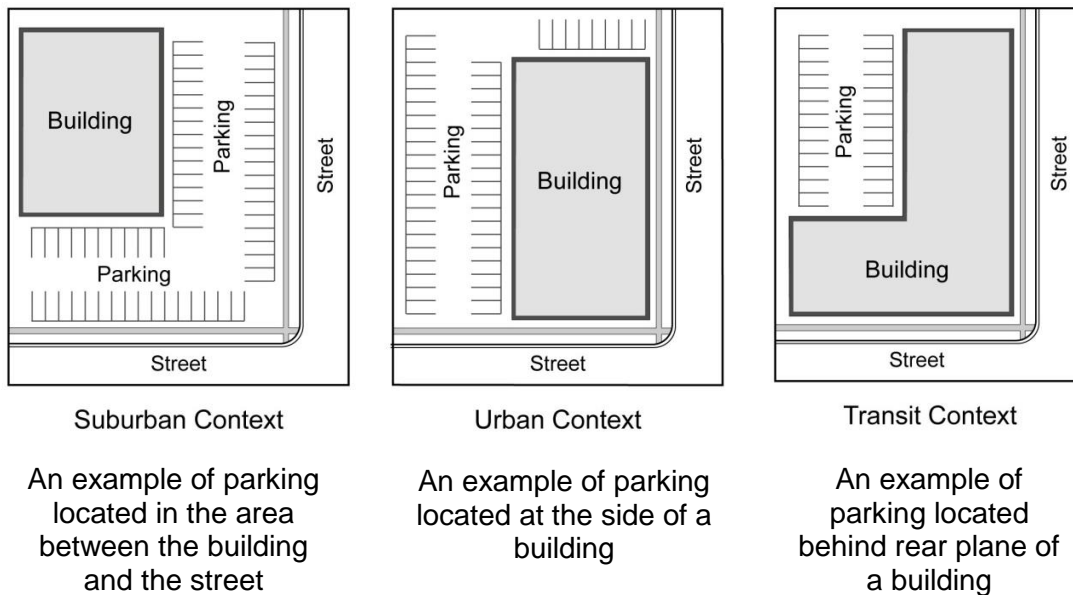
## 17.8.9: Parking Lot Placement and Design

### 17.8.9.1: Parking Lot Location

Surface parking lots in mixed-use zone districts shall be located in the configurations identified in Table 17.8.6 and Figure 17.8.5.

Table 17.8.7 Surface Parking Lot Location			
Regulations	Contexts		
	Suburban	Urban	Transit
X = Applicable -- = Not Applicable			
Parking may be located behind the rear plane of a building.	X	X	X <sup>(1)</sup>
Parking may be located at the side of a building.	X	X	--
Parking may be located in the area between the street and building.	X	--	--
<sup>(1)</sup> Within the M-C-T zone district, surface parking areas shall be limited to short-term, convenience parking lots with fewer than 10 spaces per building. All other parking shall be accommodated for in parking structures. Convenience spaces may be located behind or to the side of a building and shall be clearly marked for short-term use only.			

### 17.8.9.2: Parking Blocks



**Figure 17.8.5: Example Parking Locations by Context**

- A. Parking lots in blocks of 25 or fewer parking spaces shall be required to provide a sidewalk at least 5 feet in width from the parking lot to the front of the primary building(s), to the farthest perimeter point of the parking lot, or to an existing parking lot connection.
- B. Parking lots in blocks of more than 25 parking spaces shall be grouped into blocks of parking spaces according to the following:
  - 1. Multifamily developments shall group the parking lots in blocks of no more than 50 contiguous parking spaces. These spaces may be in a linear row or two or more parallel rows. A landscaped area of at least 12 feet wide shall separate parking areas (See Figure 17.8.6).
  - 2. Institutional, mixed-use, commercial or light industrial developments shall group the parking lots in blocks that average no more than 75 parking spaces per block.
    - a. A grade-separated sidewalk at least 5 feet in width shall be installed from the front of the primary building(s) to the farthest perimeter point of the parking lot. Additional grade-separated sidewalks at least 5 feet in width from the front of the primary building(s) to the farthest edge of the parking lot shall be required to ensure that no parking space is located more than 200 feet from a grade-separated sidewalk leading to the front of the primary building(s).
    - b. The grade-separated sidewalk shall be buffered from parking or traffic by a landscape strip with a minimum of 5 feet in width. The sidewalk shall be placed so that a 5-foot-wide planting area is created (See Figure 17.8.7).
  - 3. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.

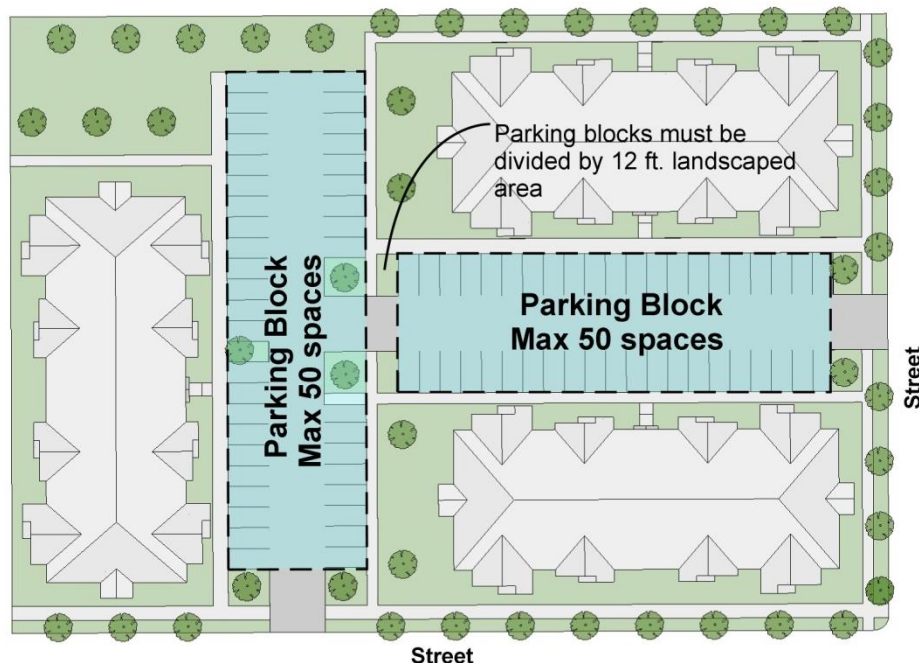
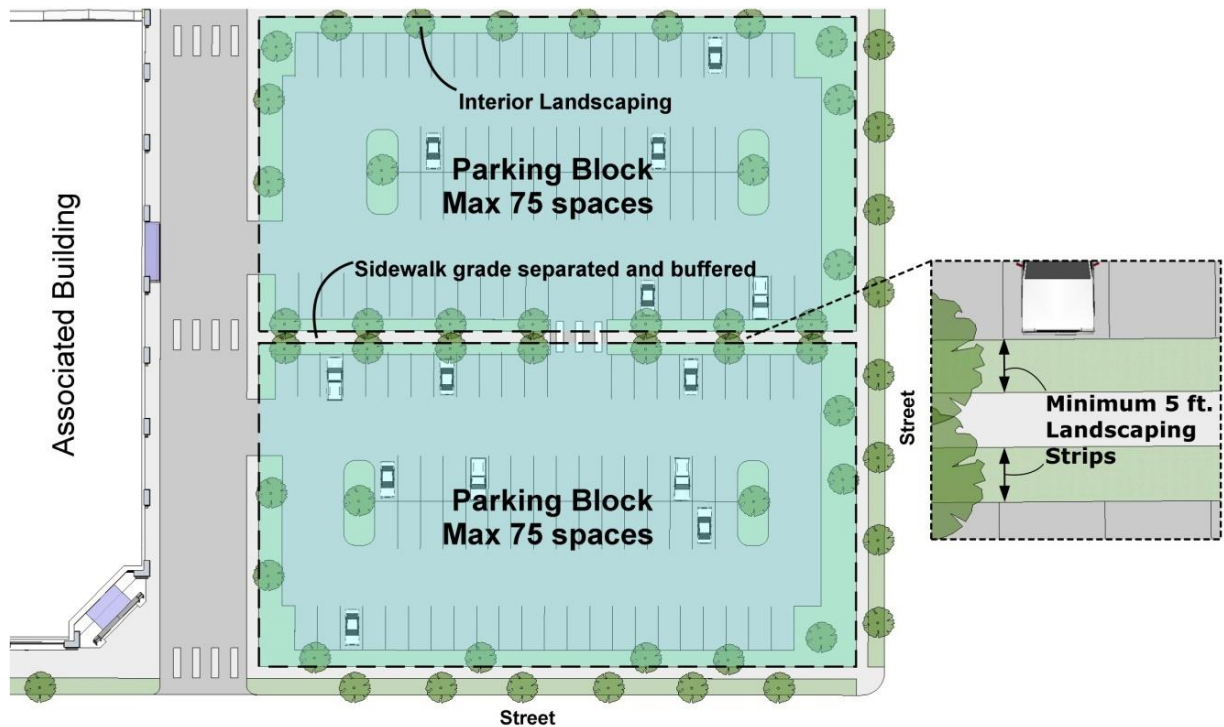


Figure 17.8.6: Multifamily Residential Parking Lot Design



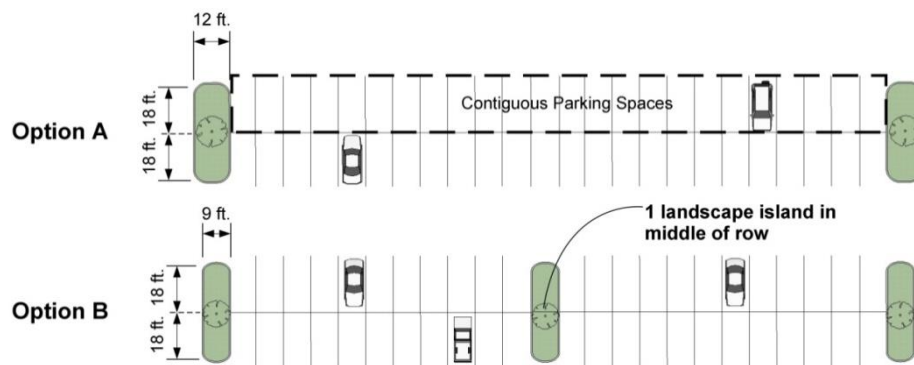
**Figure 17.8.7: Mixed-use, Commercial and Light Industrial Parking Lot Design**

## 17.8.10: Parking Lot Landscape Standards

### 17.8.10.1: Landscaping in Parking Lots

- A. Raised curb islands shall be required to define the ends of each parking row.
- B. The perimeter of the parking lot and any raised curb islands shall have concrete curb. Gaps in a concrete curb are allowed if landscape and open space areas or islands have been designed to provide for infiltration and filtration of rainwater.
- C. Sites requiring more than 25 parking spaces shall be required to have the following amount of landscaping in parking lots:
  1. For parking lots with fewer than 150 parking spaces, landscaping islands shall be a minimum of 10 percent of the parking area.
  2. For parking lots with 150 parking spaces or more, landscaping islands shall be a minimum of 12 percent of the parking area.
- D. The size and number of landscape islands shall be required as identified below. These requirements shall not apply when a row of parking spaces is located under a structure or at the end of a parking row that coincides with a required front, side or rear buffer:

1. A parking row containing fewer than 15 contiguous parking spaces shall be terminated by a landscape island with a minimum dimension of 9 feet in width by 18 feet in length.
2. A parking row containing between 15 and 30 contiguous parking spaces shall be:
  - a. Terminated by a landscape island with a minimum dimension of 12 feet in width by 18 feet in length (See Option A in Figure 17.8.8); or
  - b. Terminated by a landscape island with a minimum dimension of 9 feet in width by 18 feet in length and shall contain one landscape island in the middle of the row with a minimum dimension of 9 feet in width by 18 feet in length (See Option B in Figure 17.8.8).



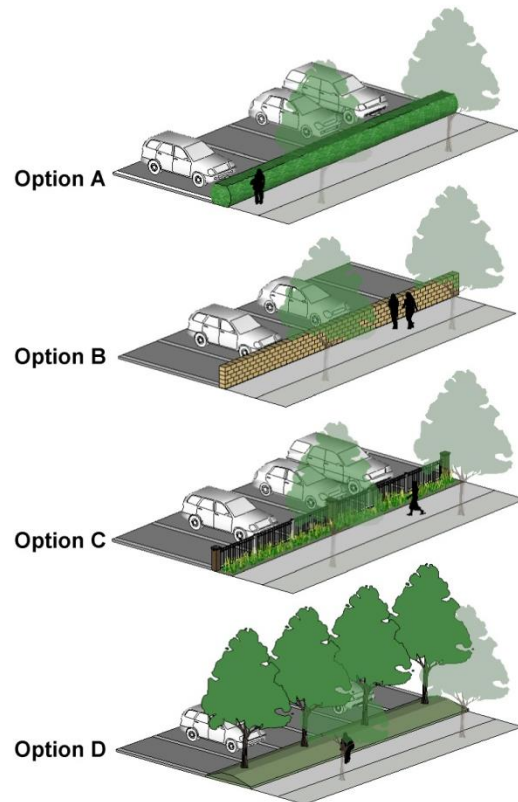
**Figure 17.8.8: Parking Lot Landscape Island Locations**

3. A parking row containing over 30 contiguous parking spaces shall include islands with a minimum dimension of 9 feet in width by 18 feet in length every 15 parking spaces.
4. Landscape islands shall include at least one shade tree or two ornamental trees and a landscape surface of turf, living ground cover, or a minimum of 4 shrubs or 6 grasses in mulch beds.

### 17.8.10.2: Screening of Parking Lots

A. When adjacent to a public or private street, surface parking shall be screened through one or any of a combination of the following (See Figure 17.8.9)

1. Option A: A landscape hedge or other plant materials of such size, branching density, spacing and quantity to provide a minimum of 60 percent opacity while dormant. The landscape hedge or plant material shall reach a required minimum height of 42 inches within three years of planting; or
2. Option B: A solid wall providing screening to a height of 42 inches. Materials utilized shall match the first floor exterior material used on the primary building or comparable level of quality; or
3. Option C: A combination of a decorative fence to a height of 42 inch, and continuous landscape and plant materials. The decorative fence shall terminate with a structural column that utilizes materials that match the first floor exterior material used on the primary building or materials of a comparable level of quality. A structural column utilizing materials that match the first floor exterior material used on the primary building or of a comparable level of quality, shall be constructed every 30 feet of linear fence; or
4. Option D: A landscaped berm containing at least one row of shade trees spaced evenly every 15 feet or as appropriate to the selected species along the entire length of the parking lot edge.



**Figure 17.8.9: Screening of Parking Lots**

B. Breaks in the wall, hedge, or fence shall be permitted where pedestrian access to the adjacent sidewalk is provided from the site. The breaks shall be no more than 2 feet wider than the sidewalk width

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## **ARTICLE 9: SIGN STANDARDS**

### **17.9.1: General**

#### **17.9.1.1: Purpose and Intent**

This Article establishes the standards for the design, location, installation, and maintenance of private signs. Signs are an important means of visual communication for organizations and businesses, for identification and way-finding. The intent of this Article is to provide standards that result in a reasonable balance between the right of an individual to exercise freedom of speech through signage, and the right of the public to be protected from the potential health impacts, safety hazards and visual blight that result from the unrestricted display of signs. The regulations contained in this Article take into consideration the compatibility of signs with adjacent properties and land uses as well as the visual aesthetics of Lakewood's community.

The purpose of these sign standards is to:

- A. Enhance and protect the physical appearance of the City;
- B. Further the values, goals and policies set forth in the City's Comprehensive Plan;
- C. Preserve a reasonable opportunity for businesses, individuals and institutions to use signs as an effective means of communication;
- D. Reduce the impact of sign clutter that diminishes the effectiveness and ability to clearly communicate through signage;
- E. Protect the public from hazardous conditions that result from structurally unsafe signage;
- F. Ensure that signage does not obscure the vision of or distract motorists, does not conflict with required traffic signs and does not distract from traffic warning signals consistent with best practices of the Federal Highway Administration;
- G. Provide appropriate identification for pedestrians as well as operators and passengers of motor vehicles;
- H. Provide a process for large commercial developments to propose signage that is compatible with the site design and architecture; and
- I. 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.

**17.9.1.2: Authority**

Under the United States Constitution, the State of Colorado Constitution, and the City of Lakewood Home Rule Charter, the City of Lakewood has the authority to regulate signs as they relate to the health, safety, and welfare of the community.

**17.9.1.3: Substitution**

To avoid preference of commercial over non-commercial speech, a sign displaying commercial speech may substitute the content with non-commercial speech. The change from commercial to non-commercial speech shall not require approval.

**17.9.1.4: Translation Statement**

Modifications to this Article were written to improve compliance with the Supreme Court case of *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), and to remove previous standards that were not content neutral. As a result, signs that were named and regulated by type of message, e.g. political, real estate, construction, have been removed and this Article, as amended, should be interpreted in a manner consistent with the requirements of applicable State and Federal law.

## 17.9.2: Permitted, Exempt & Prohibited Signs

Table 17.9.1 identifies the permitted and exempt signs within the City. For information on prohibited signs, see Section [17.9.2.3](#) of this Article.

<b>Table: 17.9.1: Permitted and Exempt Signs</b>	
<b>Note: Refer to the Section identified below for pertinent sign standards</b>	
<b>Residential Zone Districts</b>	
<b>Permanent</b>	
Home Business	Permit required: see Section <a href="#">17.9.4.1.A</a>
Residential Business or Organization	Permit required: see Section <a href="#">17.9.4.1.B</a>
Neighborhood	Permit required: see Section <a href="#">17.9.4.1.C</a>
<b>Temporary</b>	
Residential Transition	Exempt: see Section <a href="#">17.9.4.2.A</a>
Yard	Exempt: see Section below <a href="#">17.9.4.2.B</a>
<b>Non-Residential Zone Districts</b>	
<b>Permanent</b>	
A-Frame	Permit required: see Section <a href="#">17.9.4.3.A</a>
Banner Pole	Permit required: see Section <a href="#">17.9.4.3.B</a>
Freestanding	Permit required: see Section <a href="#">17.9.4.3.C</a>
Electronic Message	Permit required: see Section <a href="#">17.9.4.3.D</a>
Major Tenant	Permit required: see Section <a href="#">17.9.4.3.E</a>
Painted Wall Sign	Permit required: see Section <a href="#">17.9.4.3.F</a>
Projecting	Permit required: see Section <a href="#">17.9.4.3.G</a>
Wall	Permit required: see Section <a href="#">17.9.4.3.H</a>
<b>Temporary</b>	
Banner & Banner Flag	Permit required: see Section <a href="#">17.9.4.4.A</a>
Yard	Exempt: see Section <a href="#">17.9.4.2.B</a>
Commercial Post	Exempt: see Section <a href="#">17.9.4.4.B</a>
<b>City Wide Exempt Signs</b>	
City	Exempt: see Section <a href="#">17.9.2.2.A</a>
Decorative Lighting Display	Exempt: see Section <a href="#">17.9.2.2.B</a>
De Minimis Area	Exempt: see Section <a href="#">17.9.2.2.C</a>
Directional	Exempt: see Section <a href="#">17.9.2.2.D</a>
Flags	Exempt: see Section <a href="#">17.9.2.2.E</a>
Interior-site	Exempt: see Section <a href="#">17.9.2.2.F</a>
Public	Exempt: see Section <a href="#">17.9.2.2.G</a>
MUTCD	Exempt: see Section <a href="#">17.9.2.2.H</a>
Scoreboards	Exempt: see Section <a href="#">17.9.2.2.I</a>
Transit	Exempt: see Section <a href="#">17.9.2.2.J</a>
Window Signs	Exempt: see Section <a href="#">17.9.2.2.K</a>

#### **17.9.2.1: Permitted Signs**

Standards for signs that require a permit are defined in this Article. For review procedures for a sign permit, See Section [17.2.3.13](#).

#### **17.9.2.2: Exempt Signs**

The following types of signage have minimal impact on the public, do not create traffic, safety or other hazards, are temporary in nature, or constitute a unique medium and, therefore, are exempt from the permit process. The following signage may be erected in any zone district without a sign permit, subject to the standards below, and shall not interfere with the safe operation of any vehicle, impede the safe flow of traffic, interfere with public safety, nor obscure any public sign or facility. This signage shall be allowed in addition to any other allowed signs.

- A. City Signs
- B. Decorative Lighting Displays:
  - 1. Decorative Lighting Displays shall not displayed for more than 60 consecutive days or 90 days total per calendar year.
- C. De Minimis Area Signs:
  - 1. De Minimis Area signs shall be limited to two signs on each building elevation that is visible from the public way or adjacent property.
  - 2. De Minimis Area signs shall not be illuminated.
- D. Directional Signs:
  - 1. Directional signs shall not exceed 4 feet in height and 12 square feet in area.
  - 2. Directional Signs shall not be located closer than 20 feet to one another.
  - 3. Directional Signs on residential (R) zoned properties with multifamily or institutional uses shall be limited to four per property.
  - 4. Directional Signs on non-residential (R) zoned properties shall be limited to six per property with the exception of properties with drive-through facilities where Directional Signs shall be limited to eight per property.
  - 5. Directional signs on residential (R) zoned properties with single family and duplex uses shall be prohibited.
- E. Flags:
  - 1. Flags shall not be larger than 60 square feet in area.
  - 2. Flagpoles may be freestanding or mounted on a building and the flag pole installation may be temporary or permanent.
  - 3. Flagpoles shall be limited to three per property.
  - 4. Flagpoles shall not exceed 35 feet in height.

