

4-15-91

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

Ordinance 0-81-108
Ordinance 0-81-110
Ordinance 0-81-158
Ordinance 0-82-6
Ordinance 0-82-19
Ordinance 0-82-37
Ordinance 0-82-71
Ordinance 0-82-108
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Effective Date: April 15, 1991

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(City of Lakewood Zoning Ordinance)
As Amended By:

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A BILL FOR AN

ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE, LOCATION, HEIGHT AND BULK OF BUILDINGS AND STRUCTURES, AND DIVIDING THE CITY OF LAKEWOOD, COLORADO, INTO ZONE DISTRICTS.

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

TITLE 17 (As Amended)

ARTICLE 1: GENERAL

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

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

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

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

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

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

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

(6) To promote vehicle and pedestrian safety.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Any application for an initial zoning or a rezoning of property filed prior to and pending on the effective date of this Ordinance shall be

amended to propose a zone district created by this Ordinance and shall otherwise conform to and be governed by this Ordinance 0-80-51, unless a hearing on the application has been conducted by the Planning Commission. If a hearing thereon has been conducted by the Planning Commission, the application shall be governed by and the zoning or rezoning shall be approved or disapproved subject to the procedures and standards set forth in Ordinance 0-70-104, as amended, and for such purpose only, Sections 1-11 and 1-12(B) and (C) of Ordinance 0-70-104, as amended, shall remain effective until no such application is pending.

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

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

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

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

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

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

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

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

(3) The requirements of any of the sections will specifically and directly conflict with standards for a particular planned development approved by the City Council prior to the effective date

of this Ordinance. If such a conflict exists, the requirements of those sections shall be waived but only to the extent necessary to avoid the conflict.

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

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

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

(5) (a) Any property zoned R-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 1-R District of this Ordinance.

(b) Any property zoned R-1A, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 2-R District of this Ordinance.

(c) Any property zoned A-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the CN District of this Ordinance. (As amended by 0-82-140.)

(6) Development of property located within the Villa Italia Activity Center shall be subject to review by the Villa Italia Design Review Committee. The Committee is advisory to the Planning Commission or the Director of Community Development, depending on the review status of the development application. (As amended by 0-85-27.)

17-1-8. SAVINGS CLAUSE. The amendment or repeal of any ordinance or part thereof, by this Ordinance shall not release, extinguish or modify, in whole or in part, any penalty, liability or right of the City incurred or obtained under the amended or repealed ordinance or part thereof. The ordinance or part thereof, so amended or repealed, shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of any penalty, liability or

right of the City, for the purpose of sustaining any judgment, decree, or order which may be rendered in such actions, suits, proceedings or prosecutions, and for the purpose of sustaining any and all proceedings, actions, acts, decisions, hearings and appeals pending before the Lakewood Planning Commission, the Lakewood City Council, the Lakewood Board of Adjustment and any court.

17-1-9. VIOLATION AND PENALTY. (1) It shall be unlawful to construct, reconstruct, alter, maintain, use or cause to be used any building or structure, or to use or cause to be used any land in violation of this Zoning Ordinance or any amendment hereto. Any person, firm or corporation, including the officers or agents of a corporation responsible for its actions and the members of a partnership, firm or joint venture, violating or causing violations of this Zoning Ordinance or amendment hereto, upon conviction thereof, shall be fined not more than nine hundred ninety-nine dollars or imprisoned not more than one hundred and eighty days or both. Each day during which such violation continues shall be deemed a separate offense. (As amended by 0-84-87.)

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

ARTICLE 2: DEFINITIONS AND INTERPRETATION

(As amended by 0-81-108, 0-81-110, 0-81-158, 0-82-6, 0-82-19, 0-82-108, and 0-82-170.)

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

(a) The present tense includes the future tense.

(b) Words used in the singular number include the plural, and vice versa, unless the context clearly indicates the contrary.

(c) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."

(d) The word "shall" is mandatory.

(e) The masculine shall include the feminine.

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

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

(1) Abandoned Sign: A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product or activity conducted or products available on the premises where such sign is displayed. (As amended by 0-82-170.)

