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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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