F. Interior-Site Signs

G. Public Signs

H. MUTCD Signs

I. Scoreboards

J. Transit Signs:

1. Bus bench & transit shelter signs shall be attached to a bus bench that is legally installed and maintained along a transportation corridor in accordance with all requirements of an approved agreement between the City and the provider of the facility.
2. Other signs attached to trash and recycling receptacles or other similar uses shall be in accordance with all requirements of an approved agreement between the City and the provider of the item to which the sign is attached.

K. Window Signs:

1. Window signs shall not exceed 25 percent of the area of first floor windows on which it is located, unless otherwise approved by the Director.
2. Window signs shall not be allowed in windows above the first floor of the building.
3. Window signs shall not be illuminated or have illumination directed at windows with window signs.

### **17.9.2.3: Prohibited Signs**

This Section identifies signage and devices that are determined to be a nuisance by the City and are prohibited in all zone districts. The City will require the removal of any sign that is prohibited, except that any lawful nonconforming sign may remain in place pursuant to Section [17.12.5](#) of this Ordinance.

- A. Pennants, streamers, lighter-than-air objects, and wind signs, except as provided for in Section [17.9.4.4.A](#) of this Article.
- B. Signs with light bulbs that have intermittent, flashing, rotating, blinking, or strobe illumination.
- C. Roof signs except when in compliance with the applicable regulations in Section [17.9.4.3.H](#) of this Article.
- D. Off-Premise signs are prohibited unless approved by an Official Development Plan, Comprehensive Sign Plan or Zone Lot.
- E. Search lights.
- F. Signs painted on fences.
- G. Portable signs, except as provided for in Section [17.9.4.3.A](#) this Article.
- H. Signs which are located on, or projecting over the public right-of-way, that are not considered a public sign, bus bench sign or transit shelter sign as described in this Article, unless specifically approved by the City.
- I. Any sign placed by a nongovernmental person or entity and located within the right-of-way.
- J. Signs painted on, or attached to, a licensed or unlicensed motor vehicle and parked adjacent to a public right-of-way and not driven off-site during any two-day period.
- K. Electronic Message signs on vehicles.

## 17.9.3: Measurements & Calculations

### 17.9.3.1: Sign Area & Dimensions

The area of a sign shall be measured in conformance with the regulations identified in this Section. The structure or bracing of a sign shall be excluded from measurement, unless such structure or bracing is made part of the message or face of the sign.




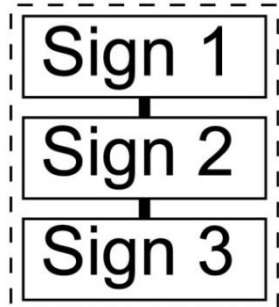
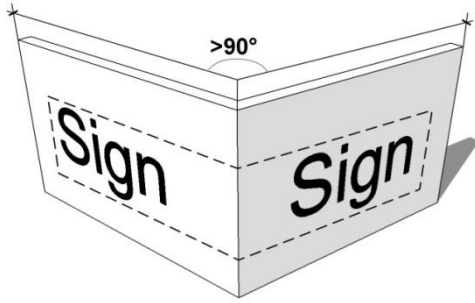
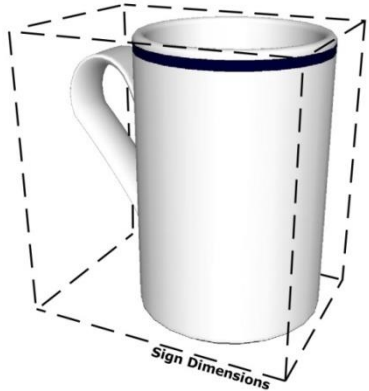
<b>Table 17.9.2: Area Measurements of Signs</b>	
A. Each area of a sign face that can be enclosed by a line or an imaginary line shall be considered one sign.	 <p>Figure 17.9.1</p>
B. The area measurement of a sign contained within a cabinet or frame shall include the total area of the cabinet or frame.	 <p>Figure 17.9.2</p>
C. The area measurement of a sign that displays individual letters on a wall, awning, or canopy or as pan channel letters shall be determined by encompassing all the letters in a geometric form of no more than 12 rectilinear lines at right angles to each other.	 <p>Figure 17.9.3</p>
<p>D. The total surface area of multiple unit signs includes vertical and horizontal spacing between signs.</p> <p>E. The area measurement of freestanding and projecting signs that have two parallel faces shall be measured by the area of one sign face.</p>	 <p>Figure 17.9.5</p>



Table 17.9.2: Area Measurements of Signs	
<p>F. The area measurement of freestanding and projecting signs that have two faces that are not parallel, such as a V-shaped, triangles, or cubes, and the angles where the sides meet is greater than 90 degrees shall be determined by the smallest square, or rectangle that could enclose the shape as viewed by the public.</p>	 <p>Figure 17.9.6</p>
<p>G. Spherical, Free-form, Sculptural, and other Non-Planar Signs: The sign area shall be the sum of the areas of the vertical faces of the smallest six-sided polyhedron that will encompass the sign structure and which may be seen at the same time from a viewer's perspective.</p>	 <p>Figure 17.9.7</p>

### 17.9.3.2: Height Determination of Signs

The height of a freestanding sign shall be measured from the higher of either:

- A. The top of the sign to the lowest adjacent grade; or
- B. The top of the sign to the adjacent street, access drive, or sidewalk grade.

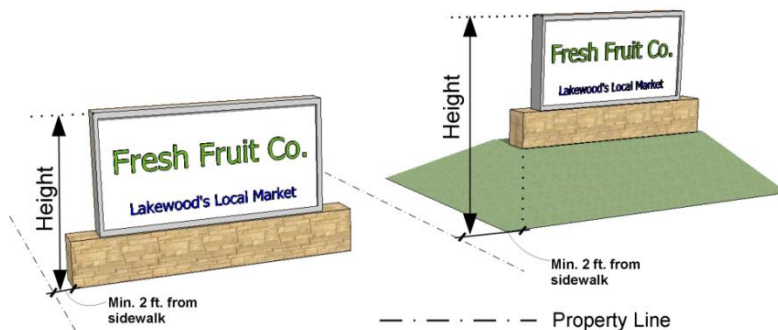


Figure 17.9.8: Example Height Measurement

## 17.9.4: Sign Design & Dimensional Standards

### 17.9.4.1: Residential Zone District Permanent Signs

#### A. Home Business Signs:

<b>Table 17.9.3: Home Business Sign Standards</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size (per sign face)</b>	<b>Maximum Height</b>	<b>Location</b>
<b>Wall Signs for Home Business Minor</b>				
All zone districts	1 per property	6 s.f.	8 ft.	Signable area
<b>Wall Signs for Home Business Major</b>				
All zone districts	1 per property	25 s.f.	10 ft.	Signable area
<b>Freestanding for Home Business Major &amp; Minor</b>				
Prohibited				
<b>Supplemental Standards:</b>				
a. Bed & Breakfast facilities are categorized as a Major Home Business and the sign standards above apply.				
b. A Daycare facility is categorized as an Accessory Use and the standards for a Minor Home Business above apply.				

#### B. Residential Business or Organization Signs:

<b>Table 17.9.4: Residential Business or Organization Sign Standards</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size (per sign face)</b>	<b>Maximum Height</b>	<b>Location</b>
<b>Wall Signs for Non-Residential Permitted &amp; Special Uses</b>				
R-1-43 R-1-18 R-MF	1 per property	Max. 15% coverage of each wall area up to 100 s.f.	12 ft.	Signable area
<b>Wall Signs for Civic &amp; Institutional Uses</b>				
All (R) districts	1 per property	Max. 15% coverage of each wall area up to 100 s.f.	12 ft.	Signable area
<b>Wall Signs for Limited Uses</b>				
All (R) districts where allowed	1 per property	25 s.f.	10 ft.	Signable area
<b>Freestanding Signs for Non-Residential Permitted Uses &amp; Special Uses</b>				
R-1-43 R-1-18 R-MF	1 per property	50 s.f.	8 ft.	See Supplemental Standards below
<b>Freestanding Signs for Civic &amp; Institutional Uses</b>				
All (R) districts (local streets)	1 per street frontage	50 s.f.	10 ft.	See Supplemental Standards below
All (R) Districts (collector and arterial streets)	1 per street frontage	100 s.f.	15 ft.	See Supplemental Standards below

<b>Table 17.9.4: Residential Business or Organization Sign Standards</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size (per sign face)</b>	<b>Maximum Height</b>	<b>Location</b>
<b>Freestanding Signs for Limited Uses</b>				
All (R) districts where allowed	1 per property	25 s.f.	10 ft.	See Supplemental Standards below
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement.</li> <li>See <a href="#">Section 17.9.5</a> for sign lighting in residential zone districts.</li> </ol>				

## C. Neighborhood Signs:

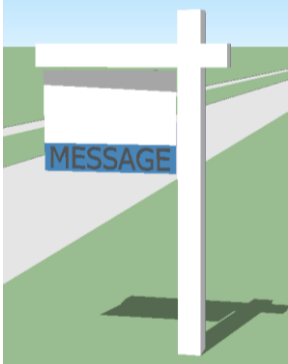
<b>Table 17.9.5: Neighborhood Sign Standards</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size (per sign face)</b>	<b>Maximum Height</b>	<b>Location</b>
<b>Wall Signs for Multifamily Residential Uses</b>				
M-N M-R R-MF	Not applicable	Max. 15% coverage of each wall area. Overall building/site total: Max. = 100 s.f.	2 <sup>nd</sup> floor	Signable area
M-C M-E M-G	Not applicable	Max. 15% coverage of each wall area. Overall building/site total: Max. = 200 s.f.	2 <sup>nd</sup> floor	Signable area
<b>Freestanding Signs for Residential Uses</b>				
All zone districts	1 per street frontage	50 s.f.	8 ft.	See Supplemental Standards below
	or			
	2 per street frontage	25 s.f.	6 ft.	See Supplemental Standards below
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Freestanding Neighborhood signs are for developments or neighborhoods with 20 units or more.</li> <li>Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement.</li> <li>See <a href="#">Section 17.9.5</a> for sign lighting standards in residential zone districts.</li> </ol>				




Figure 17.9.9: Example Freestanding Neighborhood Sign

#### 17.9.4.2: Residential Zone District Temporary Signs

##### A. Residential Property Transition Signs:

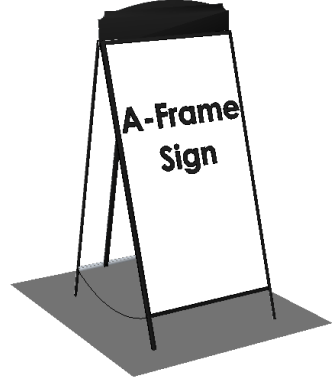
Table 17.9.6: Residential Property Transition Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
All residential zone districts	1 per street frontage	6 s.f.	6 ft.	See Supplemental Standards below
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Residential Property Transition Signs must have a structure made from wood, PVC, or metal that is durable. The swing portion must be made from metal or rigid plastic.</li> <li>Residential Property Transition Signs must be removed from a property within three days of the sale or lease of the property.</li> <li>Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, the clear zone and easements.</li> </ol>		 <p>Figure 17.9.10: Example Residential Property Transition Sign</p>		

##### B. Yard Signs:

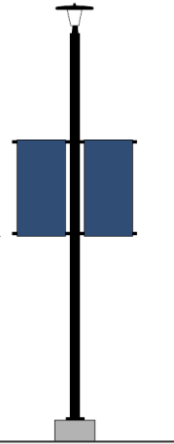
Table 17.9.7: Yard Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
All zone districts	No maximum provided the total area is not exceeded.	6 s.f. per sign face max. & 24 s.f. total sign area per property	4 ft.	See Supplemental Standards Below
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Signs shall be constructed of paper, vinyl, plastic, wood, metal or other comparable material and shall be affixed to the ground.</li> <li>The total yard sign area per property is the sum of the sign faces, counting only one sign face per sign.</li> <li>Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, and easements.</li> <li>Yard signs shall not be displayed for more than a period of 180 days.</li> <li>See <a href="#">Section 17.9.6</a> for maintenance standards.</li> </ol>		 <p>Figure 17.9.11: Example Yard Sign</p>		

### 17.9.4.3: Non-Residential Zone District Permanent Signs

#### A. A-Frame Signs:

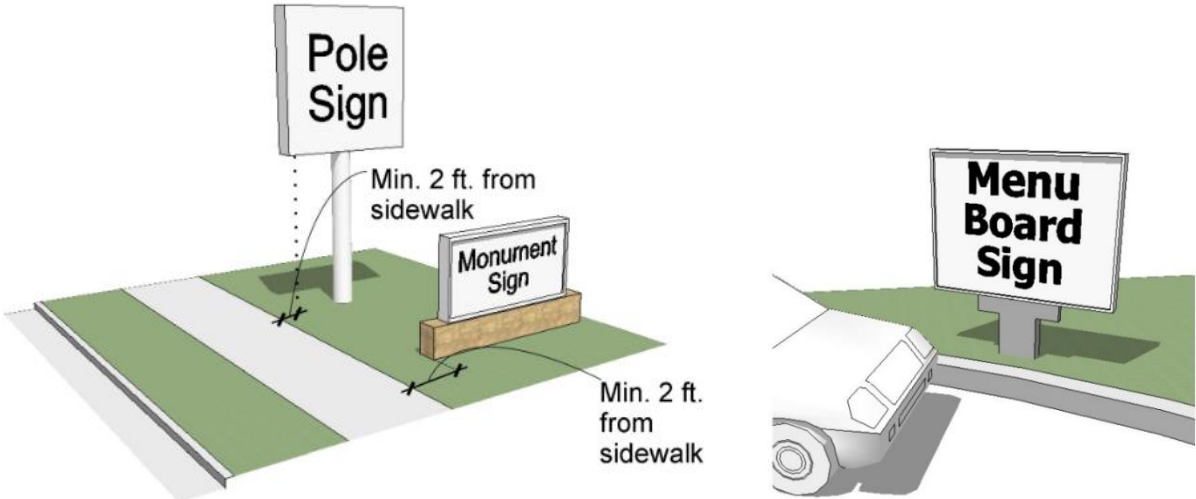
Table 17.9.8: A-Frame Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
All non-residential zone districts	1 per business	6 s.f.	4 ft.	See Supplemental Standards below
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Only one portable A-frame sign shall be allowed per business.</li> <li>A-frame signs shall be displayed during business hours only.</li> <li>A-frame signs shall be located within 25 linear feet of the front entrance to the business that the sign advertises.</li> <li>A-frame signs shall not create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.</li> <li>A-frame signs shall allow a 5-foot clear passageway for pedestrians.</li> <li>Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, the clear zone and easements.</li> </ol>			 <p>Figure 17.9.12: Example A-Frame Sign</p>	

#### B. Banner Pole Signs:

Table 17.9.9: Banner Pole Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
PD, R-MF, M, C or LI	No maximum provided signs are horizontally spaced at least 25 feet apart (2 per pole)	8 s.f.	15 ft.	See Supplemental Standards below
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Banner Pole signs may only be permitted in developments containing over 40,000 s.f. of building area.</li> <li>Banner Pole signs shall only be mounted on functional pedestrian or area light poles.</li> <li>Banner Pole signs shall be placed at least 8 feet 6 inches above the adjacent grade.</li> <li>A permit is required for all Banner Pole sign locations but once a permit has been issued, a new permit for the seasonal replacement of Banner Pole signs is not required.</li> <li>Banner Pole signs shall be removed or replaced if faded, torn, ripped or frayed.</li> </ol>			 <p>Figure 17.9.13: Example Banner Pole Sign</p>	

## C. Freestanding Signs:

<b>Table 17.9.10: Freestanding Sign Standards</b>			
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size (per sign face)</b>	<b>Maximum Height</b>
<b>Single Non-Residential Use on an Individual Lot</b>			
M-N M-R	1 per frontage	1 s.f. per 70 s.f. of gross floor area Max. = 75 s.f. per face	8 ft.
M-G M-C M-E	1 per frontage	1 s.f. per 70 s.f. of gross floor area Max. = 150 s.f. per face in suburban context Max. = 120 s.f. per face in urban context Max. = 100 s.f. per face in transit context	25 ft. in suburban context 8 ft. in urban context 6 ft. in transit context
C-R LI & LI-RD	1 per frontage	1 s.f. per 80 s.f. of gross floor area. Max. = 125 s.f. per face	25 ft.
<b>Multi-tenant Centers</b>			
M-N M-R	1 per frontage	1 s.f. per 60 s.f. of gross floor area. Max. = 100 s.f. per face	15 ft. in suburban context 8 ft. in urban context 8 ft. in transit context
M-E	1 per frontage	1 s.f. per 60 s.f. of gross floor area Max. = 175 s.f. per face in suburban context Max. = 150 s.f. per face in urban context Max. = 100 s.f. per face in transit context	15 ft. in suburban context 12 ft. in urban context 8 ft. in transit context
M-G	1 per frontage	1 s.f. per 60 s.f. of gross floor area Max. = 175 s.f. per face in suburban context Max. = 150 s.f. per face in urban context Max. = 100 s.f. per face in transit context	25 ft. in suburban context 12 ft. in urban context 8 ft. in transit context
M-C	1 per frontage	1 s.f. per 70 s.f. of gross floor area Max. = 150 s.f. per face in urban context Max. = 100 s.f. per face in transit context	12 ft. in urban context 8 ft. in transit context
<b>Multi-tenant Centers 200,000 s.f. or less</b>			
C-R LI & LI-RD	1 per street frontage	1 s.f. per 80 s.f. of gross floor area Max. = 175 s.f. per face	25 ft.
<b>Multi-tenant Centers Greater than 200,000 s.f.</b>			
C-R LI & LI-RD	2 per street frontage	1 s.f. per 80 s.f. of gross floor area Max. = 200 s.f. per face	35 ft.
<b>Pad Sites in Multi-tenant Centers</b>			
M-C, M-E, M-G M-R & M-N	1 per property	1 s.f. per 70 s.f. of gross floor area Max. = 50 s.f. per face	8 ft.
C-R LI & LI-RD	1 per frontage	1 s.f. per 70 s.f. of gross floor area Max. = 75 s.f. per face	10 ft.

Table 17.9.10: Freestanding Sign Standards			
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height
<b>Signs for Sites with Drive-thru Facilities</b>			
All zone districts where drive thru facilities are permitted	1 per order station	45 s.f.	10 ft.
	and		
	2 per order station	10 s.f.	4 ft.
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>The pole structure and base of a freestanding sign shall be architecturally compatible with the building to which it is associated.</li> <li>Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement.</li> </ol>			
 <p>Figure 17.9.14: Example Freestanding Signs</p>			

D. Electronic Message Signs:

<b>Table 17.9.11: Electronic Message Sign Standards</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size per Sign Face</b>	<b>Maximum Height</b>	<b>Pitch and Color</b>
<b>All Properties with Non-Residential Uses</b>				
All zone districts	1 per property	Max. 50% of the allowable size per sign face for that zone district and use.	Maximum sign height for that district and use.	All Electronic Message sign display components shall be monochrome with a minimum pitch resolution of 20mm spacing or greater (i.e. 22mm, 24mm, etc.).
<b>Multi-Tenant Centers or Institutional Uses with greater than 200,000 s.f. of gross floor area</b>				
All non-residential zone districts	1 per frontage	Max. 75% of the allowable size per sign face for that zone district and use.	Maximum sign height for that district and use.	All Electronic Message sign display components shall be full color with a maximum pitch resolution of 16mm spacing or less (i.e. 12mm, 10mm, etc.).
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>A. Electronic Message signs shall not increase the amount of allowable signage area and shall be a part of a sign otherwise permitted in the zone district.</li> <li>B. Electronic Message signs are permitted for properties with 180 linear feet of street frontage or more.</li> <li>C. Multiple properties may form a Zone Lot and apply for an Electronic Message sign provided the dimensional standards are satisfied. For information about Zone Lots, see Section <a href="#">17.9.2.9</a> of this Zoning Ordinance.</li> <li>D. Electronic Message signs may be incorporated into freestanding signs but may not be incorporated into Major Tenant signs.</li> <li>E. The maximum height of an Electronic Message sign shall not exceed the maximum height of the corresponding sign type allowed for the zone district.</li> <li>F. Changeable copy signs with manual letters and numerals may be used in-place of Electronic Message signs.</li> <li>G. The text display of the message shall not change more frequently than once per eight seconds. Each message shall transition to the next message instantaneously.</li> <li>H. Electronic Message signs shall not flash, rotate, scintillate, blink, or strobe illumination when transitioning between messages.</li> <li>I. The pitch resolution of the Electronic Message sign shall comply with the dimensional standards listed in the table above. See Figure 17.9.15 below for pitch resolution measurement.</li> <li>J. The illuminance of an Electronic Message sign shall not exceed 0.3 foot-candles over ambient lighting when measured at the designated measurement distance, based on the sign size. The measurement shall be taken in accordance with the process outlined by the International Sign Association in the <i>Night-time Brightness Level Recommendations for On-Premise Electronic Message signs</i> publication updated 2016 and as follows: <ul style="list-style-type: none"> <li>• The measurement shall be taken with an illuminance meter with the ability to provide a reading up to two decimal places in foot-candles.</li> </ul> </li> </ol>				



**Table 17.9.11: Electronic Message Sign Standards**

Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Pitch and Color
<ul style="list-style-type: none"> <li>The square footage of the electronic message will determine the horizontal distance the measurement will be taken by the following calculation. See Figure 17.9.16 below.</li> <li>The measurement will be taken with only the ambient light and then with the sign at solid white or the solid color if it is a monochrome display. The difference between the ambient light and the solid display shall be 0.3 foot-candles or less.</li> </ul> <p>K. All Electronic Message signs shall be equipped with a sensor or other device that is programmed to determine the ambient illumination and automatically dim the display according to ambient light conditions, or that can be adjusted to comply with the 0.3 foot-candle measurements.</p> <p>L. Electronic Message sign measurement information must be included with the permit application.</p>				

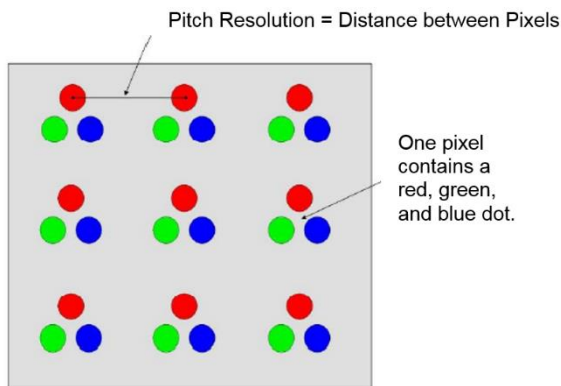


Figure 17.9.15: Example Pitch Resolution


Electronic Sign Measurement Distance	
$distance = \sqrt{(area\ of\ the\ sign \times 100)}$	
or for example	
Sign Area	Measurement Distance
24 ft <sup>2</sup>	49 ft.
32 ft <sup>2</sup>	57 ft.
50 ft <sup>2</sup>	71 ft.
100 ft <sup>2</sup>	100 ft.