(2) Accessory Building: A building or structure, the use of which is supplementary and subordinate to that of the main building on the same lot. (As amended by 0-83-159) (As amended by 0-86-50.)

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

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

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

(6) Amusement Device: Any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration, may be used by the public for use as a game, entertainment, amusement, a test of skill, either mental or

physical, whether or not registering a score; but shall not include radios, devices that provide music only, television carrying commercial broadcasts only, bowling lanes, or fixed-stand coin-operated kiddie rides. (As amended by 0-82-108.)

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

(8) Atrium: A glass enclosure which is attached to a building on at least one of its sides.

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

(10) Awnings: A shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supported building. (As amended by 0-82-170.)

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

(12) Billboard: A third party sign advertising a business, product or service, religious, charitable or nonprofit organization not located upon or available upon the premises whereon the sign is located. Billboards do not include directional or informational signs erected by any governmental institution or agency.

(13) Brick Paver Area: That part of the pedestrian path attached to the curb, 2 feet wide and having a brick surface.

(14) Buffer Area: An area of land located within a development that provides a landscaped transition and screen between said development and abutting residential land uses and residentially zoned land, the requirements for which are specified in Article 15 of this ordinance. (As amended by 0-83-159 and as amended by Ordinance 0-89-51, effective date 8/28/89.)

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

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

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

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

equipment, screening for mechanical equipment, spires, chimneys and antennae. (As amended by Ordinance 0-88-43, effective date 11/13/88.)

(19) Building Separation: The area across lot lines measured from main building wall to main building wall between adjacent buildings.

(20) Bulk: The total volume of a structure.

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

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

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

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

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

(26) Child Care Facility: Any facility, by whatever name known, which is licensed by the State of Colorado and maintained for compensation, for the whole or any part of a day, for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager thereof, except when such facility serves as the primary residence for said children, in which case the facility shall be regulated as a group home or group living quarters. (As amended by 0-88-67, effective date 2/11/89.)

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

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

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

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

(31) Commercial Trailer: Any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to

carry and transport property over the public highways and which is registered under the ton-mile tax laws of the State of Colorado. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

(32) Commercial Vehicle: Any truck tractor, dump truck, semi-trailer commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with an empty weight of six thousand (6,000) pounds or greater or any vehicle, regardless of weight, which: (1) is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or (2) is used "for hire"; or (3) displays advertising thereon. Identification of the vehicle's manufacturer, model or dealer shall not be considered as advertising. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

(33) Common Facilities: Real property within residential, office, commercial, and/or industrial developments that is owned, operated, and/or maintained by an association, partnership, or other entity made up of the fee owners of the development. (As amended by Ordinance 0-89-51 effective date 8/28/89.)

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

(35) Conceptual Site Plan: A general site plan required with a rezoning application. A Conceptual Site Plan does not constitute a site specific development plan as it relates to a vested property right. (As amended by Ordinance 0-88-10 effective 4/30/88.)

(36) Containment Area for Domestic Livestock: The portion of a property that is fenced and used to contain domestic livestock.

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

(38) Corner Unit: A corner unit is one which has frontage on more than one street, parking area, drive aisle, or combination of these. (As amended by Ordinance 0-87-51 effective date 9/4/87.)

(39) Covered Parking: Attached or detached garages, or carports. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

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

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

(43) Department: Department of Community Development. (As amended by 0-82-170.)

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

(45) Directional Sign: Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

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

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

(48) Distance of Sign Projection: The distance from the exterior wall surface of the building, or from the farthest horizontal point on a mansard roof, to the display face of a wall sign. (As amended by 0-82-170.)

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

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

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

(52) Dump Truck: A truck having a bed that tilts to dump its cargo or contents. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

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

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

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

(56) Dwelling Unit - Attached Wall Townhouse: A building designed for occupancy by three (3) or more households living in separate units attached by side wall or rear wall connection, but not including motels, hotels, or stacked flats. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(57) Election Sign: A sign providing information regarding elections, candidates, or issues concerning such elections. (As amended by 0-82-170.)

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

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

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

(61) Erector: Any person engaged in the business of installing signs. (As amended by 0-82-170.)