Figure 17.9.16: Sign Measurement Chart



Figure 17.9.17: Example Electronic Message Sign

## E. Major Tenant Signs:

<b>Table 17.9.12: Major Tenant Sign Standards</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size per Sign Face</b>	<b>Location</b>	<b>Maximum Height</b>
M-C-U M-E-S M-E-U M-G-S M-G-U	1 per property	Max. 15% coverage of each wall area. Overall building total Max.= 100 s.f.	Signable area	Below parapet wall and above floor level of highest story.
M-C-T M-E-T M-G-T M-N-T M-R-T C-R, LI & LI-RD	1 per street frontage	Max. 15% coverage of each wall area. Overall building total Max.= 100 s.f.	Signable area	Below parapet wall and above floor level of highest story.
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Major tenant signs shall not occupy more than 75 percent of the width of the building façade on which it is located</li> <li>Major tenant signs shall be individually mounted letters or letters mounted on a raceway and shall not be a cabinet sign.</li> </ol>			 <p>Figure 17.9.18: Example Major Tenant Sign</p>	

## F. Painted Wall Signs:

<b>Table 17.9.13: Painted Wall Signs</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size per Sign Face</b>	<b>Maximum Height</b>	<b>Location</b>
All zone districts except properties with single family and duplex uses	N/A	N/A	N/A	N/A
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Unless permitted as a Wall Sign, Painted Wall Signs shall not contain a business name, business logo or commercial message.</li> <li>Permits may only be issued to: <ol style="list-style-type: none"> <li>Certified Public Arts District; or</li> <li>Governmental organization working on a public art project; or</li> <li>A Special District; or</li> <li>Registered Neighborhood Organization or similar community based organization as determined by the Planning Director.</li> </ol> </li> </ol>				

G. Projecting Signs:

Table 17.9.14: Projecting Wall Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Location
All non-residential zone districts	Two per building or one per tenant space entry not to exceed a total of 1 per 25 feet of building frontage	24 s.f.	18 ft.	Signable area of building for a wall sign

**Supplemental Standards:** Projecting signs shall be placed as defined below:

- c. Projecting signs are for tenants with primary access to the exterior of a building.
- d. Projecting signs shall not extend above the roof line.
- e. Projecting signs shall maintain 8 ft. vertical clearance directly from adjacent sidewalk.
- f. Projecting signs with letters extending above or below the surface to which it is attached shall have individually mounted letters that extend no more than 24 inches above or below the surface.
- g. A license agreement is required for any sign that extends into the right-of-way.
- h. For buildings less than 5,000 square feet in area, the projecting signs count towards the allowable wall sign area.

Examples of projecting signs:



Figure 17.9.19: Example Projecting Signs

## H. Wall Signs:

<b>Table 17.9.15: Wall Sign Standards</b>			
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size</b>	<b>Location</b>
<b>Single Use On an Individual Lot</b>			
M-N M-R	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 100 s.f.	See Supplemental Standards below
C-R, LI & LI-RD M-C, M-E & M-G	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 200 s.f.	See Supplemental Standards below
<b>Tenant in Multi-Tenant Center or Mixed-Use Building</b>			
M-N M-R	Not applicable	Max. 15% coverage of each wall area. Overall tenant total: Max. = 100 s.f.	See Supplemental Standards below
C-R, LI & LI-RD M-C, M-E & M-G	Not applicable	Max. 15% coverage of each wall area. Overall tenant total: Max. = 200 s.f.	See Supplemental Standards below
<b>Commercial or Institutional Use with 70,000 to 100,000 s.f. of Building Area</b>			
CR, LI & LI-RD M-C, M-E & M-G	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 300 s.f., but no individual sign may exceed 200 s.f. in area.	See Supplemental Standards below
<b>Commercial or Institutional Use with 100,000 to 150,000 s.f. of Building Area</b>			
CR, LI & LI-RD M-C, M-E & M-G	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 400 s.f., but no individual sign may exceed 200 s.f. in area.	See Supplemental Standards below
<b>Commercial or Institutional Use with greater than 150,000 s.f. of Building Area</b>			
CR, LI & LI-RD M-C, M-E & M-G	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 600 s.f., but no individual sign may exceed 300 s.f. in area.	See Supplemental Standards below
<p><b>Supplemental Standards:</b> Wall signs shall be placed only in signable areas of a building façade and as defined in a through l, below:</p> <ol style="list-style-type: none"> <li>Wall signs shall be constructed of durable materials such as wood, metal or rigid plastic.</li> <li>No wall sign shall be located above the second story of a building.</li> <li>Wall signs shall not occupy more than 75 percent of the width of the building façade of the storefront or tenant space on which it is located.</li> <li>Non-planer façades may be evaluated together to determine Wall Area if the horizontal variation in façades is no greater than 15 feet.</li> <li>Wall signs shall not project more than 18 inches from the supporting wall.</li> <li>Each tenant is allowed to have a minimum of 30 square feet of wall signage so long as it complies with all other sign standards.</li> <li>For tenants in multi-tenant buildings, the permitted signage may be allocated to any wall on the building provided the tenants meet all other sign criteria and with written consent from the property owner or authorized manager of the multi-tenant building.</li> </ol>			

Table 17.9.15: Wall Sign Standards			
Applicable Zone District	Maximum Number	Maximum Size	Location
<p>h. Cabinet signs shall only be allowed in Mixed-Use zone districts if they have the following characteristics: the cabinet is not greater than 4 inches in depth, the background field is an opaque black-out material that doesn't allow light to shine through and the sign frame matches the background color.</p> <p>i. Painted Wall signs with a commercial message, business name and business logo are allowed as a Wall Sign and shall be limited in area and extent as defined in this Table.</p> <p>j. Branded colors, those colors used in the company logo, painted on the side of a building in any pattern other than a solid field shall constitute a wall sign and shall be counted towards the maximum allowable sign area.</p> <p>k. Buildings with mansard roofs are permitted to have a wall sign attached to the sloped portion of the mansard roof provided the sign does not extend above the roof line and does not extend beyond the eave.</p> <p>l. Signs inside a building that are clearly visible and oriented towards a public street shall be treated as a Wall Sign and shall be counted towards the allowable sign area.</p>			

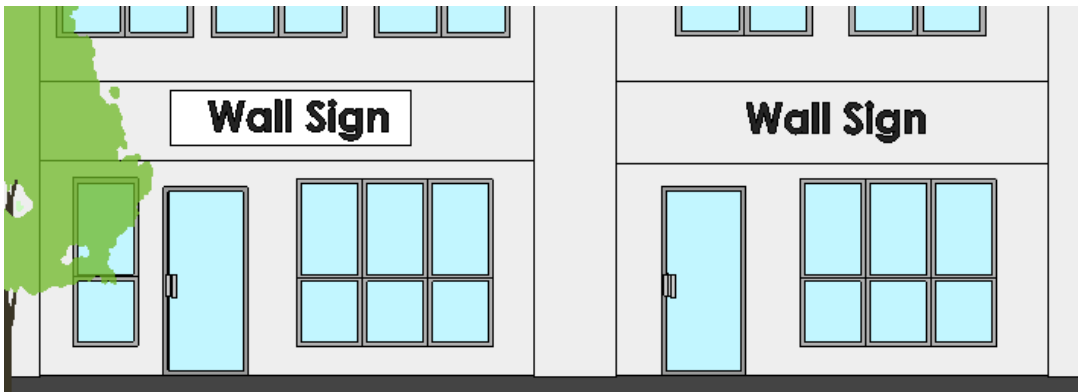



Figure 17.9.20: Example Wall Signs

#### 17.9.4.4: Non-Residential Zone District Temporary Signs

##### A. Banner Signs & Banner Flags:

Table 17.9.16: Banner & Banner Flag Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Location
Banner				
All non-residential zone districts	1 per property	40 s.f.	N/A	Affixed to a fence or building on-site
Banner Flag				
All non-residential zone districts	1 per tenant, and no more than 1 per 100 linear feet of public street frontage	30 s.f.	12 ft	On-site and not in right-of-way
Supplemental Standards:		  Figure 17.9.21: Example Banner Flag		
a. Permits for banners & banner flags shall be issued for any time frame not to exceed a cumulative 90 days in a one calendar year period per tenant. Only one banner <b>or</b> banner flag shall be allowed at any time.  b. Banner signs shall be attached flat against the side of the building or fence. However, no more than one banner can be located on a fence at any time.  c. Banner flags shall only be allowed with the written consent of the property owner or the property owner's management company.  d. Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, and easements.				

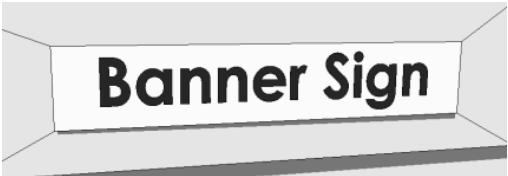
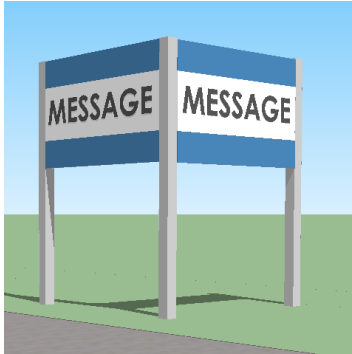


Figure 17.9.22: Example Banner Sign

B. Commercial Post Signs:

<b>Table 17.9.17: Commercial Post Sign Standards</b>				
<b>Applicable Zone District</b>	<b>Maximum Number</b>	<b>Maximum Size per Sign Face</b>	<b>Maximum Height</b>	<b>Location</b>
All non-residential zone districts	1 per street frontage	16 s.f.	8 ft.	Min. 2-ft from back of walk and outside right-of-way. See Supplemental Standards below
<b>Supplemental Standards:</b> <ol style="list-style-type: none"> <li>Commercial Post Signs must have a structure made from wood, PVC, or metal that is durable. If there is a swing component to the sign, the swing portion must be made from metal or rigid plastic.</li> <li>Commercial Post Signs must be removed from a property within three days of the sale or lease of the property.</li> <li>Signs shall be placed at least 2-ft from sidewalks and outside of the public right-of-way, sight triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement.</li> </ol>			 <p>Figure 17.9.24: Example Commercial Post Sign</p>	

## 17.9.5: Sign Lighting

### 17.9.5.1: Applicability

This Section establishes the general standards for sign lighting. Sign illumination shall complement, not overpower the site.

### 17.9.5.2: Lighting Standards

- A. The light source of signs shall not be visible from adjacent properties.
- B. The light reading at 10 feet from the property line on an adjacent property shall be one foot-candle of light or less.
- C. Permanent signs within residential zone districts may be illuminated subject to the following criteria:
  - 1. The sign is at least 100 feet away from the closest building occupied as a residence. The Director may authorize a smaller distance if it is determined that the orientation and character of the sign is such that the sign will not adversely impact a nearby residence.
  - 2. The source of illumination is within the sign cabinet or mounted on the ground. Illumination by means of neon tubing is not allowed except where permitted in this Article.
  - 3. Adjacent to residential streets, illumination shall stop between the hours of 9:00 p.m. and 6:00 a.m., except signs permitted for medical services and public services such as police and fire, which are provided on a 24-hour basis, and signs for other traffic safety purposes.

Table 17.9.18: Lighting by Sign Type	
Sign Type	Permitted Illumination
<b>Residential Building Signs</b>	
Home Business	Internal or external adjacent to collector or arterial streets (illumination is not permitted along local streets).
Residential Business or Organization	Internal or external adjacent to collector or arterial streets (illumination is not permitted along local streets).
<b>Residential Freestanding Signs</b>	
Neighborhood	Internal or external adjacent to collector or arterial streets. External on local streets and limited to directional ground lights
Residential Business or Organization	Internal or external adjacent to collector or arterial streets. External on local streets and limited to directional ground lights



<b>Table 17.9.18: Lighting by Sign Type</b>	
<b>Sign Type</b>	<b>Permitted Illumination</b>
<b>Residential Temporary Signs</b>	
Residential Transition	None
Residential Yard	None
<b>Non-Residential Building Signs</b>	
Awning & Canopy	Internal or external
Major Tenant Id.	Internal or external
Painted Wall	External
Projecting	Internal or external
Wall	Internal or external
Window	None
<b>Non-Residential Freestanding Signs</b>	
Electronic Message	Internal or external
Monument & Pole	Internal or external
<b>Non-Residential Temporary Signs</b>	
Banner & Banner Flag	None
Yard	None
Commercial Post	None

## **17.9.6: Maintenance of Signs**

### **17.9.6.1: Applicability**

This Section provides regulations and procedures to address signs that are in disrepair or hazardous.

### **17.9.6.2: Maintenance Standards**

- A. Every sign shall be maintained in good condition at all times as defined below or as determined by the Director. A sign in good condition shall meet the following criteria:
  - 1. Signs shall be kept neatly painted, including all surfaces such as metal parts and supports that are not galvanized or made of rust-resistant metals.
  - 2. Plastic, acrylic and other similar materials shall not be broken, cracked, torn or faded.
  - 3. All lighting, where permitted, must be functional and no exposed light sources are permitted unless approved with the permit.
  - 4. Banners and banner flags shall not be torn, faded or in disrepair.
- B. The Director shall have the authority to inspect signs to ensure they are adequately maintained and in compliance with this Zoning Ordinance.
- C. If upon inspection, the Director determines a sign to be in violation of this Zoning Ordinance or a safety hazard, the Director may order the sign to be painted, maintained, or removed by the property owner.

### **17.9.6.3: Abandoned Signs**

- A. A sign is determined to be abandoned at the time the business identified by the sign discontinues the business or vacates the premises.
- B. Signs abandoned for a period of 30 days are hereby declared a nuisance. The Director shall require the abandoned sign be replaced or removed by the property owner based on the following circumstances:
  - 1. Signs that will likely be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel until the new business occupies the premises.
  - 2. Signs that do not meet the requirements of this Article for that type of sign, or for the zone district where they are located, or on sites which will be, or have been, cleared for redevelopment, must be removed from the property.

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## Definitions from Section 13:

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For the purposes of this Chapter, the following words, phrases, and terms shall have the meanings set forth herein. Words not defined shall be given their common and ordinary meaning.

**Accessory Equipment:** any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures, including fences and ground-based enclosures as defined in state law.

**Alternative Tower Structure:** man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures, and camouflages or conceals the presence of Antennas or Towers so as to make them architecturally compatible with the surrounding area pursuant to this title. This term also includes any Antenna or Antenna array attached to an Alternative Tower Structure. A stand-alone pole in the Right-of-Way, streetlight, or traffic signal that accommodates Small Cell Facilities is considered an Alternative Tower Structure to the extent it meets the camouflage and concealment standards of this title.

**Antenna:** any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel Antennas, reflecting discs, microwave dishes, whip Antennas, directional and non-directional Antennas consisting of one or more elements, multiple Antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

**Applicant for WCF:** any person that submits an application to the City to site, install, construct, collocate, modify and/or operate a Wireless Communications Facility.

**Amateur Radio Towers and Antennae:** Broadcasting and receiving structures or devices used for personal pleasure or as a hobby.

**Base Station:** a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

1. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Chapter and has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and
2. Radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems ("DAS") and small-cell networks) that, at the time the relevant application is filed with the City under this title, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

## Lakewood Zoning Ordinance –

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in paragraphs 1 and 2 above.

Camouflage, Concealment, r Camouflage Design Techniques: the designing of a WCF to alter its appearance in such a manner as to substantially integrate it into surrounding building designs and natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A Wireless Communication Facility utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a utility tower, or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Collocation: (1) mounting or installing a WCF on a pre-existing structure, and/or (2) modifying a structure for the purpose of mounting or installing a WCF on that structure. Provided that, for purposes of Eligible Facilities Requests, “Collocation” means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Director: The person, or that person’s designee, authorized by the City Manager to enforce and interpret this Zoning Ordinance.

Eligible Facilities Request: any request for modification of an Existing Tower or Base Station that it is not a Substantial Change.

Eligible Support Structure: any Tower or Base Station as defined in this Section, provided that it is existing at the time the relevant application is filed with the City under this Section.

Existing Tower or Base Station: a constructed Tower or Base Station that was reviewed, approved, and lawfully constructed in accordance with all requirements of applicable law as of the time it was built; for example, a Tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

FCC: the Federal Communications Commission.

Hazardous Substance: any substance, chemical or waste that is identified as hazardous or toxic in any applicable federal, state or local law or regulation, including but not limited to petroleum products and asbestos.

Interference: physical interference and radio frequency interference.

Law or Applicable Law: any statute, ordinance, judicial decision, executive order or regulation having the force and effect of law, that determines the legal standing of a case or issue.

Micro Cell Facility: a small wireless facility that is no larger than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height, and that has an exterior Antenna, if any, that is no more than eleven (11) inches in length.

Monopole: a single, freestanding pole-type structure supporting one or more Antennas.

Over the Air Receiving Device (OTARD): an Antenna used to receive direct broadcast satellite services, including home satellite dishes that are 1M or less in diameter, broadband radio services and television broadcast stations, but shall not include Antennas used for AM/FM radio, amateur

("ham") radio, CB radio, Digital Audio Radio Services or Antennas used as part of a hub to relay signals among multiple locations.

Owner means a person with a legal or equitable interest in ownership of real or personal property.

Permit means a permit issued and described in accordance with Laws, which is used to regulate, monitor, and control the improvement, construction, or excavation activities, or other work or activity, occurring upon or otherwise affecting Licensor's ROW, including ROW use, building, and electrical permits.

Physical Interference means where equipment, vegetation, or a structure causes reduced use of another's prior mounted equipment, or an obstruction in a necessary line-of-sight path.

Pole-Mounted Small Cell Facility: a Small Cell Facility with Antenna that are mounted and supported on an Alternative Tower Structure, which includes a Replacement Pole.

Public Right-of-Way (ROW): any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

Radio Antenna, Amateur: A noncommercial device that is used for transmitting and receiving electro-magnetic waves.

Radio Frequency Emissions Letter: a letter from the Applicant identifying the FCC's uncontrolled/general population maximum permitted exposure limits for each proposed WCF, identifying the RF emissions from the WCFs that are the subject of the application. The Letter shall identify, at a minimum, any measures required to comply with the FCC standards for predicted exposure levels, and details for any signage, barriers or similar mitigation that is recommended or required. The Letter shall additionally certify that all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

Radio Frequency Interference means the emission or conduction of radio frequency energy (or electronic noise) produced by electrical and electronic devices at levels that interfere with the operation of adjacent or nearby equipment.

Radio Tower, Amateur: A structure that supports an antenna.

READILY APPARENT. For purposes of determining whether a WCF is readily apparent, the phrase means that the facility, will be easily recognizable as a WCF in the discretion of the Director, viewing the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations when considering the character, scale, and height of nearby and surrounding natural or architectural features. Methods of design and construction that may assist in reducing the visibility of a facility and reaching a conclusion that a facility is not readily apparent include the use of color mimicking surrounding structures and landscaping, minimizing facility size to the greatest extent feasible, integrating the facility into any adjacent or attached improvements, and positioning the facility in a manner that limits the degree to which the facility projects away from any adjacent structures or landscaping. Due to differences in site characteristics, a determination that a particular WCF will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.

Replacement Pole: an Alternative Tower Structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light pole or other similar structure of proportions and of equal height or such other height that would not constitute a Substantial Change to a pre-existing pole or structure in order to support a WCF or Small Cell Facility or Micro Cell Facility or to accommodate Collocation and replaces a pre-existing pole or structure.

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**Setback:** The minimum distance any building or structure must be separated from a specified point.

**Sign:** Any structure, which requires a permanent or temporary location, that has a visual display visible from a public right-of-way and is designed to identify, announce, direct or inform.

**Signal Non-Interference Letter:** a letter from the Applicant certifying all WCFs that are the subject of the application shall be designed, sited, and operated in accordance with applicable federal regulations addressing radio frequency interference.

**Site for Towers (other than Towers in the Right-of-Way and Eligible Support Structures):** the current boundaries of the leased or owned property surrounding the Tower or Eligible Support Structure and any access or utility easements currently related to the Site. A Site, for other Alternative Tower Structures, Base Stations, Micro Cell Facilities, and Small Cell Facilities in the Right-of-Way, is further restricted to that area comprising the base of the structure and to other related Accessory Equipment already deployed on the ground.

**Small Cell Facility:** a Wireless Communication Facility where each Antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume. The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to Alternate Tower Structures, Replacement Poles, and Base Stations. The definition of a Small Cell Facility shall also include a Micro Cell or Micro Cell Facility.

**Street:** A public or private thoroughfare for vehicular traffic other than an alley or driveway.

**Substantial Change for Eligible Facilities Request:** a modification that Substantially Changes the physical dimensions of an Eligible Support Structure if, after the modification, the structure meets any of the following criteria:

- (A) For Towers, other than Alternative Tower Structures or Towers in the Right-of-Way, it increases the height of the Tower by more than 10 percent (10%) or by the height of one (1) additional Antenna array, with separation from the nearest existing Antenna not to exceed twenty feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than ten percent (10%) or more than ten (10) feet, whichever is greater;
- (B) For Towers, other than Towers in the Right-of-Way, it involves adding an appurtenance to the body of the Tower that would protrude from the Tower more than twenty (20) feet, or more than the width of the Tower Structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six (6) feet;
- (C) For any Eligible Support Structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- (D) For Towers in the Right-of-Way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten percent (10%) larger in height or overall volume than any other existing, individual ground cabinet associated with the structure;

- (E) For any Eligible Support Structure, it entails any excavation or deployment outside the current Site;
- (F) For any Eligible Support Structure, it would defeat the concealment elements of the Eligible Support Structure; or
- (G) For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Support Structure: a structure designed to support Small Cell Wireless Facilities including, but not limited to, Monopoles, Alternative Tower Structures, Replacement Poles, and other freestanding self-supporting pole structures.).

Toll and Tolling: to delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

Tower: any structure built for the sole or primary purpose of supporting one or more FCC-licensed or authorized Antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guyed towers or Monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, Alternative Tower Structures and the like.

Transmission Equipment: equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless Communications Facility or WCF: a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an Antenna or Antennas, Base Stations, support equipment, Alternative Tower Structures, Small Cell Facilities, and Towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of this title.

Wireless Communications Provider: A public or private company providing personal wireless services as defined at 47 U.S.C. Section 332 (c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services.

Wireless Communications 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



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radio, personal communication services, microwave link antenna, cellular telephone, and other  
related technologies.

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# **ARTICLE 10: WIRELESS SERVICES AND COMMUNICATIONS**

## **17.10.1: General**

### **17.10.1.1: Purpose and Intent**

This Article is intended to ensure that residents, public safety operations and businesses in the City have reliable access to personal wireless services and state of the art communications services in a way that preserves the aesthetic character and value of the community and complies with Federal and State laws.

The City Council finds that these regulations are necessary to:

- A. Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure in the City with the fewest number of wireless communications facilities (WCFs) to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs;
- B. Minimize adverse visual effects of WCFs through thoughtful design and siting, including but not limited to camouflage design techniques, appropriate and effective screening, and equipment undergrounding whenever appropriate;
- C. Encourage the location of Towers in a manner that minimizes the total number of Towers needed throughout the community;
- D. Require the collocation of WCFs wherever reasonably feasible;
- E. Encourage owners and users of WCFs to locate them, to the extent possible, in areas where the adverse impact to the community is minimized;
- F. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, efficiently, and safely;
- G. Effectively manage WCFs in the Public Right of Way;
- H. Manage amateur radio facilities and over-the-air devices in the City;
- I. Ensure the City has sufficient wireless infrastructure to support public safety and emergency response communications throughout the City.

### **17.10.1.2: Applicability**

- A. The standards in this Article shall apply to all Eligible Facilities Requests and WCF applications for Base Stations, Alternative Tower Structures, Towers, Micro Cells, and Small Cell Facilities as defined in Section 17.13.2 and further addressed herein.
- B. The Requirements set forth in this Article shall not apply to:
  - 1. Amateur radio Antennas that are owned and operated by a federally licensed amateur radio station operator or are exclusively receive only Antennas, provided that the requirements that the height be no more than the distance from the base of the Antenna to the property lines is met.
  - 2. Pre-existing WCFs. Any WCF for which a permit has been properly issued prior to the effective date of Ordinance # O-2020-1 shall not be required to meet the requirements of this Chapter, other than the requirements of Section 17.10.3. Changes and additions to pre-existing WCFs (including trading out of Antennas

for an equal number of Antennas) shall meet applicable requirements of Section 17.10.3. Notwithstanding the foregoing, any modifications qualifying as an Eligible Facilities Requests shall be evaluated under this Section.

3. Miscellaneous Antennas. Antennas used for reception of television, multi-channel video programming and radio such as Over-the-Air Receiving Device (OTARD) Antennas, television broadcast band Antennas, satellite earth station antennae and broadcast radio Antennas, provided that any requirements related to Accessory uses contained in this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director or his or her designee has the authority to approve modifications to the height restriction related to OTARD Antennas and OTARD antenna structures, in the reasonable discretion of the City, in the minimum amount necessary to comply with federal law.
4. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of serving the general health, safety, and welfare of residents by the City, or reasonable ability to obtain such written determination within 72 hours.
5. A temporary WCF installed for the purpose of providing sufficient coverage for a special event, subject to administrative approval by the City.
6. The siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.

## **17.10.2: Wireless Facilities – By Zone District**

Table 17.4.1 identifies where the different types of wireless facilities are permitted as primary or accessory uses, by right or with a special use permit, and where these uses are prohibited in each zone district within the City of Lakewood.

## **17.10.3: Operational Standards**

- A. Federal Requirements. All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Unless preempted by federal law, failure to meet such revised standards and regulations within 30 days of the City's determination of such failure shall constitute grounds for the removal of the WCF by the City or owner at the WCF owner's expense. The City may request, and an owner or applicant of a WCF shall provide periodic confirmation that a WCF remains in compliance with any Federal standards.
- B. Permission to Use Public Right-of-Way or City-owned vertical assets in the Public Right-of-Way. Prior to WCFs being sited in the ROW, the Applicant shall have an executed license agreement with the City, granting a non-exclusive license to use the Public Right-of-Way.
  1. Attachment of WCFs on an existing or replacement traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right

or approval, to use such structure by its owner, and Site specific approval pursuant to 17.10.4.

2. The Applicant, and if different from the Applicant, the Owner, shall remain responsible for any WCF installed in the ROW.
  3. Prior to, or concurrently with, seeking land use approval for a WCF on City-owned vertical assets in the Public Right-of-Way, the Applicant shall execute a lease agreement with the City.
  4. To the extent feasible in all zoning districts, the preference of the City is for small cell facilities to be located in non-residential areas and not in areas in which residential uses are permitted, unless necessary for network operations.
- C. Operation and Maintenance. To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner and meeting reasonable safety considerations, the City's Chief Building Official may extend such compliance period not to exceed 60 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.
- D. Emergency. In the event of an emergency or to protect the public health or safety, prior to the City accessing or performing any work on a facility on which a WCF Owner has installed Equipment, City may require WCF Owner to deactivate such Equipment if any of City's employees or agents must move closer to the Equipment than the FCC's recommended minimum distance. In such case, City will contact WCF Owner to request immediate deactivation.
- E. Non-Interference. The following provisions shall apply to ensure and/or avoid interference (both physical interference and Radio Frequency Interference) resulting from Licensee's installation, operation and/or maintenance of its Equipment:
1. Radio Frequency Interference. All WCF Owners shall ensure that the Equipment will not cause Radio Frequency Interference with Wireless Communication Facilities or devices, cable television, broadcast radio or television systems, satellite broadcast systems, or City traffic, public safety or other communications signal equipment existing at the time of installation of the Equipment.
  2. Existing Uses. WCF Owners shall not interfere in any manner with the existing uses of City property including Rights-of-Way, and including sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electric and telephone wires, streetlight fixtures, cable television, and other telecommunications, utility, and municipal property without the express written approval of the Owner(s) of the affected property or properties.
  3. City Communications. WCF Owners shall not interfere in any manner with current or future City or other governmental public safety communication.
  4. Remedies. If Interference occurs and continues for a period in excess of 24 hours following notice to the interfering party via telephone, the City may require

the interfering party to reduce power or cease operations of the interfering equipment until the Interference is cured.

- F. Relocation, Abandonment and Removal. After the WCF is constructed, if a WCF has not been in use for a period of three months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is contracted and is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice from the City. If such WCF is not removed within said 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. For any public project, a WCF may be required to relocate at WCF Owner's expense.
- G. Hazardous Materials. No Hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable laws governing such materials.
- H. Collocation. No WCF Owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the City, the owner or operator shall provide evidence explaining why Collocation is not possible at a particular facility or site.
- I. A WCF Owner or operator shall maintain with the City the following contact and site information and shall notify the City of any changes to such information within thirty (30) days of any change.
  - 1. Name, physical and email address, telephone number (including emergency 24/7/365 contact), and legal status of the Owner and if different from the Owner, the operator; and
  - 2. Any official identification numbers and FCC certifications for the WCF.
- J. Unauthorized Access. All WCFs shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically, Towers and Alternative Tower Structures shall be made inaccessible to individuals and constructed in such a manner that they cannot be climbed. WCFs shall be accessible only to persons authorized to operate or service them.

#### **17.10.4: Review Procedures and Requirements**

- A. Permit Required. No new WCF shall be constructed and no Collocation or modification to any WCF may occur except after a written request from an Applicant, reviewed and approved by the City in accordance with this Chapter. All WCFs except Eligible Facilities Requests which are reviewed under subsection (a)(3) of this Section, shall be reviewed pursuant to the following procedures. All WCF permits shall expire and be of no further force and effect 180 days following the date of approval unless, prior to the date of expiration: (1) Construction has been diligently pursued towards completion of the project, or (2) 180-day extension of the permit has been authorized by the director upon a written request by the applicant. An extension may be granted if a review of the

permit shows that no major changes in the City's development or zoning regulations or in the development pattern of the surrounding properties has occurred, as determined by the director. If a WCF permit expires, no further development of the facility may occur until a new permit application is submitted, reviewed and approved in accordance with this Code, subject to all application and processing fees.

1. Review Procedures for certain WCFs, including Base Stations, Alternative Tower Structures, Small Cell Facilities, and Alternative Tower Structures within Public Rights-of-Way. Applications for these WCF facilities shall be reviewed by the Public Works Department for conformance to this Section and using the Design Review procedures set forth in Section 17.10.5 For WCFs in the Right-of-Way that are found to have a significant visual impact (i.e. proximity to historical sites), be incompatible with the structure of surrounding area, or not meet the intent of these provisions, the City may refer the application to Planning Commission for a Special Use Permit Review Determination.
2. Review Procedures for certain WCFs, including Towers. Towers, other than those defined or excepted in (1) above, must apply for Special Use Permit Review approval. These WCFs shall be reviewed for conformance using the procedures set forth in Section 17.10.6. All applications for Towers shall demonstrate that other alternative design options, such as using Base Stations or Alternative Tower Structures, are not viable options as determined by the City.
3. Review Procedures for Eligible Facilities Requests.
  - a. Eligible Facilities Requests shall be considered a permitted use, subject to administrative review. The City shall prepare, and from time to time revise and make publicly available, an application form which shall require submittal of information necessary for the City to consider whether an application is an Eligible Facilities Request. Such required information shall include, without limitation, whether the project:
    - i. Constitutes a Substantial Change;
    - ii. Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.

The application may not require the Applicant to demonstrate a need or business case for the proposed modification or Collocation.

- b. Upon receipt of an application for an Eligible Facilities Request pursuant to this Section, the Director shall review such application to determine whether the application so qualifies.
- c. Timeframe for Review. Subject to the Tolling provisions of subparagraph d. below, within 60 days of the date on which an Applicant submits an application seeking approval under this Section, the City shall approve the application unless it determines that the application is not covered by this Subsection, or otherwise in non-conformance with applicable codes.
- d. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be Tolloed only by mutual agreement of the City and the Applicant, or in cases where the Director determines that the application is incomplete:
  - i. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 business days of receipt of



the application, specifically delineating all missing documents or information required in the application; such delineated information is limited to documents or information meeting the standard under paragraph (a)(i) above.

- ii. The timeframe for review begins running again the following business day after the applicant makes a supplemental written submission in response to the City's notice of incompleteness;
  - iii. Following a supplemental submission, the City will notify the Applicant within 10 business days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is Tolerated in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d.)(ii.). In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.
  - e. Failure to Act. In the event the City fails to act on a request seeking approval for an Eligible Facilities Request under this Section within the timeframe for review (accounting for any Tolling), the request shall be deemed granted. The request becomes effective when the Applicant notifies the City in writing after the review period has expired (accounting for any Tolling) that the application has been deemed granted.
  - f. Interaction with Telecommunications Act Section 332(c)(7). If the City determines that the Applicant's request is not an Eligible Facilities Request as delineated in this Chapter, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is required under the appropriate provision of the Code under which the application should be considered, the City may request additional information from the Applicant to evaluate the application under Section 332(c)(7) reviews, and the Shot Clock shall not commence until such information is provided.
4. Review Procedures for Small Cell Facilities in the Right-of-Way.
- a. Small Cell Facilities in the Right-of-Way shall be considered a permitted use, subject to administrative review as set forth in Subsection A.1.
  - b. The City shall prepare, and from time to time revise, and make publicly available, an application form which shall require submittal of information necessary for the City to consider whether a project is eligible as a Small Cell Facility in the Right-of-Way, meeting certain criteria. The application shall not require the Applicant to demonstrate a need or business case for any proposed modification or Collocation.
  - c. Upon receipt of an application for a Small Cell Facility in the Right-of-Way pursuant to this Section, the Public Works Department shall review such application to determine whether the application is complete.
  - d. Timeframe for Review. Within 90 calendar days of the date on which an Applicant submits an application seeking approval under this Section, the City shall take action on the application unless it determines that the

application is not covered by this Subsection, or otherwise in non-conformance with applicable codes.

B. Submittal Requirements.

1. In addition to submittal requirements of Chapter 17.2, the following supplemental items are required for all WCF applications
  - a. Signal Non-Interference Letter;
  - b. Radio Frequency Emissions Letter; To the extent that the WCFs that are the subject of the application require FCC filings to demonstrate compliance with the National Environmental Policy Act, all such filings shall be provided to the City.
  - c. Information related to need for environmental assessment; If an applicant is required to submit an environmental assessment to the FCC for the proposed site, it shall submit a copy of that environmental assessment, or alternately, it shall certify to the City in writing that the proposed site is categorically excluded per 47 C.F.R. § 1.1307.
  - d. Photo simulations showing before and after conditions excluding applications for small cell facilities;
  - e. Written representation that Applicant shall be responsible for paying all charges for any electricity furnished by a utility to Applicant and for charges for furnishing service to the Equipment. When the Equipment requires an electric meter as determined by the utility provider, the Applicant shall install or cause to be installed a separate electric meter on a ground mounted pedestal or on Applicant's pad mounted equipment cabinet as required by the electric provider for the operations of its Equipment;
  - f. Inventory of Sites. Each applicant for a WCF shall provide to the City a narrative description and data in a format acceptable to the City showing the applicant's currently proposed WCFs within the City, and outside of the City within one half-mile of its boundaries. This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. This information will be used to assist in the City's comprehensive planning process, and promote Collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.

The City may share information regarding the location of sites and the owners or managers of such sites with other applicants applying for administrative approvals or conditional permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the City, is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- g. Abandonment and removal Affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.

- h. Consolidated applications. The City shall allow a wireless provider to file a multi-site permit seeking approval for up to ten (10) permits for Small Cell Facilities at a given time. Each individual site shall be processed as a separate permit in order to facilitate recording site addresses, utility company requirements, and timely inspection scheduling. The City's denial of any individual small cell facility is not a basis to deny the application as a whole or any other small cell facility incorporated within the consolidated application.
- C. Decision. Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.
- D. Compliance with Applicable Law. Notwithstanding the approval of an application for new WCFs or Eligible Facilities Request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in the Municipal Code and any other applicable laws or regulations. In addition, all WCF applications shall comply with the following:
  - 1. Comply with any permits or licenses issued by a local, state, or federal agency with jurisdiction of the WCF
  - 2. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property;
  - 3. Be maintained in good working condition and to the standards established at the time of application approval; and
  - 4. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten calendar days from the time of notification by the City or after discovery by the owner or operator of the Site. Notwithstanding the foregoing, any graffiti on WCFs located in the Public Rights-of-Way or on Public Property may be removed by the City at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within 30 days after receipt of an invoice from the City.

#### **17.10.5: Design Standards**

- A. Review Requirements. The requirements set forth in this Section shall apply to the location and design of all WCFs governed by this Chapter as specified below; provided, however, that the City may waive these requirements if it determines and documents that the goals of this Chapter are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the City, consistent with other provisions of this Code. Notwithstanding the foregoing, the Planning Director shall have the authority to promulgate design standards for small cell facilities in the rights of way, which shall govern those types of WCFs, and in the case of residential property, subject to normal variance procedures being followed. The design standards in this section and any design standards promulgated pursuant hereto, shall be employed to avoid or minimize the intangible harm of unsightly deployments or deployments that are not in character with the surrounding area. Design standards shall be applicable to both newly constructed WCFs, to the extent not inconsistent with state law, permitted but not yet constructed WCFs, as well as legal non-conforming WCFs when such sites are sought

to be modified. Notwithstanding anything herein to the contrary, any modification of a 600 foot separation standard between stand-alone poles in the public rights of way can only be made by an amendment to this Code.

1. Camouflage/Concealment. All WCFs and any Transmission Equipment shall, to the extent possible, use Camouflage Design Techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into the surrounding natural setting and built environment.
  - a. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic, natural, or aesthetically significant structures or areas, views, and/or community features or facilities). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed to minimize their profile.
  - b. The camouflage design may include the use of Alternative Tower Structures should the Public Works Department determine that such design meets the intent of this Code and the community is better served thereby.
  - c. All WCFs, such as Antennas, vaults, equipment rooms, equipment enclosures, and Tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).
2. Collocation. WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF, to the extent it is feasible in good faith based upon construction, engineering and design standards, except where such Collocation would materially compromise the design intent of the WCF, particularly visually.
3. Lights and other attachments.
  - a. WCFs shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purpose. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties or environs. Lighting shall be shielded or directed to the maximum extent so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
  - b. All exterior lighting within equipment yards shall be mounted on poles or on the building wall below the height of the screen wall or fence.
  - c. No Tower shall have constructed on, or attached to, any additional platform, catwalk, crow's nest or like structure (other than those required by industry standards or federal regulations), except during periods of construction or repair.
  - d. Signs and advertising. The use of any portion of a Tower for signs or advertising devices other than public safety warnings, certification, or other requires seals on any wireless communication device or structure is prohibited. However, the telephone numbers to contact in an emergency shall be posted on each facility.

4. Noise. Noise generated on the site must not exceed the levels permitted in the City of Lakewood Municipal Code, except that a WCF owner or operator shall be permitted to exceed such noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.
5. Landscaping Requirements.
  - a. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel.
  - b. WCFs, excluding Small Cell Facilities unless otherwise required by the Public Works Department, shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from Rights-of-Way and adjacent properties. Where the City has requested additional landscaping, the City may require irrigation requirements for the landscaping. All such expense, including the cost of irrigation, shall be borne by the wireless provider
  - c. heritage trees and traditional landscaping designs should be preserved in the Rights-of-Way. Existing mature tree growth and natural landforms on the Right-of-Way site shall be preserved.
6. Screening Requirements.
  - a. All equipment, not located within the Public Right-of-Way and not otherwise defined, shall be fully screened within a walled yard or placed in an enclosed building except in cases where a better design alternative exists. The yard shall be enclosed by a solid fence or wall of sufficient height to screen all miscellaneous equipment from view from the public Right-of-Way or adjacent properties and to provide security.
  - b. All structures and improvements associated with the WCF shall be provided with adequate safety equipment and aesthetic treatments, including incorporating landscape screening noted in subsection 5, to be visually compatible with uses in the surrounding area.
  - c. Roof-top mounted equipment shall be screened from off-site views to the extent practical by solid screen walls or the building's parapet.
  - d. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
7. WCFs Adjacent to Single Family Residential Uses. WCFs shall be sited in a manner that evaluates the proximity of the facility relative to residential structures, neighborhoods, and residential zoning boundaries in order to minimize the visual impacts of WCFs on residential areas.
  - a. When placed near residential property, the WCF shall be placed in close proximity to a common property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent and nearby properties.
  - b. For a corner lot, the WCF may be placed adjacent to a common property line between adjoining residential properties, or on the corner formed by two intersecting streets.
  - c. If these siting requirements are not feasible in good faith from a construction, engineering, or design perspective, the Applicant may submit a written statement to the Public Works Department requesting the WCF be exempt from these requirements, and offer alternative locations reasonably meeting the intent of this section.

8. Design requirements specific to various types of WCFs.
  - a. Base Stations. If an antenna is installed on a structure other than a Tower or Alternative Tower Structure, such as a Base Station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually unobtrusive as possible, including for example, without limitation, painting the Antennas and accessory equipment to match the structure. Additionally, any ground mounted equipment may be located in a flush-to-grade underground equipment vault if it is reasonably feasible from a construction, engineering, or design perspective.
  - b. Alternative Tower Structures, not in the Public Right-of-Way shall;
    - i. Be designed and constructed to look like a building, facility, structure, or other commonplace item, such as but not limited to a tree, public art, or clocktower, typically found in the area.
    - ii. Be camouflaged/concealed consistent with other existing natural or manmade features in or near the location where the Alternative Tower Structure will be located.
    - iii. Be compatible with the surrounding area, including architecture, topography, natural vegetation, and/or landscaped environment.
    - iv. Be the minimum size needed to obtain coverage objectives. Height or size of the proposed Alternative Tower Structure should be minimized as much as possible.
    - v. Be sited in a manner that is sensitive to the proximity of the facility to residential structures, neighborhoods, and residential zoning district boundaries.
    - vi. Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.
  - c. Towers
    - i. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards and City design approval processes, be painted a neutral color so as to reduce visual obtrusiveness.
    - ii. Wherever possible, Towers shall locate to utilize existing landforms, vegetation, and structures to aid in screening the facility from view, or otherwise blending in with surrounding built and natural environment.
    - iii. Monopole support structures shall taper from the base to the tip.
    - iv. All Towers, excluding Alternative Tower Structures in the Right-of-Way, shall be enclosed by security fencing or wall and shall also be equipped with an appropriate ant-climbing device.
    - v. Towers shall be subject to the height restrictions of each zoning district. Notwithstanding anything in this Chapter to the contrary, Towers are prohibited in the Right-of-Way.
  - d. Roof and Building Façade Mounted WCFs:

- i. Roof mounted antennas and accessory equipment shall be painted or treated to match the façade of the building to which they are attached in order to minimize visibility from adjacent residential land uses and/or from public sidewalks. No WCFs can be placed on rooftops or facades in Residential Zone Districts.
  - ii. Roof- mounted WCFs may be approved only where an Applicant sufficiently demonstrates that a wall mounted WCF is inadequate to provide service. By filing an application for a roof-mounted WCF, an Applicant is certifying agreement to the City's determination that the height extensions described in this subsection d are the maximum heights that will allow the WCF to be Camouflaged, and that any additional increase in height will undermine the Camouflage nature of the site.
  - iii. Maximum height. Roof mounted antennas and accessory equipment shall not exceed the height of the penthouse or mechanical equipment room to which the antennas are attached. Antennas not mounted on a penthouse or mechanical equipment room shall be set back at least 5 feet from the exterior wall of a building. The maximum height of a roof mounted antenna that is not mounted on a penthouse or mechanical equipment room is equal to the distance the antenna is set back from the exterior wall.
  - iv. All rooftop equipment and Antennas must be adequately screened where feasible from a technical, construction, design and engineering perspective.
  - v. Building façade mounted antennas shall not protrude horizontally more than 2 feet from the building wall and shall be painted or treated to match the building or structure to which the antenna is attached.
  - vi. Building façade mounted antennas shall not exceed the height of the parapet or the roofline, whichever is greater.
  - vii. The total of all visible building façade mounted antennas may not exceed the greater of 10 percent of the square footage of the building façade.
- e. Related Accessory Equipment
  - i. Excluding Small Cell Facilities in the Right-of-Way, the buildings, shelters, cabinets, and other accessory components shall be setback a minimum of 15 feet from each property line with a residential zone district or a lot containing a residential structure, or shall meet all setback requirements of the underlying zone districts, whichever results in the greater setback, and shall be grouped as closely as technically possible.
  - ii. Total footprint coverage area of the accessory equipment shall not exceed 500 square feet per provider, with a maximum of 1500 square feet total for three or more providers.

- iii. No accessory equipment or accessory structure shall exceed 12 feet in height.
- iv. Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the Accessory Equipment shall use Camouflage Design Techniques.
- v. No accessory equipment or accessory structures shall be sited in a manner that reduces the parking or landscaped areas for other principal uses on the parcel below the minimums required by the Zoning Ordinance.
- vi. New accessory equipment cannot be placed within 150 feet of existing utility accessory equipment in Rights of Way in residential zones.

#### **17.10.6: Standards for Approval.**

- A. It is the intent of the City to provide for approval of WCFs administratively in cases where visual impacts are minimized, view corridors are protected, appropriate Camouflage and Concealment Design Techniques are employed to avoid adverse impacts on the surrounding area, and they are designed, maintained, and operated at all times to comply with the provisions of this Chapter and all applicable laws. Notwithstanding the approval of an application for Eligible Facilities Request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in municipal code and any other applicable regulations.
  - 1. Special Use Permit. Any application for a WCF which does not comply with the provisions of this Chapter may seek approval of a Special Use Permit by submitting an application to Planning Commission.
  - 2. Collocation and Separation Required. No new Towers, excepting Small Cell Facilities in the Right-of-Way, shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the Applicant proposes to address with its Tower application, and sufficient separation of Towers is achieved. Evidence may consist of the following:
    - a. No existing WCFs with a suitable height are located within the geographic area required to meet the Applicant's engineering requirements;
    - b. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF;
    - c. The Applicant's proposed WCFs would cause electromagnetic interference with the existing WCFs or the existing WCF would cause interference with the Applicant's proposed WCF;
    - d. The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for Collocation;
    - e. Towers over 90 feet in height shall not be located within one-quarter mile from any Existing Tower that is over 90 feet in height, unless the Applicant has shown to the satisfaction of the City that there are no



reasonably suitable alternative sites in the required geographic area which can meet the Applicant's needs.

3. Setbacks. The following minimum setback requirements shall apply to all WCFs except for Alternative Tower Structures in the Right-of-Way; provided however, that the City may reduce standard setback requirements if the applicant demonstrates that the goals of this Section can be met through a Variance process. WCFs subject to this subsection shall meet the greater of the following minimum setbacks from all property lines;
  - a. The setback for a principal building within the applicable zoning district; or
  - b. Twenty-five percent (25%) of the facility height, including WCFs and Related Accessory Equipment; or
  - c. For sites within 100 feet of residential uses, facilities over 30 feet in height shall have a minimum setback from all adjacent residential property lines of one (1) foot for every foot in height.

**17.10.7: Review.**

On or before July 31, 2021, or as soon thereafter as can feasibly be schedule on a City Council agenda, the City Council shall conduct a review of its experience in siting WCFs, and determine whether modifications to the provisions of this Chapter should be considered.

**ARTICLE 11: Historic Preservation ..... Error! Bookmark not defined.**

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# ARTICLE 11: HISTORIC PRESERVATION

## 17.11.1: General

### 17.11.1.1: Purpose and Intent

- A. 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, community sustainability, civic pride, and general welfare of the people.
- B. The purpose of this Article is to:
  - 1. 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;
  - 2. Foster civic pride in the beauty and accomplishments of the past;
  - 3. Stabilize or improve the aesthetic and economic vitality and values of such structures, sites and districts;
  - 4. Protect and enhance property values through the stabilization of neighborhoods and areas of the City, increase economic and financial benefits to the City and its inhabitants, and promote the City's attraction to tourists and visitors;
  - 5. Promote the use of outstanding historical or architectural structures, sites and districts for the education, stimulation and welfare of the people of the City;
  - 6. Promote good urban design including the perpetuation of related private spaces; and
  - 7. 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.
- C. It is the sense of the City Council that the 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.

### 17.11.1.2: Definitions

Notwithstanding the definitions contained in Article 13, the following terms, as used in this Article, shall have the following meaning.

**Alteration** means any act or process which, due to construction, repair, maintenance, or otherwise, changes one or more of the significant architectural features of buildings located within an historic district or designated as a landmark.

**Alteration Certificate** is an authorization from the Historic Preservation Commission to alter or demolish a historic property, or to construct a new building in a historic district consistent with specified criteria.

**Applicant** is the recorded owner(s) of the site(s) and/or building(s) located thereon, the lessee thereof, a person with written consent of the owner, or the person holding a contract to purchase same, or a person with written consent of the owner.

**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.

**Building** means any structure, place, or any other construction built for the shelter or enclosure of persons, animals, or chattel or any part of such structure when subdivided by division walls or party walls extended to above the roof or without openings in separate walls. The term “building” shall be construed as if followed by the words “or any part thereof.” “Building” may refer to a historically related complex such as “courthouse and jail” or “house and barn.”

**Building Official** is the officer or other designated authority charged with the administration and enforcement of the Building Code, or that person’s authorized representative.

**Conformity** means the action or behavior in correspondence with current customs, rules, or styles.

**Construction** is the erection of any on-site improvements on any parcel of ground located within an historic district, or a landmark site, whether the site is presently improved, unimproved or hereafter becomes unimproved by demolition or destruction, through natural causes, or otherwise.

**Contributing Property** means a classification applied to an individual property within a designated historic district, signifying that the property contributes generally to the distinctive character of the district.

**Demolition** means the destruction or removal, in whole or in part, of a historic landmark.

**Designation** means the formal recognition of a historic structure, site or district that is listed on the Lakewood Historic Register.

**Designated District** means a geographically defined area listed on the Lakewood Historic Register through the procedural requirements of this Article.

**Designated Site** means a historic property or site individually listed on the Lakewood Historic Register through the procedural requirements of this Article.

**Designated Structure** means a historic structure individually listed on the Lakewood Historic Register through the procedural requirements of this Article.

**Department** means the Planning Department.

**Director** means the Director of the Planning Department.

**District** means a geographically defined area possessing a significant concentration of sites, buildings, structures and/or objects united by past events or physical development 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.

**Historic Context Statement** is a statement or report that focuses specifically on historic, cultural, or social themes and patterns that shaped the built environment including themes such as exploration, settlement, education, transportation, and commerce and trade.

**Historic Preservation** is the protection, rehabilitation, restoration, and/or reconstruction of districts, sites, buildings, structures, and objects significant in Lakewood or that has national or state influence in history, architecture, archaeology, geography, engineering, or culture.

**Historic Property** is a site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, state, or local level, or property that is celebrated for having influence in the history of Lakewood.

**Improvement** means any change or alteration to any building, structure, place, work of art, or other object constituting a physical betterment.

**Inventory** is the listing of sites, buildings, and structures within the City, which contribute to the overall historic and architectural character and heritage of a district or the heritage of the City, including a list of historic properties and archaeological sites determined to meet specific criteria of significance.

**Landmark** is a structure, site, parcel, or district which has been listed as a landmark by the Historic Preservation Commission under the provisions of this Article.

**Noncontributing Property** means a classification applied to an individual property located within a designated historic district, signifying that the property does not contribute to the distinctive character of the district.

**Ordinary Repairs** means routine work done on a building to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay of, or damage to a building on any part thereof in order to restore to same as nearly as practicable to its condition prior to such deterioration, decay, or damage.

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

**Permit** means any permit issued by the City pertaining to construction, alteration, removal, or demolition of a building or feature within a designated historic landmark, landmark site, or district.

**Preservation Commission** means the Historic Preservation Commission established pursuant to this Article.

**Protection** is any physical means such as fencing or by stabilization to prevent further deterioration.

**Quorum** is the minimum number of Historic Preservation Commissioners necessary for a hearing on a designation as defined by the Historic Preservation Commission ByLaws.

**Reconstruction** is the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

**Rehabilitation** is the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

**Restoration** is the process or product of returning, as nearly as possible, an existing site, building, structure, or object to its condition at a particular time in its history, using the same construction materials and methods as the original, where possible, and may include removing later additions, making hidden repairs, and replacing missing period work.

**Secretary to the Historic Preservation Commission** is a staff person designated by the Director in the Planning Department.

**Significance** generally refers to the aesthetic, cultural, educational, or scientific importance of an archaeological, architectural, paleontological, or scenic heritage resource.

**Significant Architectural Feature** means any distinctive aspect of a building's exterior that defines its architectural character, for example, the color and texture of the building material or the style and size of its doors and windows.

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

**Stabilization** is the process of temporarily protecting a historic building or structure until rehabilitation or restoration efforts can begin. It typically includes making the building weather-tight, structurally stable, and secure against intruders while maintaining the essential form as it exists at present.

**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.

## **17.11.2: Historic Preservation Commission**

### **17.11.2.1: Creation**

There is hereby established a Historic Preservation Commission, which shall be appointed by the City Council, hereinafter referred to as "Preservation Commission."

#### **17.11.2.2: Composition**

- A. The Preservation Commission shall consist of seven voting members. At least two members shall be Lakewood residents.
- B. Each member shall have a demonstrated interest in, competence with, or knowledge of, historic preservation.
- C. A minimum of three of the members shall be professionals in preservation-related disciplines such as:
  - 1. Architecture; or
  - 2. Landscape Architecture; or
  - 3. Architectural History; or
  - 4. History; or
  - 5. American Studies; or
  - 6. American Civilization; or
  - 7. Cultural Geography; or
  - 8. Cultural Anthropology; or
  - 9. Urban Planning.
- D. All remaining Commissioners shall be composed of both professional and lay members and shall be selected, as much as possible, from related disciplines such as the building trades, cultural geography, cultural anthropology, real estate or law, or should reside within a designated historic district.

#### **17.11.2.3: Term of Office**

- A. The term of each member shall be four years, provided, however that the initial appointment to the Preservation Commission shall consist of one appointment of a term of one year, one appointment of a term of two years, one appointment of a term of three years, and two appointments of a term of four years. The term of each member shall end on March 31<sup>st</sup> of the last year of that member's term.
- B. No member shall serve more than two consecutive terms on the Preservation Commission as either an alternate or regular member. After any member has served two consecutive terms of office, that member shall not be eligible for reappointment until after that person has ceased to be a member of the Preservation Commission for a least one full term. Any member who serves at least one-half term shall be considered to have served one full term.

#### **17.11.2.4: Area of Authority**

The Preservation Commission's geographic area of authority shall be the same as the boundaries of the City of Lakewood.

#### **17.11.2.5: Powers and Duties**

The Preservation Commission shall have the power and duty to:

- A. Evaluate and make recommendations concerning the merits of applications for designation pursuant to this Article.
- B. Conduct Alteration Certificate review as provided in this Article.
- C. Consult with City staff as requested concerning the conformity with approved plans of construction or alteration authorized pursuant to an Alteration Certificate issued pursuant to this Article.
- D. Prepare, or cause to be prepared, a comprehensive inventory of sites, structures, or areas that may be appropriate for designation pursuant to this Article.
- E. Prepare, or cause to be prepared, design guidelines for construction and alteration of designated structures and structures in designated districts for adoption and approval by the Preservation Commission.
- F. Prepare, or cause to be prepared, historic context statements.
- G. Increase public awareness of the value of historic, architectural, and cultural preservation.
- H. Evaluate and comment on proposals or decisions made regarding structures, sites and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, and historic or other heritage.
- 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 Preservation Commission may deem appropriate.
- K. Review applications for the relocation of designated structures for preservation, or structures into a designated district for protection.
- L. Receive ongoing training by delegating at least one member to attend a State Historic Preservation Office approved educational session each year.
- M. Prepare an annual report to the City Council.



- N. Delegate to City staff or preservation partners the authority to administratively review and/or approve specific types of projects involving historic resources.

#### **17.11.2.6: Meetings**

The Preservation Commission shall meet regularly, with a minimum of four meetings per year.

#### **17.11.2.7: Vacancies**

In the event of a vacancy occurring in the membership of the Preservation Commission for any reason, an appointment for the remainder of the vacant term of office shall be made in the same manner as regular appointments.

#### **17.11.2.8: Removal**

With just cause, City Council may remove any Preservation Commission member.

### **17.11.3: Designation Criteria**

A structure, site or district may be designated for historic preservation if it meets the following criteria:

- A. It is associated with events that have made a significant contribution to the broad patterns of the City's history; or
- B. It is associated with the lives of persons significant in the City's past; or
- C. It embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. It has yielded, or may be likely to yield, information important in history or prehistory; or
- E. It is culturally significant to the Lakewood community.

### **17.11.4: Designation Procedure**

#### **17.11.4.1: Initiation**

A designation process shall be initiated by:

- A. The City Council; or
- B. The Preservation Commission; or
- C. The Director; or

- D. The Lakewood Historical Society; or
- E. A non-profit organization with an established interest in, and a mission statement supporting, preservation; or
- F. The property owner(s) (if a single property); or
- G. A defined percentage of property owners in a proposed district pursuant to Section [17.11.4.2:B](#).

#### **17.11.4.2: Property Owner Consent Required**

- A. For an individual structure or parcel of real property, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any structure or parcel of real property for preservation without the written consent of the owner thereof.
- B. For a district, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any district for preservation without written consent of 60 percent of property owners within the proposed district.

#### **17.11.4.3: Application**

An application for designation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the appearance of the structure, district or site and shall demonstrate how the structure, district or site meets the criteria for designation as set forth in Section [17.11.3](#). An application for a district shall include the boundaries for the area to be designated.

#### **17.11.4.4: Preliminary Review**

The Director shall determine whether the application is complete and includes appropriate property owner consent pursuant to Section [17.11.4.2](#). If the Director determines the application is complete, the Director shall promptly refer the application to the Preservation Commission. If the Director determines the application is incomplete, the applicant shall be advised of the reasons the application is incomplete.

#### **17.11.4.5: Review of Application**

The Preservation Commission shall review the application to determine if the structure, district, or site is potentially eligible for designation. If the Preservation Commission finds the structure, site or district potentially eligible for designation it shall schedule a public hearing on the question of designation.

#### **17.11.4.6: Notice of Designation Hearing**

Notice of a designation hearing shall be given as follows:

- A. The Secretary to the Preservation Commission shall schedule a public hearing before the Preservation Commission. The public hearing shall be held not more than 45 days, or within a timeframe agreed upon by the applicant and Director, after receipt of a complete application. The Secretary to the Preservation Commission shall provide notice of the date, time and location of the public hearing to the applicant, the owner or owners of record and, if known, to other persons having a legal or equitable interest in the site or sites nominated for designation.
- B. Signs indicating the proposed action and the time, date and place of the hearing, shall be posted by the applicant at least 14 days prior to the hearing on all property proposed for designation for preservation, and on the boundaries of all areas proposed for designation as a district for preservation, such signs to be prominently displayed and easily readable from abutting public ways. If any sign is damaged or destroyed prior to the hearing, the sign shall be replaced.
- C. A legal notice indicating the nature of the hearing, the property involved, and the time, date and place of the scheduled public hearing, shall be published in the City's publication of record at least 10 days prior to the hearing.
- D. The Secretary to the Preservation Commission shall provide written notice of the proposed designation, including the identification of the property, the basis for commencing the designation procedure, and the time, date and place of the hearing to the Preservation Commission, the Director, and the building official not less than 14 days prior to the hearing.

#### **17.11.4.7: Designation Hearing before the Preservation Commission**

- A. A quorum of the Preservation Commission shall conduct the hearing. A hearing may be continued. If the hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned.
- B. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Preservation Commission from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
- C. Transcripts of the hearings are not required; however, the Preservation Commission's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an owner or holder of some interest in an affected property, or represents such owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing. All recordings, documents, and physical evidence considered shall be retained for 60 days after designation.

#### **17.11.4.8: Findings and Recommendations of the Preservation Commission**

The Preservation Commission shall act officially on each proposed designation within 45 days after the hearing thereon. The Preservation Commission may recommend, recommend with conditions, or deny any proposal, but no proposal may be extended beyond the boundaries of the land described in the final application for designation unless the initiation and hearing procedures

are repeated for the enlarged boundaries. The Preservation Commission shall set forth in writing its findings of fact which constitute the basis for its recommendation. If the Preservation Commission fails to act within the 45 day period, the designation shall be deemed to have been rejected, and the designation procedure terminated.

#### **17.11.4.9: Proceedings before the City Council**

- A. Within 60 days after the date of the Preservation Commission's recommendation, the City Council shall hold a public hearing on the proposed designation, after giving notice in conformance with the procedures set forth in Section [17.11.4.6](#): for the public hearing before the Preservation Commission, except that the City Clerk shall perform the responsibilities assigned therein to the Secretary of the Preservation Commission.
- B. The City Council shall, by ordinance, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the Preservation Commission's recommendations and in accordance with the criteria set forth in Section [17.11.3](#):
- C. The City Clerk shall provide a copy of the results of the City Council's final action to the applicant, the Preservation Commission, the Secretary to the Preservation Commission, the Director, the building official, and any other person who has requested in writing to receive the same.

#### **17.11.4.10: Recording of Designation**

- A. Within 15 days of the effective date of an ordinance designating a structure, site or district for preservation, the City Clerk shall record the ordinance with the clerk and recorder of the county in which the structure, site or district is located.
- B. The Director shall maintain on file a record of all designated structures, sites and districts within the City of Lakewood.

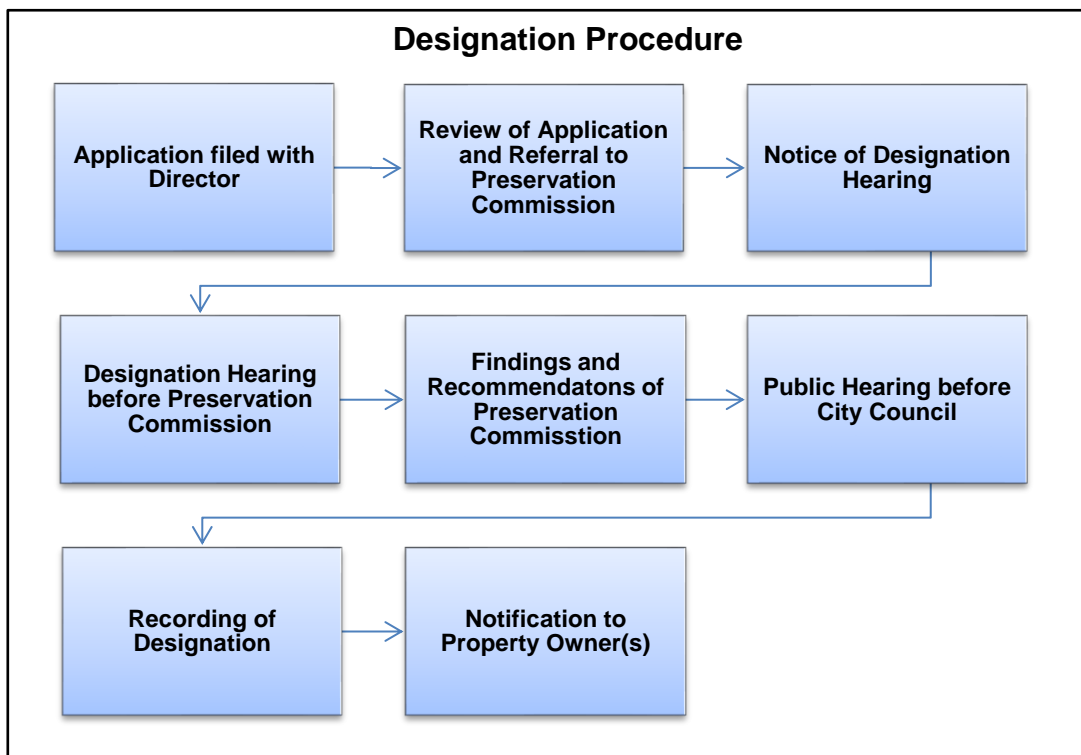
#### **17.11.4.11: Notification**

Within 14 days after the recording of the ordinance of designation, staff shall send to the owner of each property affected by the designation a letter outlining the reasons for such designation and the obligations and restrictions created by such designation.

#### **17.11.4.12: Appeal of Preservation Commission's Denial of Application**

- A. If the Preservation Commission denies an application for designation for any reason other than lack of requisite property owner consents, the applicant 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 to the Preservation Commission not later than 15 days after the date of mailing of the Preservation Commission's denial.

- B. Notice of the City Council's consideration of the appeal, and of the City Council's consideration hearing, shall be provided pursuant to the procedures set forth in Section [17.11.4](#): for the public hearing before the Preservation Commission except that the City Clerk shall perform the responsibilities assigned therein to the Secretary. However, the public hearing and consideration by the City Council of the designation ordinance shall not be less than 10 days after the date of publication in the City's publication of record.
- C. Upon consideration of the appeal, the City Council may consider only the notice of appeal, the Preservation Commission's reasons for denial of the application, and the comments related thereto made during the Preservation Commission hearing.
- D. If City Council finds that the Preservation Commission's denial of the application was based upon incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Preservation Commission, and if the correct or newly discovered information could, in the opinion of the City Council, change the Preservation Commission's denial of said application, then the entire matter shall be remanded by the City Council to the Preservation Commission for its consideration.



## 17.11.5: Alteration Certificate

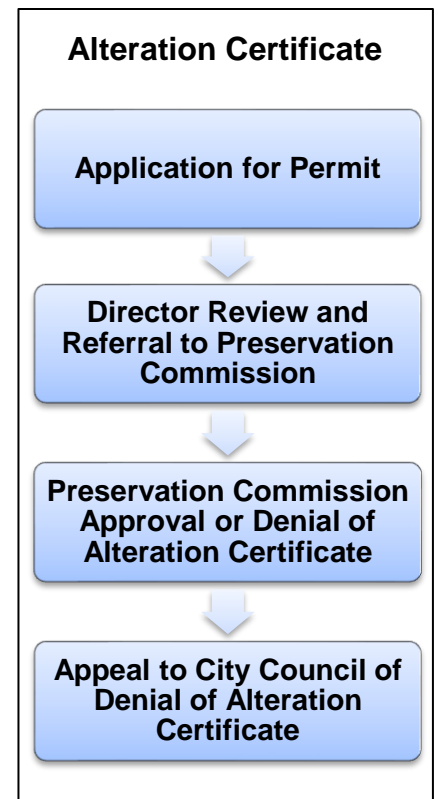
### 17.11.5.1: Requirement

An Alteration Certificate shall be obtained, in addition to any other permit or other approval required by this Zoning Ordinance, for any designated structure or site, or for any contributing structure within a designated district, prior to any:

- A. Alteration, rehabilitation, restoration, addition, or reconstruction of, the exterior of all or part of a designated structure or all or part of a contributing structure located in a designated district; or
- B. Demolition which constitutes all or part of a designated structure or all or part of a contributing structure located in a designated district; or
- C. Construction or erection of any addition or improvement to any designated structure or to any contributing structure located in a designated district; or
- D. Construction or erection of any structure or improvement to any designated site.

#### 17.11.5.2: Criteria

- A. The Preservation Commission shall issue an Alteration Certificate for proposed construction, alteration or demolition if the application and other submittals demonstrate:
  - 1. That it is of a nature which will not adversely affect or destroy any architectural feature of the structure; and
  - 2. That it is in substantial conformity with design guidelines adopted by the Preservation Commission; and
  - 3. That any distinctive feature, finish, construction technique or examples of craftsmanship that characterize the property are maintained; and
  - 4. That any new addition, exterior alteration or related new construction does not destroy the historic materials that characterize the property; and
  - 5. That any addition and any related construction is undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment; and
  - 6. That any new work is differentiated from the old and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment would be unimpaired; and
  - 7. The historic character of the property is retained and preserved and the removal of historic materials or features that characterize the property is avoided; and
  - 8. That there is substantial economic hardship as set forth in Section [17.11.5.4](#).



- B. In addition to the criteria in Subsection A above, the Preservation Commission may also evaluate any work as to conformance with any additional standards of the U.S. Department of the Interior for the Treatment of Historic Properties.

#### **17.11.5.3: Application and Review**

- A. 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, upon the filing of an application for a permit for the performance of any work coming within the scope of Section [17.11.5.1](#) above, the Director shall require the applicant to meet the following additional submittal requirements:
  - 1. A narrative description of the type of work proposed and its effect or impact upon the structure, site or district designated for preservation; and
  - 2. Plans and designs showing in detail any proposed alteration to a designated structure or contributing structure within a designated district including, but not limited to, façade elevations and proposed materials to be used; and
  - 3. A site plan, if applicable, showing the location of existing structures and any proposed structures on the site; and
  - 4. Any other drawings, photographs, material brochures or samples, or information that may be necessary to determine and provide for compliance with this Article; and
  - 5. 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.
- B. On receipt of a complete submittal, the Director shall refer the application to the Preservation Commission for review.
- C. If the Preservation Commission determines the application and other submittals demonstrate that the criteria set forth in Section [17.11.5.2](#) are met, the Preservation Commission shall issue and send an Alteration Certificate to the Director within 45 days after its receipt of the referral.
- D. If the Preservation Commission determines the application and other submittals do not demonstrate that the criteria set forth in Section [17.11.5.2](#) are met, the Preservation Commission may issue an order continuing the permit application process for a period not to exceed 90 days from the date 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.

- E. During any continuance ordered by the Preservation Commission, the Preservation Commission 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.
- F. If the Preservation Commission fails to send either an Alteration Certificate or a continuance order to the Director within 60 days after receipt of the application, the building permit application process shall proceed without further reference to this Section.

#### **17.11.5.4: Economic Hardship**

Upon written application by the applicant, the Preservation Commission shall issue an Alteration Certificate for proposed demolition if the Preservation Commission finds the application and supporting documents demonstrate that maintenance or rehabilitation would cause unreasonable economic hardship based on the following:

- A. The property is incapable of earning a reasonable return on the owner's investment; and
- B. The property cannot be adapted for another use that can result in a reasonable return; and
- C. No potential purchaser of the property with a reasonable offer who intends to preserve it can be identified.

#### **17.11.5.5: Appeal of Denial of Alteration Certificate**

If the Alteration Certificate is denied by the Preservation Commission, the applicant may appeal the denial to the City Council within 30 days of the denial by Preservation Commission. After notice is provided in accordance with Section [17.11.4.6](#), the City Council shall hold a public hearing to consider the appeal, and consider any evidence it deems relevant to the application. The City Council shall apply the criteria in this Article in making its decision. The decision of the City Council shall be final.

### **17.11.6: Relocation of a Designated Structure or Landmark**

#### **17.11.6.1: Initiation**

A request to relocate a designated structure or landmark shall be initiated by the property owner(s).

#### **17.11.6.2: Application**

An application for relocation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the reasons for the request for relocation and shall include any documentation in support of the request for relocation. The Director shall forward a complete application to the Preservation Commission for its consideration.

#### **17.11.6.3: Review of Application**

The Preservation Commission shall apply the following criteria when considering applications for relocating a designated structure or landmark:



- A. If the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property; and
- B. The contribution the structure makes to its present setting; and
- C. Whether plans are specifically defined for the site to be vacated, and have been approved by city staff; and
- D. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure; and
- E. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and
- F. Whether a structural report submitted by a licensed structural engineer experienced in preservation of structures adequately demonstrates the soundness of the structure proposed for relocation.

#### **17.11.6.4: Decision**

- A. The Preservation Commission shall notify the applicant and the Director in writing within 15 days of its decision.
- B. The decision of the Preservation Commission shall be final.

#### **17.11.7: Maintenance**

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a designated structure or a contributing structure within a designated district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, color or outward appearance, and includes in-kind replacement or repair. The Director shall determine what ordinary maintenance is. If the Director determines the work to be performed falls under the purview of ordinary maintenance, an Alteration Certificate shall not be required.

It shall be the responsibility of the owner or owners of a designated property, or a contributing property within a designated district, to provide minimum maintenance to the structure or building to prevent the loss of historic material and detail. Minimum maintenance is required to prevent a structure from reaching a point of hazard where the structure might be condemned and demolished for health and safety issues.

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**ARTICLE 12: Nonconformities..... Error! Bookmark not defined.**

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## **ARTICLE 12: NONCONFORMITIES**

### **17.12.1: General**

#### **17.12.1.1: Purpose and Intent**

This Article is intended to regulate buildings, structures, uses, fences and signs that came into being lawfully but that do not conform to one or more of the requirements of this Zoning Ordinance. Further it is the intent to identify circumstances and conditions under which any nonconforming building, structure, use, fence or sign shall be permitted to exist and may be modified.

#### **17.12.1.2: Authority to Continue**

Any nonconformity that legally existed on April 1, 2013, or that becomes nonconforming upon the adoption of any amendment to this Zoning Ordinance, may be continued in accordance with the provisions of this Article.

#### **17.12.1.3: Nonconformities Detrimental to Health and Safety**

No provision of this Article shall be construed to allow continuation of any nonconforming building, structure, use, fence or sign when it is determined by the Director to be detrimental to public health or safety. The right to continue the use of any nonconforming building, structure, use, fence or sign shall be subject to all life safety requirements of applicable housing, building, health and other safety codes and standards.

#### **17.12.1.4: Determination of Nonconformity Status**

The burden of establishing that a building, structure, use, fence, or sign is nonconforming shall, in all cases, be solely upon the owner of such nonconforming building, structure, use, fence or sign.

#### **17.12.1.5: Nonconforming Certificate**

An owner of any nonconforming building, structure, use, fence or sign may request a Nonconforming Certificate by filing an application with the Director. The application shall include the approximate date that the building, structure, use, fence, or sign was established, and any other information determined by the Director to be necessary to permit an accurate determination as to whether the building, structure, use, fence, or sign is nonconforming.

#### **17.12.1.6: Nonconformities Created by Public Action**

When lot area or setbacks are reduced as a result of land acquired by a federal, state or local government, or any other public agency, for a public purpose, and the remaining is at least sixty (60) percent of the required minimum standard for the zoning district in which it is located, then that lot or structure is deemed to be in compliance with the minimum standards of this Zoning Ordinance.

## **17.12.2: Nonconforming Buildings or Structures**

### **17.12.2.1: Nonconforming Buildings or Structures in Single-Family and Two-Family Residential Zone Districts**

A nonconforming building or structure may continue to be used subject to the following provisions:

A. Repair:

A nonconforming building or structure may be repaired or structurally altered only if the alteration or repair does not increase the nonconformity and complies with this Zoning 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 Zoning Ordinance is impossible.

B. Expansion:

1. A nonconforming principal building or structure may be enlarged, extended, constructed or altered as determined by the Director as follows:
  - a. The expansion or alteration is no greater than 20 feet in length, or 20 percent of the average lot depth, whichever is less; and
  - b. The expansion or alteration comes no closer to the property line than the existing nonconforming portion of the building or structure and is no less than 3 feet from the adjacent property line; and
  - c. No new nonconformities are created; and
  - d. The expansion or alteration is compatible with the pattern of existing development in the vicinity; and
  - e. The expansion or alteration is consistent with the Comprehensive Plan; and
  - f. All other standards of this Zoning Ordinance are met.
2. Except for single family dwelling and duplex, no vertical expansion is permitted unless it meets all standards of this Zoning Ordinance.

C. Restoration of Damage:

1. A nonconforming principal building or structure that is damaged or destroyed by fire or any other natural disaster may be restored in accordance with [Section 17.12.1.3.](#) In such case, the principal building or structure may be re-established to the extent that existed before the time of damage, and within the pre-existing structure boundaries, provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that such repairs, restoration or reconstruction begin within 18 months of the date of such damage.

2. A nonconforming accessory building or structure that is destroyed or damaged to the extent of more than 60 percent of its replacement value shall not be repaired or rebuilt except in compliance with the requirements of this Zoning Ordinance.

**17.12.2.2: Nonconforming Buildings or Structures in Multifamily, Mixed-Use, Commercial and Light Industrial Zone Districts**

A nonconforming building or structure in a multifamily, mixed-use, commercial or light industrial zone district may continue to be used subject to the following provisions:

A. Repair

A nonconforming building or structure may be repaired or structurally altered only if the alteration or repair does not increase the nonconformity, except as provided in Subsection B, below. 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 Zoning Ordinance is impossible.

B. Expansion:

A nonconforming building or structure shall be permitted to be enlarged, extended, or altered as follows:

1. A nonconforming building or structure may be expanded by a maximum of 20 percent of the gross floor area of the structure that existed on April 1, 2013, if the expansion or alteration does not increase or extend any existing nonconformity or create any new nonconformities.
2. A nonconforming building or structure may be expanded more than 20 percent of the gross floor area of the building or structure that existed on April 1, 2013, if that portion of the building or structure that is being expanded meets the requirements of Article 5.

C. Restoration of Damage:

1. A nonconforming principal building or structure that is damaged or destroyed by fire or any other natural disaster may be restored in accordance to Section [17.12.1.3](#). In such case, the principal building or structure may be re-established to the extent that existed before the time of damage, and within the pre-existing structure boundaries, provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that such repairs, restoration or reconstruction begin within 18 months of the date of such damage.
2. A nonconforming accessory building or structure that is destroyed or damaged to the extent of more than 60 percent of its replacement value shall not be repaired or rebuilt except in compliance with the requirements of this Zoning Ordinance.

### **17.12.3: Nonconforming Use**

- A. With the exception of single family dwelling units and duplexes, no non-conforming use maybe expanded through any development activities. For any expansion of a single family or duplex unit, the design and development standards of the R-1-6 zone district shall apply
- B. An existing nonconforming use may be continued except that the nonconforming use shall terminate if it is discontinued for a period of 180 days or more, regardless of any intent to resume operations. However, the Director, for good cause shown, may extend the discontinuation period based upon the following criteria:
  - 1. The building and/or site was designed specifically for the particular use for which the extension is being requested; and
  - 2. There are no substantial redevelopment opportunities for that site in the near future; and
  - 3. No redevelopment has occurred in the vicinity of the site; and
  - 4. The use for which the extension is being requested will not have a detrimental impact on the surrounding uses or potential redevelopment.
- C. A nonconforming use shall not be changed to another nonconforming use. However, the Director, for good cause shown, may permit a change to another nonconforming use based upon the following criteria:
  - 1. The configuration and design of the site and/or building significantly limit redevelopment and reuse opportunities; and
  - 2. No redevelopment has occurred in the vicinity of the site; and
  - 3. The use for which the extension is being requested will have less adverse impact than the previous nonconforming use or than a vacant building on the site; and
  - 4. The Director, at his or her discretion, may require certain site improvements as a condition of approval in accordance with other standards of this Zoning Ordinance; and
  - 5. The Director, at his or her discretion, may subject the proposed nonconforming use to a special use permit process as described in Article 2 of this Zoning Ordinance.
- D. A nonconforming use, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

### **17.12.4: Nonconforming Fences**

A nonconforming fence must be brought into conformity if the fence is damaged or destroyed by more than 60 percent of its total replacement value.

### **17.12.5: Nonconforming Signs**

- A. A nonconforming sign must be brought into conformity if:
  - 1. The sign is damaged or destroyed by more than 60 percent of its total replacement value; or
  - 2. There is a request made for a permit to alter the structural support of the sign; or
  - 3. There is a request made for a permit to change a portion of the sign to a digital display sign.

### **17.12.6: Signs on Nonconforming Buildings**

#### **17.12.6.1: Purpose & Intent**

- A. The purpose of providing sign standards for non-conforming buildings is to allow flexibility in regard to the location and size of wall signs for existing buildings that do not currently meet the dimensional standards of the zone district.

#### **17.12.6.2: Applicability & Standards**

- A. The Director may modify the sign standards on wall signs on nonconforming buildings that are setback from the public street greater than 85 feet. The Director shall evaluate, and may approve with or without conditions, a request to modify the wall sign standards based on the following:
  - 1. The applicant demonstrates that the proposed wall signage will achieve a comparable result in visibility from the street as the unmodified standards on conforming buildings in the same zone district; and
  - 2. The proposed wall signage is the minimum signage necessary to communicate a message as compared to the unmodified standards on conforming buildings in the same zone district.
- B. If the Director does not approve modifications to the signs standards for a non-conforming building, by default the building shall be allowed signage per the standards for that zone district and use.

### **17.12.7: Nonconforming Parking**

Nonconforming parking in the multifamily, mixed-use, commercial or light industrial zone districts may be continued except that when any building or structure is enlarged, extended or altered, the parking shall meet the minimum parking standards identified in Table 17.8.1.



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**Article 13: Enhanced Development Menu..... 13-1**

**17.13.1 : General.....13-1**

17.13.1.1: Purpose and Intent .....13-1

17.13.1.2: Applicability .....13-1

17.13.1.3: Menu .....13-1

## **ARTICLE 13: ENHANCED DEVELOPMENT MENU**

### **17.13.1: General**

#### **17.13.1.1: Purpose and Intent**

The Enhanced Development Menu (Menu) is intended to promote development that supports the community goals identified in the Lakewood Comprehensive Plan and Sustainability Plan while also minimizing impacts and providing direct benefits to adjacent properties and neighborhoods. This will help the community as a whole realize benefits from new development.

#### **17.13.1.2: Applicability**

The Menu shall be applied only to developments with buildings with a gross square footage of more than 20,000 sq. ft. Developments with buildings between 20,000 and 50,000 sq. ft. (cumulative square footage of all buildings on site) must achieve 35 points from the Menu. Developments with buildings greater than 50,000 sq. ft. must achieve 50 points from the Menu.

#### **17.13.1.3: Menu**

Refer to the Lakewood Enhanced Development Menu. All proposed points are subject to review for alignment with existing City plans and site-specific availability.

**TABLE 17.13.1: ENHANCED DEVELOPMENT MENU***TOTAL POINTS REQUIRED (projects = 20,000-50,000 sq. ft.): 35**TOTAL POINTS REQUIRED (projects = > 50,000 sq. ft.): 50*

		MENU ITEM	DESCRIPTION	Documentation Required	Points	Scoring Notes
Energy, Water, & the Built Environment	1	<u>Energy efficient outdoor lighting</u>	<u>Use outdoor lighting fixtures and bulbs that are ENERGY STAR or equivalent.</u>	<u>Provide product specifications that can be verified at <a href="http://www.energystar.gov/productfinder">www.energystar.gov/productfinder</a>.</u>	<u>2</u>	-
	2	<u>Passive solar design</u>	<u>Construct building to be elongated on an east-west axis, with south facing windows that receive sunlight between the hours of 9:00 A.M. and 3:00 P.M. (sun exposure) during the heating season. This shall be coupled with the use of awnings or other shade structures on the east and west facing windows, appropriate use of glazing, use of daylighting, and other passive solar design techniques to reduce energy demand, including building envelope design.</u>	<u>Demonstrate by using solar path diagram and narrative, identifying and describing how design will achieve a minimum of 50% south facing window area and placement of other passive solar techniques employed.</u>	<u>3</u>	-
	3	<u>Urban heat island reduction</u>	<u>Use any combination of the following measures to reduce urban heat island effects for roof and hardscaped area: ENERGY STAR–compliant roofing; a “green” (vegetated) roof;</u>	<u>Provide product specifications or list selected vegetation. Demonstrate coverage of a minimum of 50% of combined total sq. footage of the roof and hardscaped area with selected measures.</u>	<u>5-15</u>	<u>5 points for 50% of hardscaped area covered by measures. Additional 3 points per additional 5% up to 20 points</u>

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			<u>reflective materials with minimum SRI (solar reflective index) of 29; open-grid pavement; or trees with a caliper size of 3" or greater.</u>			
	<u>4</u>	<u>Renewable electric energy - offsite</u>	<u>Procure renewable energy from off-site sources for electricity use.</u>	<u>1) Demonstrate the projected energy use of the site and calculate the percentage of that will be offset by renewable sources (minimum 25% required).</u> <u>2) Provide documentation of ownership or a signed lease agreement for a period of at least 15 years.</u>	<u>10-25</u>	<u>10 points for 25% of energy use offset by renewable sources.</u> <u>Additional 1 point per additional 5% up to 25 points.</u>
	<u>5</u>	<u>Renewable electric energy - onsite</u>	<u>Provide on-site renewable energy generation for electricity use.</u>	<u>1) Demonstrate the projected energy use of the site and calculate the percentage of that will be offset by renewable sources (minimum 25% required).</u> <u>2) Provide documentation of ownership or a signed lease agreement for a period of at least 15 years.</u>	<u>20-35</u>	<u>20 points for 25% of energy use offset by renewable sources.</u> <u>Additional 1 points per additional 5% up to 35 points</u>
	<u>6</u>	<u>Hydro zones</u>	<u>Using a City-approved plant list, select plants appropriate to the climate and group them in hydrozones, according to water need for efficient landscape irrigation.</u>	<u>On the landscape plan, indicate hydrozones, selected plants, and specific water requirements (routine irrigation every 2-4 days or limited irrigation only during dry spells).</u>	<u>3</u>	-
	<u>7</u>	<u>Water budgeting</u>	<u>Provide landscape designs that demonstrate they meet or fall below Denver Water benchmark of 12 gallons per square</u>	<u>Demonstrate the projected outdoor water use of the site.</u>	<u>5</u>	-

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			<u>foot of pervious area annually (GPSF).</u>			
<b><u>Zero Waste</u></b>	<u>8</u>	<u>Recycling and composting enclosures</u>	<u>Designate space for recycling and composting collection (or other applicable waste stream) based on the building use</u>	<u>On the site plan, indicate location and dimensions of dumpster enclosures for a minimum of three waste streams (e.g., trash, recycling, compost). If applicable, indicate waste infrastructure internal to the building (e.g., trash and recycling chutes).</u>	<u>5</u>	-
	<u>9</u>	<u>Recycling and composting contracts</u>	<u>Contract for recycling and composting collection (or other applicable waste stream) based on the building use and management</u>	<u>Provide documentation of a 2-year minimum contract for a minimum of trash, recycling, and compost pick-up services. Alternative waste stream services can be submitted if applicant demonstrates sufficient volumes.</u>	<u>10</u>	-
<b><u>Transportation</u></b>	<u>10</u>	<u>Multimodal transportation assessment</u>	<u>Identify available pedestrian, bicycle, and transit connections to the site in order to inform wayfinding, connectivity with the existing transportation network, and other infrastructure improvements.</u>	<u>Provide a separate plan sheet indicating multimodal connections within a 0.5-mile radius for suburban and urban contexts and a 0.2-mile radius for transit contexts.</u>	<u>2</u>	-
	<u>11</u>	<u>Bike amenities</u>	<u>Provide bike amenities that are available to the community (fix-it stations with air pumps, bicycle vending machines, bicycle parking cover, designated space for dock less bike share parking).</u>	<u>Indicate bike amenities on site plan and provide product specification sheets and a maintenance plan. Must provide a minimum of 2 amenities.</u>	<u>2-5</u>	<u>1 point per amenity</u>

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	<u>12</u>	<u>Car share</u>	<u>Designate car share parking spaces and contract with a car share service provider.</u>	<u>Indicate car share parking spaces and signage on site plan and provide documentation of 2-year minimum contract with a car share service provider. Must provide spaces equivalent to at least 2% of parking space minimum, in addition to the parking minimum.</u>	<u>5</u>	-
	<u>13</u>	<u>EV public parking spaces</u>	<u>Install publicly available EV charging infrastructure and designated spaces.</u>	<u>Indicate designated EV spaces on site plan and provide EV charging infrastructure product specification sheets. Must provide spaces in addition to the parking minimum. Additional points for fast charging stations.</u>	<u>3/10</u>	<u>3 points for Level 2 charging infrastructure and 10 points for DCFC charging infrastructure.</u>
	<u>14</u>	<u>Transit station improvements</u>	<u>Improve adjacent transit stations (shelters, seating, wayfinding) in coordination with the City's multimodal transportation planning efforts.</u>	<u>Indicate transit improvements on site plan and provide product specification sheets and a maintenance plan.</u>	<u>5</u>	-
<u>Community Cohesion</u>	<u>15</u>	<u>Social connection amenities</u>	<u>Provide amenities, above existing zoning standards, that support community interaction and are accessible by the general public (little free libraries, community bulletin boards, neighborhood meeting space, exercise equipment, play equipment or equivalent).</u>	<u>Indicate amenities on site plan and provide product specification sheets and provide a maintenance plan and evidence that amenities are easily accessible by the general public. Total amenity cost (production and installation) must be a minimum of 0.5% of the project valuation.</u>	<u>10-20</u>	<u>10 points per 0.5% of project valuation up to 20 points</u>

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	<u>16</u>	<u>Public art</u>	<u>Work with the City of Lakewood's Arts Programming Curator and Comprehensive Planning and Research staff (and the local business improvement district if relevant) to issue a call for public art on the site.</u>	<u>The art must be accessible/viewable from the public realm. Indicate art piece(s) on site plan and provide product specification sheets and commission of art. Total art cost (production and installation) must be a minimum of 1% of the project valuation.</u>	<u>10-20</u>	<u>10 points per 0.5% of the project valuation up to 20 points</u>
	<u>17</u>	<u>On-site food production</u>	<u>Provide community-serving food plots for vegetable gardens and fruit trees to foster local food production.</u>	<u>On landscape plan, indicate location, size, and number of garden plots, fruit trees, etc. and provide evidence that garden plots are easily accessible, of appropriate slope, and contain appropriate soil for food production, adequate sunlight and an available water source (exempt from water budget). Provide food plots on site for a minimum of 10% of multifamily units (or commercial equivalent). Combined area of plots must equal a minimum of 20 sq. ft. each per unit.</u>	<u>15</u>	-
<u>Other</u>	<u>18</u>	<u>LEED Gold</u>	<u>Achieve LEED Gold certification.</u>	<u>Provide documentation of a LEED AP on the project team, LEED registration, pre-certification process completion, and final LEED GOLD certificate.</u>	<u>50</u>	-
	<u>19</u>	<u>Open Option</u>	<u>Provide enhanced amenities that are above requirements and approved by the Planning Director or Planning Commission</u>	<u>Submit a proposal including a description, cost estimate, alignment with City goals and policies, points proposed and any documentation necessary to substantiate the claimed benefits.</u>	<u>2-50</u>	<u>2-14 points may be approved by the Planning Director, projects requesting 15 or more points must be approved by Planning Commission</u>





**ARTICLE 14: Definitions and Interpretations .....14-1**

**17.14.1: General Interpretations.....14-1**

**17.14.2: Definitions .....14-1**

## ARTICLE 14: DEFINITIONS AND INTERPRETATIONS

### 17.14.1: General Interpretations

As used in this Zoning 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 "days" means calendar days.
- E. The words "shall" and "must" are mandatory. The words "should" and "encouraged" are advisory.
- F. The masculine shall include the feminine.
- G. Where not defined herein, the words used in this Zoning Ordinance shall have the common and customary meaning.

### 17.14.2: Definitions

As used in this Zoning 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:

**Accessory Dwelling Unit:** A dwelling unit that is permitted with limitations in conjunction with a principal permitted use.

**Accessory Structure:** See Structure, Accessory.

**Accessory Use:** See Use, Accessory.

**Advertise:** To announce or praise a product, service, etc. in some public medium of communication in order to induce people to buy or use it.

**Adult Business:** See Chapter 5.47 of the Lakewood Municipal Code.

**Alteration:** A physical change in a structure including an expansion or change in use.

**Amateur Radio Towers and Antennae:** Broadcasting and receiving structures or devices used for personal pleasure or as a hobby.

**Animal Care:** Any facility where animals may be groomed, treated, trained, exercised, boarded or socialized.

**Animal, Large:** Domestic animals limited to livestock, emus and ostriches.

**Animal, Small:** Domestic animals include but are not limited to rabbits, chinchillas, chickens, ducks, geese, turkeys, and pigeons, and dwarf goats.

**Attached Dwelling Unit:** Three or more dwelling units in one structure, side-by-side.

**Awning:** An architectural projection permanently affixed to a building that uses canvas or other material stretched on a frame to keep the sun or rain off a storefront, window, doorway, deck or building wall. An Awning is not a Canopy.

**Bar:** A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink and may include on-site accessory production of alcohol.

**Bed and Breakfast:** A single family dwelling unit where short-term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities.

**Beehive:** A structure designed to contain one colony of honey bees.

**Berm:** A raised earthen mound used to provide visual interest, screen undesirable views, reduce noise, or fulfill other such purposes.

**Block:** A tract of land bounded by platted streets, public parks, cemeteries, railroad right-of-way, shore lines, or corporate boundaries of a city.

**Build-to-Zone:** The percentage of lot width that must contain a building or portion of a building located between the minimum and maximum setbacks. Plaza and outdoor patio areas that comply with Section 17.7.5.2.B may be used to satisfy the build-to-zone requirement

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

**Building Code:** The building code, as adopted and amended from time to time by the City of Lakewood.

**Building Footprint:** The outline of the total horizontal area that is covered by a building's perimeter at the ground level.

**Building Frontage:** The length of the front façade of a building facing a private street, public street or sidewalk.

**Building, Nonconforming:** Any building that was legally established prior to the effective date of this Zoning Ordinance or any subsequent amendment thereof, but fails to conform to the present requirements of this Zoning Ordinance.

**Caliper:** The diameter of a tree trunk measured four feet above the ground.

**Canopy:** A structure or architectural projection of rigid construction that *does not* use canvas or other material stretched on a frame to keep the sun or rain off a storefront, window, doorway, deck or building wall. A Canopy is not an Awning.

**Carport:** A structure, open on a minimum of two sides designed or used to shelter vehicles.

**Car Wash:** Any building, premises or portions thereof used for the washing, polishing or detailing of automobiles and other light motor vehicles.

**Cemetery:** A place for interring the dead.

**Center, Convention or Exposition:** A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premise consumption.

**Center, Multi-tenant:** Two or more businesses in one or more buildings on a lot.

**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.

**Clear Zone:** The unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles or as otherwise set forth by the American Association of State Highway & Transportation Officials. The clear zone includes shoulders, bike lanes, or auxiliary lanes, except those auxiliary lanes that function like through lanes.

**Clubs, Lodge, Service Organizations:** A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.

**Commercial Speech:** Speech that proposes a commercial transaction, includes a commercial name or includes a commercial logo.

**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.

**Common Facilities:** Land, facilities, or improvements such as open space, a clubhouse, tennis court, 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.

**Community Building:** A building used for educational, governmental, or non-profit recreational purposes. A community building may include, but is not limited to, libraries, museums, police stations, fire stations, city offices, and post offices.

**Community Garden:** An area of land, either private or public, used for the cultivation of fruits, flowers, vegetables, or plants by more than one person or family.

**Comprehensive Plan:** The Lakewood Comprehensive Plan, as adopted by the Planning Commission and approved by the Lakewood City Council, including all amendments thereto.

**Construction Trailer:** A mobile home, travel trailer or other temporary structure used as an office in conjunction with a construction project.

**Containment Area:** The portion of a property that is fenced and used to contain or keep domestic livestock.

**Contractor Shop:** A commercial business intended to provide indoor repair, maintenance or storage of a contractor's vehicles, equipment, and/or materials and may include the contractor's business office.

**Corral:** An open enclosure area used for exercise, riding, or training of livestock.

**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 a sentence for punishment of a crime.

**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.

**Day Care Facility:** A facility licensed by the State of Colorado providing care for children under the age of 16 or the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

**Deck:** A structure, open to the atmosphere on at least two sides and projecting from the front, side, or rear wall of a building.

**Decorative Lighting Display:** Holiday or other light displays that do not display a commercial message.

**Density:** The number of dwelling units per acre of total lot area.

**Department:** Planning Department for the City of Lakewood.

**Detention Area:** An area which is designed to capture stormwater and to gradually release it to reduce or avert flooding.

**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.

**Digital Display Sign:** See Sign, Digital Display.

**Director:** The person, or that person's designee, authorized by the City Manager to enforce and interpret this Zoning Ordinance.

**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.

**Drive-Through:** An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services.

**Driveway:** A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

**Duplex:** Two dwelling units in one structure.

**Dwelling Unit:** One or more habitable rooms constituting a unit for permanent occupancy, with facilities for eating, sleeping, bathing, that occupies a structure or a portion of a structure.

**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.

**Emergency Medical Facility:** An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments on an out-patient basis, which does not include ambulance service facilities.

**Employee:** Any person who does any type of work for the benefit of another in consideration of direct or indirect wages or profit, or provides uncompensated work of services to a business or nonprofit entity. "Employee" includes every person described in this paragraph, regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

**Entertainment Facility:**

**Indoor:** A commercial establishment offering recreational and entertainment activities including, but not limited to, bowling alleys, nightclubs, theatres, video games, coin-operated amusement or entertainment devices, or other games of skill or scoring within an enclosed structure. An indoor entertainment facility may include customary accessory uses such as the sale of food and beverages.

**Outdoor:** Land and facilities designed to be used by members of the public, for a fee, that contain outdoor amusement facilities such as miniature golf courses, race tracks and outdoor amusement parks and theatres in which some part of the recreational activity takes place outside of an enclosed structure.

**Façade:** Any exterior face of a building.

**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.

**Fence, Nonconforming:** Any fence that was legally established prior to the effective date of this Zoning Ordinance or any subsequent amendment thereof, but fails to conform to the present requirements of this Zoning Ordinance.

**Fence, Open:** A fence, including gates, where each 1-foot wide segment for the full length and height of the fence contains at least 50 percent open space which affords a direct view through the fence.

**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.

**Fitness or Athletic Facility:** A private business providing aerobics, exercise classes, weight lifting, and swimming, and which may include onsite spa services and limited food and beverage sales.

**Flag:** Any fabric, banner or bunting containing distinctive colors, patterns or symbols, and does not contain a commercial message, that is attached to a pole intended to be permanently affixed to the ground or attached to a building.

**Floor Area, Gross:** The area within the exterior façade 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.

**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.

**Front Yard:** See Yard, Front.

**Fueling Station:** See Motor Vehicle Service.

**Garage:** A building or portion of a building designed to accommodate the storage or parking of vehicles.

**Garage Sales:** A sale of personal belongings or household effects held outside at a person's home in a residential zone or in parking lots of commercial zone.

**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.

**Grade:** The finished surface of ground abutting a building or other structure.



**Gross Floor Area:** See Floor Area, Gross.

**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.

**Group Home:** A facility that provides for the care, treatment and/or supervision, on a temporary or permanent basis, for 8 or fewer individuals, or for more than 8 individuals when reasonable accommodations have been approved per the Federal Fair Housing Act,. A group home may include central or private kitchens, dining, recreational, health care, and other facilities.

**Group Residential Facility:** A facility that provides for the care, treatment and/or supervision, on a temporary or permanent basis and which does not meet the definition of a group home. A group residential facility may include central or private kitchens, dining, recreational, health care, and other facilities. A group living facility may include, but is not limited to, assisted living facilities and college dormitories.

**Habitable Space:** Space in a building for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage space and other similar areas are not considered habitable space.

**Home Business:** 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 residential character.

**Major:** The commercial activity exceeds 25% but is not greater than 50% of the combined square footage of the dwelling unit, garage, and accessory structures.

**Minor:** The commercial activity does not exceed 25% of the combined square footage of the dwelling unit, garage, and accessory structures.

**Horticulture:** The cultivation of fruits, flowers, vegetables or plants and may include on-site sales.

**Hospital:** An institution licensed by the state department of health, providing health services and medical or surgical care to persons. Provided services are generally on an inpatient basis, but associated care and related services may include diagnostic and laboratory services on an outpatient basis. Staff offices and central services facilities are integral parts of the facility.

**Hotel:** A building designed and used as sleeping accommodations for usually transient occupancy, with access to the rooms available through a lobby. A hotel also may provide additional services such as restaurants, meeting rooms, and recreational facilities.

**Household:** A household shall be made up of:

1. An individual living alone; or
2. Any number of individuals, who are related by blood, marriage, or legal adoption, including foster children; or
3. Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per 500 gross square feet in a single family dwelling unit (including basements and excluding attached and/or detached garages) not to exceed five individuals per dwelling units; or
4. Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per habitable room; or
5. Not more than two unrelated individuals and their related children and/or parents; or
6. A household shall not include more than one individual who is required to register as a sex offender pursuant to Article 22 of Title 16, Colorado Revised Statutes. This section shall not apply to a registered sex offender who is living with his immediate family. For purposes of this section, 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.

For purposes of this definition, "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.

Notwithstanding the square foot limitations above, no dwelling unit shall be limited to fewer than three individuals.

**Ideological Sign:** See Sign, Ideological.

**Illuminated Sign:** See Sign, Illuminated.

**Individual Letter Sign:** See Sign, Individual Letter.

**Joint Identification Sign:** See Sign, Joint Identification.

**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 the 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.

**Limited Use:** See Use, Limited.

**License Agreement:** An instrument by which the City can permit private encroachments onto City owned land, easements or rights-of-way. The license agreement generally establishes the owner, the nature of the improvements and the responsibilities for maintenance and liability.

**Livestock:** Domestic animals limited to horses, cattle, goats, llamas, alpaca and sheep.

**Lot:** An area of land to be built upon or developed that has been created:

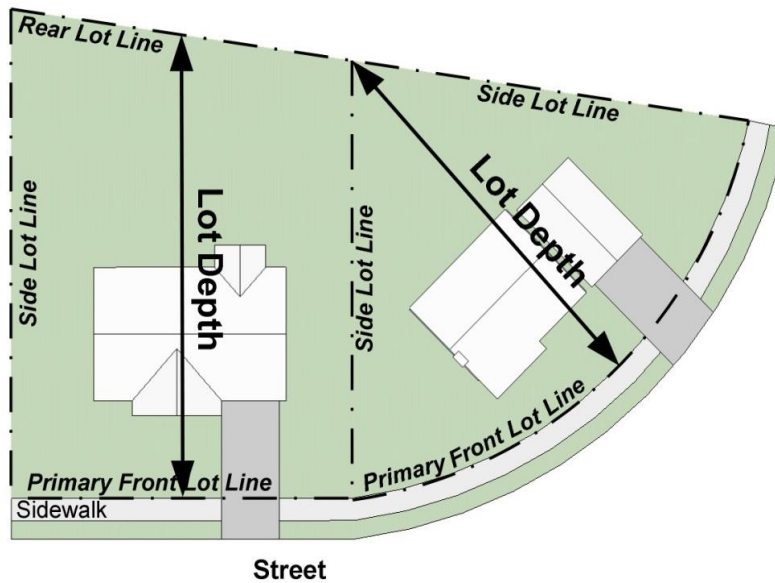
1. Within a legal subdivision, or
2. By a valid and recorded instrument of conveyance effective prior to subdivision requirements adopted on January 22, 1975, or
3. Prior to annexation to the City of Lakewood, or
4. As otherwise permitted by law.

**Lot Area, Open:** The total horizontal area of a lot not covered by a dwelling unit or garage exclusive of accessory structures.

**Lot, Corner:** A lot, where at least two adjacent sides abut for the full length upon a public right-of-way other than an alley, and at least one side of which abuts either another property or a third public right-of-way.

**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.

**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 (See Figure 17.13.1).



**Figure 17.13.1: Lot Depth Measurement**

**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.

**Lot, Illegal:** A lot which did not comply with the provisions of the law or regulations in effect at the time it was created.

**Lot, Interior:** A lot abutting only one street, and generally having at least two sides abutting adjacent properties, and a rear lot line.

**Lot Line, Front:** Any lot line which abuts a public right-of-way, private right-of-way, or tract designated for access. For single family and duplex uses front lot lines may be either primary front lot lines or non-primary front lot lines.

**Non-Primary Front Lot Line:** A front lot line which is not the primary front lot line.

**Primary Front Lot Line:** The front lot line closest to that face of the primary, principal or main 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.

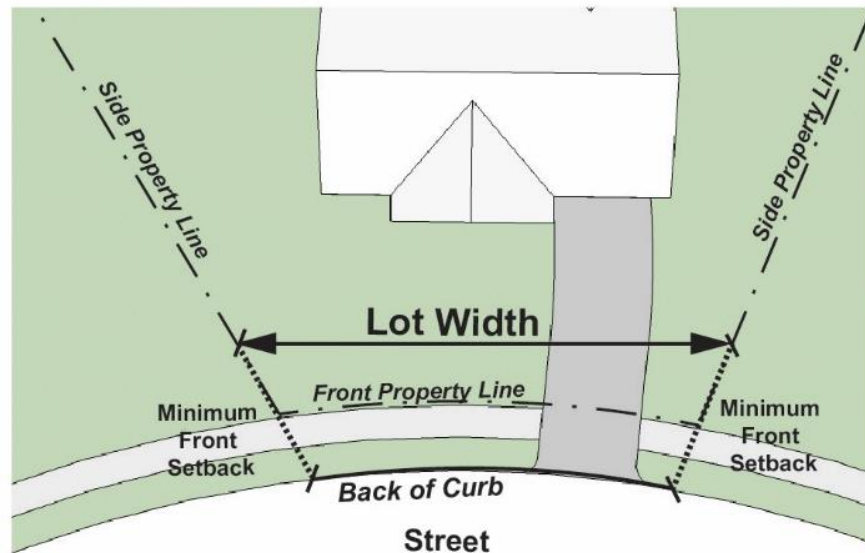
**Lot Line, Rear:** Any lot line which is not a front or side lot line.

**Lot Line, Side:** Any lot line that intersects a front lot line.

**Lot, Minimum Size:** The minimum square footage that a lot is required to have under the zoning, as described in Article 5, in order to meet the requirements for issuance of a building permit. The area of the lot extension for flag lots is not included into the area of the lot.

**Lot Size:** 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.

**Lot Width:** The horizontal distance between side lot lines measured along the shortest straight line that is generally parallel to the front lot line and located at the minimum front setback distance. For corner lots or irregular lots, the Director shall determine the lot width. (See Figure 17.13.2).



**Figure 17.13.2: Lot Width**

**Lot, Zoning:** A zoning lot is a parcel of land comprising more than one lot of record located within a single block. A zoning lot must be designated by its owner or owners as a parcel of land to be used, developed, or built upon as a single development site.

**Manufacturing:**

**Light:** The manufacture of products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental sales and distribution of such products, provided all manufacturing activities are contained entirely within a building. The building must be indistinguishable from a retail or office building in terms of exterior appearance, truck or delivery traffic, and the potential to produce noise, dust, odor, smoke, heat, glare, or vibrations.

**Heavy:** The manufacture assembly, fabrication, packaging or other industrial processing of products or parts primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment producing significant truck traffic or having potential to produce noise, dust, odor, smoke, heat, glare, or vibration beyond its property line.

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

**Medical Marijuana Business:** A business operated by a Primary Care-giver on any property or in any structure within the City for the purpose of cultivating, processing, preparing, distributing, transmitting, dispensing, or otherwise providing marijuana in any manner or form to patients in accordance with Amendment 20 to the Colorado Constitution and the implementing state statutes and administrative regulations.

**Minimum Lot Size:** See Lot, Minimum Size.

**Mini-Warehouse/Storage:** Enclosed warehouse units which are rented or leased to second parties for storage purposes, and which have no outside storage.

**Mixed Use:** The term “mixed-use” is commonly used in zoning to describe districts where more than one use is allowed. This is different from historical zoning practices that segregated the uses, e.g. residential zones contained only domiciles which were in turn not allowed in commercial or industrial zones. Modern zoning practices have sought to find ways to blend the uses to provide benefits such as walkability, live-work, and flexibility to accommodate neighborhood amenities. To accomplish those goals, “mixed-use” zones have been created to allow a variety of uses. The purpose of these districts is to allow for – *but not require* – development of more than one use. There are exceptions where individual parcels are required to have more than one use based on location or size. Please see section 17.5.3 for the specific requirements of those types of parcels.

**Mobile Home:** A factory-assembled structure or structure without a permanent foundation and greater than 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, fifth-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 unit.

**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 two 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.

**Monument Sign:** See Sign, Monument.

**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.

**Motel:** A building designed and generally used as sleeping accommodations for transient occupancy offered to the public for compensation, and where access to and from each room or unit is through an exterior door.

**Motor Vehicle Rental:** A retail establishment where vehicles are rented to the general public for a specific period of time.

**Motor Vehicle Sales:**

**With indoor display and storage:** A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities for body work, painting, restoration and retail sales of parts and in which all display and storage of available vehicles takes place within an enclosed structure.

**With outdoor display and storage:** A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities for body work, painting, restoration, retail sales of parts, and in which some or all of the available vehicles are displayed or stored on parking lots or other outdoor areas.

**Motor Vehicle Service:**

**Car Wash:** A facility for the washing, waxing, vacuuming and interior steam cleaning of motor vehicles, not including commercial fleets, heavy trucks and buses.

**Fueling Station:** 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. A fueling station does not include any facility meeting the definition of a major or minor facility below.

**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; undercoating and rust proofing; and including those uses listed under minor auto repair or any other similar use.

**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; 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.

**Multifamily:** Three or more dwelling units in one structure with a common entrance, common facilities, or other unifying amenities or features.

**Neighborhood Organization:** An organization which is registered on an annual basis with the Department for the purpose of land development application notification.

**Noncommercial Speech:** Speech that does not meet the definition of commercial speech.

**Nonconforming Building or Structure:** See Building or Structure, Nonconforming.

**Nonconforming Fence:** See Fence, Nonconforming.

**Nonconforming Sign:** See Sign, Nonconforming.

**Nonconforming Use:** See Use, Nonconforming.

**Non-primary Front Yard:** See Yard, Non-primary Front.

**Office:** A building or portion of a building used for conducting the administration and management of a business, profession, service, enterprise, or government. An office includes, but is not limited to, financial institutions, medical and dental offices, outpatient clinics, laboratories, and communication centers.

**Off-Premises Sign:** See Sign, Off-Premise.

**Off-site:** Located outside the boundaries of the subject property.

**Open Lot Area:** See Lot Area, Open.

**Open Space:** Areas on a lot, or combination of lots, that are designed and intended for the use and enjoyment of residents and or the use and enjoyment of the public in general, and that are not occupied by primary or accessory structures, automobile parking spaces, parking aisles, or driveways. Open space may include walkways, pedestrian paths, plazas, natural and landscaped areas, playgrounds, improved roof tops, detention that is integrated into landscaped areas, and other similar amenities designed specifically for active or passive use.

**Pad Site:** A freestanding parcel of commercial real estate with a building that is located in the front of a larger shopping center or strip mall.

**Parcel:** Any part or portion of land.

**Park:** A public area of land intended for indoor or outdoor active or passive recreational uses and all ancillary uses, or for open space.

**Parking Lot:** A site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and areas providing vehicular access to a public street.

**Parking, Shared:** 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.

**Parking Structure:** A building or structure, consisting of one or more levels or floors used for the parking or storage of vehicles. A parking structure maybe below grade or either partially or totally above grade with those levels or floors being either open or enclosed.

**Parking, Stand-Alone Surface:** A parking lot located on a lot as a primary use.

**Parking Structure, Stand-Alone:** A parking structure located on a lot as a primary use.

**Patio:** See Deck.



**Pawnbroker:** See Chapter 5.24 of the Lakewood Municipal Code.

**Permitted Use:** See Use, Permitted.

**Personal Services:** An establishment engaged in providing individual services generally related to personal needs such as beauty and barber shops, spa services, shoe repair, nail salons, dry cleaning drop-off facilities, and tailor shops. These uses may also include accessory retail sales of products related to the services provided.

**Plant Nursery:** The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer and having outdoor storage. A plant nursery does not include a retail store where these activities are a minor part of the business.

**Plaza:** An improved open space area provided for the users of the site, which includes landscaping, benches, and other site amenities.

**Porch:** A roofed structure attached to a building and opened on three sides except for wire screening.

**Poultry:** Domesticated fowl collectively, especially those valued for their meat or eggs, as chickens, turkeys, ducks, geese, and guinea fowl.

**Primary Front Yard:** See Yard, Primary Front.

**Principal Use:** See Use, Principal.

**Prohibited Use:** See Use, Prohibited.

**Projecting Sign:** See Sign, Projecting.

**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.

**Property Owner:** A person or persons holding legal fee title to a parcel of property; includes landowner.

**Radio Antenna, Amateur:** A noncommercial device that is used for transmitting and receiving electro-magnetic waves.

**Radio Tower, Amateur:** A structure that supports an antenna.

**Rear Yard:** See Yard, Rear.

**Religious Institution:** A place of worship or religious assembly with related facilities including, but not limited to, a rectory, convent, meeting hall, offices for administration of the institution, licensed child or adult day care, temporary shelters for the homeless, playground and cemetery.

This use does not include a school associated with the religious institution, which is included in “School, Public or Private.”

**Rental, Sales and Leasing of Large Items:** A retail establishment that rents, services or repairs machinery or tools, such as air compressors, chain saws, concrete mixers, ladders, scaffolding, power tools, trailers, bobcats, welders, etc. It does not include the rental, sales or leasing of motor vehicles.

**Residential Zone:** Any property with an “R” zoning designation (e.g. R-MF, R-2, R-1-6, R-1-12).

**Restaurant:** A commercial establishment where meals are prepared and served to the public, which may or may not include seating facilities, a bar or lounge, or accessory on-site food or alcohol production.

**Retail:** A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to the consumer.

**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.

**Right-Of-Way Improvements:** Public roads, railroads, trails, access ways, sidewalks, or similar facilities provided within the Right-of-Way.

**Roadside Stands:** The placement of a structure for the sale of farm products produced or made on the premises.

**Sales Trailer:** A trailer, mobile home or other temporary structure used as a sales office in conjunction with a project where buildings or property are being sold.

**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.

**School, Public or Private:** An institution or place of instruction or education. For purposes of this Zoning Ordinance, schools are classified by the type of instruction provided and by student grade level and includes schools for the developmentally disabled.

1. 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.
2. Preschool: 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.

**School, Vocational or Trade:** 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.

**Scoreboard:** A sign in a ballpark, sports arena, or similar venue, that is typically associated with the display of information pertaining to athletic contests.

**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.

**Setback:** The minimum distance any building or structure must be separated from a specified point.

**Shared Parking:** See Parking, Shared.

**Shelter:** A facility established and maintained to provide housing and personal care on a temporary basis for the indigent, homeless, or victims of domestic violence.

**Sight Distance Triangle:** See Transportation Engineering Design Standards.

**Sign Setback:** The distance between the property line and the edge of a sign closest to the property line.

**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.

**Sign Without Backing:** A sign without backing includes individual letters mounted on a building wall or raceway or panel where the letters protrude and are three-dimensional.

**Sign, Abandoned:** An 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.

**Sign, A-frame:** A moveable ground sign constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top.

**Sign, Awning:** A sign that is attached to, affixed to, or painted on an awning or canopy.

**Sign, Banner Flag:** A temporary sign generally constructed of lightweight plastic, fabric or other similar material mounted to a pole designed to move or flutter in the wind.

**Sign, Banner Pole:** A non-permanent sign made from a fabric or vinylized material that is attached to a light pole.

**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.

**Sign, Blade:** A sign mounted on the building perpendicular with walkways and streets.

**Sign, Bus Bench:** A sign mounted on a bench adjacent to a bus stop.

**Sign, Cabinet:** A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

**Sign, Canopy:** A sign that is attached to or affixed to a canopy.

**Sign, City:** Signs located on any City-owned property not specifically addressed in Article 9.

**Sign, Commercial Post:** A sign that is used when a property is for sale or for lease within a non-residential (R) zoned property.

**Sign, De Minimus Area:** A sign is affixed to a building or structure that does not exceed one square foot in sign area.

**Sign, Directional:** Any sign on private property that is installed and maintained for the purpose of directing the movement of pedestrians or vehicular traffic, with or without reference to the name of a product sold or service performed, to a property or building, structure, or business enterprise.

**Sign, Electronic Message:** A sign with a fixed display and fixed or changing text message composed of a series of lights that may be changed through electronic means.

**Sign, Freestanding:** Any non-movable sign not affixed to a building.

**Sign, Home Business:** A sign in a residential zone district where there is a use tax license for a home business.

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

**Sign, Individual Letters:** Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface.

**Sign, Interior:** A sign that is not visible from the public right-of-way or adjacent properties.

**Sign, Major Tenant Identification Sign:** Any wall sign located above the second floor of a building with three or more floors.

**Sign, Menu Board:** See Sign, Freestanding.

**Sign, Monument:** A freestanding sign supported primarily by an internal structural framework, or integrated into landscaping or other solid structural features other than support poles.

**Sign, Neighborhood:** A permanent freestanding sign used in a residential development that does not contain a commercial message.

**Sign, Nonconforming:** Any sign which was legally established prior to the effective date of this Zoning Ordinance, but that does not conform to the present standards of this Zoning Ordinance or any amendment thereto.

**Sign, Off-Premise:** A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

**Sign, Painted Wall:** A sign painted or applied on the side of a building that has no sign structure.

**Sign, Pole:** A sign which is affixed to, or mounted on a freestanding wood or metal pole, and anchored in the ground.

**Sign, Portable:** A sign, other than an A-frame sign, that is not permanently affixed to a structure or the ground.

**Sign, Projecting:** A sign attached to a face of a building, other than a wall sign, and extending outward including but not limited to awning, blade and canopy signs.

**Sign, Public:** A sign required or authorized for a public purpose by any law, statute, ordinance or authorized by City approval.

**Sign, Residential Business:** A sign in a residential zone district for a non-residential use that is allowed as a permitted, limited or special use.

**Sign, Residential Property Transition:** A sign that is used when a property is for sale or for lease within a residential zone district.

**Sign, Roof:** Any sign that is on or above a roofline or extends above the parapet line.

**Sign, Temporary:** A sign intended for display for a short period of time.

**Sign, Transit:** Any sign located on a bench, site furnishing or structure surrounding a bench at a bus stop.

**Sign, Transit Shelter:** A sign mounted on a shelter adjacent to a bus stop.

**Sign, Wall:** A sign attached to, painted on, or erected against a building, structure or fence and is constructed of durable materials such as wood, metal or rigid plastic.

**Sign, Wind:** Any sign with a commercial message set in motion by wind or breeze, such as flags, pennants, or other objects or material.

**Sign, Window:** A sign which is applied to, or attached to, or located within 1 foot of the interior of a window, which sign can be seen through the window from a public right-of-way.

**Sign, Yard:** A temporary portable sign designed or intended to be displayed for a short period of time on a residential (R) zoned property.

**Sign:** Any structure, which requires a permanent or temporary location, that has a visual display visible from a public right-of-way and is designed to identify, announce, direct or inform.

**Signable Area:** The area of a building façade, excluding doors and windows, where a sign may be mounted.

**Single Family Dwelling Unit:** One dwelling unit for one household in one structure.

**Solar Collection System:** A fixed device or structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical or electrical energy.

**Solar Garden:** A free-standing solar electric generation facility where the beneficial use of the electricity generated by the facility belongs to the subscribers to the community solar garden.

**Special Use:** See Use, Special.

**Special Use Permit:** A permit allowing a discretionary use which may be granted under the provisions of Article 2 of this Zoning 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.

**Storage, Outdoor:** An outdoor area used for the keeping of possessions, belongings, goods, materials or other items.

**Story:** The area between the successive floors of a building or from the top floor to the roof.

**Street:** A public or private thoroughfare for vehicular traffic other than an alley or driveway.

**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.

**Street Frontage:** The distance along which a property line of a lot adjoins a public or private street.

**Streetscape:** The scene taken as a whole, which may be observed along a street. It includes both natural and man-made elements.

**Street Trees:** Trees generally planted in parkway strips, medians, or along streets to enhance the visual quality of the street.

**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.

**Structure, Accessory:** A building or structure that is subordinate in purpose, area, and extent to the principal building; contributes to the reasonable and necessary comfort, convenience, and needs of the occupants, business, or industry of the principal building; and is located on the same lot as the principal building or structure.

**Structure, Illegal:** A structure which did not comply with the provisions of law or regulations in effect at the time it was constructed or established.

**Structure, Nonconforming:** Any structure which was legally established prior to the effective date of this Zoning Ordinance, or any amendment thereto, but that does not conform to the present standards of this Zoning Ordinance.

**Structure, Principal:** The main structure or structure containing the principal use of land as distinguished from an accessory structure.

**Student Living Unit:** A dwelling unit that is owned or controlled by a College or University and inhabited by students enrolled in that college or university who are related or unrelated.

**Studio:** A commercial or service establishment for purposes of tutoring, lessons, or production of creative or artistic goods. A studio allows for limited welding and similar uses for the sole purpose of production of art.

**Temporary Use:** See Use, Temporary.

**Transportation Facility:** A structure or facility for use by the public to connect with, or use public transportation. Examples include bus benches, transfer facilities, and light rail facilities and associated parking facilities.

**Unnamed Use:** See Use, Unnamed.

**University/College:** 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 University or College.

**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.

**Use, Accessory:** A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

**Use, Commercial:** Use or activity involving the sale of goods or services carried out for profit.

**Use, Illegal:** A use which did not comply with the provisions of the law or regulations in effect at the time it was created.

**Use, Institutional:** Uses which serve a community's social, educational, health, cultural, and recreational needs. They may include government-owned and -operated facilities or be privately owned and operated.

**Use, Limited:** A permitted use subject to compliance with supplemental standards.

**Use, Nonconforming:** Any use which was legally established prior to the effective date of this Zoning Ordinance, or any amendment thereto, but that does not conform to the present use regulations of this Zoning Ordinance.

**Use, Permitted:** Land uses allowed in a given zone district as a use by right, upon satisfaction of the standards and requirements of this Zoning Ordinance.

**Use, Prohibited:** A use not permitted in a zone district.

**Use, Principal:** A primary or predominant use of any lot, building, or structure.

**Use, Public:** Uses and structures, including buildings, lots and facilities, owned, used and operated by any governmental agency.

**Use, Special:** A use authorized in a zone district but permitted only after review and approval by the Planning Commission when certain standards are met.

**Use, Temporary:** Any use placed on a parcel of land for a limited period of time.

**Use, Unnamed:** A use not specifically named within a specific zone district, as either a permitted, accessory, limited or special use.

**Utility Facilities:**

**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.

**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.

**Utility, Public:** A utility regulated by the Colorado Public Utilities Commission.

**Variance:** A discretionary relaxation by the Director or the Board of Adjustment of the dimensional regulations of this Zoning Ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

**Vehicle Dispatch Facility:** A privately owned facility for the dispatch, storage or maintenance of vehicles including, but not limited to, ambulances, tow trucks and snow plows.

**Vested Property Right:** The right to undertake and complete the development and use of property under the terms and conditions of a development agreement approved pursuant to requirements of this Zoning Ordinance.

**Vocational or Trade School:** See School, Vocational or Trade.

**Waiver:** A discretionary modification by the Director or the Planning Commission of a dimensional, development, design or sign standard of this Zoning Ordinance when the modification results in a superior development or design than if the strict application of this Zoning Ordinance is applied.

**Wall Area:** The area of a building façade, width x height.



**Warehouse 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, which create hazardous or commonly recognized offensive conditions. A warehouse may include an ancillary showroom for the purpose of displaying items and commodities for sale.

**Wind-powered Electric Generators:** A freestanding 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.

**Window Area:** The area of all windows on the first floor of a building that faces or is visible from one public right-of-way.

**Wireless Communications Equipment Shelter:** An unattended structure such as a small building or cabinet(s) used to house equipment for a wireless communications facility associated with either a freestanding wireless communications facility or a structure or building mounted wireless communications facility.

**Wireless Communications Facility, Freestanding:** A telecommunications facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(s), and associated equipment storage shelter(s).

**Wireless Communications Facility, Stealth**

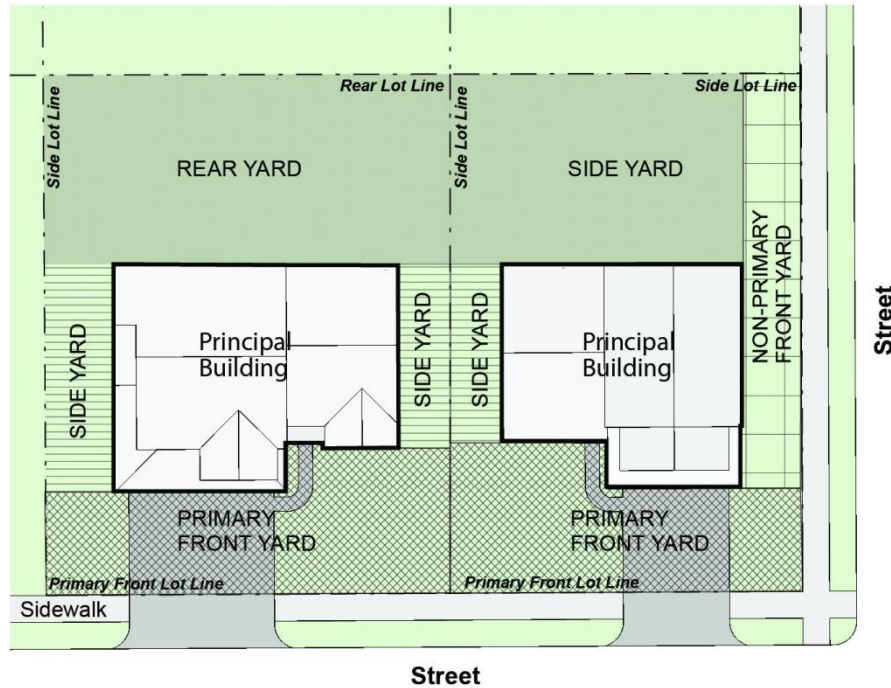
A telecommunications facility that is completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, flag poles, light pole standards, or architectural elements such as dormers, steeples, and chimneys.

**Wireless Communications Facility, Structure or Building Mounted:** Any telecommunications facility, antenna, or equipment attached to or mounted upon any structure or building. All structure or building mounted telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.

**Wireless Communications Provider:** A public or private company providing any type of wireless communications or other related technology.

**Wireless Communications 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.

**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 30 inches (See Figure 17.7.6).



**Figure 17.13.3: Yard**

**Yard, Non-Primary Front:** Those front yards which do not have the main entrance of the principal structure oriented toward them.

**Yard, Primary Front:** That portion of the yard located between the front lot line and the closest wall of the principal structure where the main entrance of the structure is located, or the front setback line of such lot, if vacant.

**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.

**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.

**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.

**Zoning District:** A classification assigned to a particular area or areas of the City of Lakewood as listed in Article 3.

**Zoning District Map:** The official map upon which the zoning districts of the City of Lakewood are delineated.