(62) Exterior Wall Surface: The most exterior part of a wall, sun screen, or any screening or material covering a building. (As amended by 0-82-170.)

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

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

(65) Family: Any number of individuals who are related by blood, marriage or legal adoption, plus up to four (4) additional children placed in the dwelling as a family foster care unit by Jefferson County or other State licensed placement agency, who are "living together as a single housekeeping unit," as that phrase is defined in the definition of "household" as it appears in this Section (17-2-2). (As amended by 0-88-67, effective date 2/11/89.)

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

(67) Final Site Plan: For the purpose of Article 17 reference to a final site plan shall mean those requirements set forth in Article 15 for a site development plan. A final site plan must conform to the approved conceptual site plan. (As amended by Ordinance 0-88-10 effective date 4/30/88.)

(68) Flashing Signs: Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

(69) Garage - Private: An accessory building or an accessory portion of a main building, designed for the shelter or storage of motor vehicles owned or operated by the occupants of the main building only.

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

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

(71) Grand Opening. The initial opening of a new store or the reopening of a substantially remodeled store. Change of management does not constitute a new store. (As amended by Ordinance 0-87-51 effective date 9/4/87.)

(72) Gross Floor Area:

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

(1) Halls, corridors, lobbies, mezzanines, display areas;

(2) Stairways, elevator shafts, escalators, utility cores, air conditioning and heating area; and

(3) Common facilities for use of all tenants, such as meeting rooms, nurseries, rest rooms, auditoriums, administrative offices, leasing offices, and first aid rooms.

(b) Gross floor area does not include:

(1) Any relatively open exterior plazas which are eligible for inclusion in covered open space;

(2) Fully or partially enclosed mall areas or atriums;

(3) Fully or partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use; and

(4) Basement storage areas, loading areas, underground truck roads and service facilities.

(73) Gross Land Area:

(a) An area which includes the following:

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

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

(b) Gross land area does not include:

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

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

(74) Gross Leasable Area: The total building area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

(75) Ground Sign: A sign structure supported by poles, uprights or braces extending from or anchored into the ground but not attached to any part of the building.

(76) Group Home: A one household dwelling or duplex in which unrelated individuals or related and unrelated individuals live, where physical assistance and/or supervision is provided by resident and/or nonresident professional support personnel as a continual benefit. A group home shall be defined according to its client population, as listed below. However, group home will not include a hotel, motel, rooming house, or facility housing juvenile or adult offenders or a facility for treatment of substance abuse problems as defined under Group Living Quarters. Group home shall also include state licensed personal care boarding homes and alternative care boarding homes when such homes comply with all other applicable portions of this Ordinance. (As amended by O-88-67, effective date 2/11/89.)

(a) Group home for elderly persons: A group home for persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly must either be licensed by the State Department of Health or Social Services, or approved by Jefferson County as an Adult Foster Care Home.

(b) Group home for developmentally disabled persons: A state licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the State Department of Institutions, Division for Developmental Disabilities.

(c) Group home for mentally ill persons: A state licensed group home exclusively for the care of persons with mental illness, as defined and regulated by either the State Department of Health or Social Services.

(d) Group home for dependent, neglected children: A Colorado Department of Social Services licensed group home exclusively for the care of persons under the age of eighteen (18) with emotional, behavioral, or social problems, who under the terms of Title 19, C.R.S. 1973, as amended, are determined to be dependant or neglected.

(e) Home for victims of domestic violence: A group home housing residents for the purposes of rehabilitation or special care for domestic violence victims of physical, emotional, or mental abuse.

(f) Home for pregnant women and infants: A group home for care and counseling of pregnant women and infants up to the age of one (1) year. (As amended by 0-88-67, effective date 2/11/89.)

(77) Group Living Quarters: A structure other than a one or two household dwelling unit, hotel, or motel designed and operated for the purpose of housing, or special care and housing, of unrelated individuals or related and unrelated individuals, where centralized provision of meals and services and individual or group sleeping accommodations are included. Group living quarters shall be defined according to their population as listed below. Any group living quarters that meets the definition of correctional institution shall be regulated as a correctional institution. Any group living quarters that meets the definition of a group home or household shall be regulated as a group living quarters rather than as a household or group home.

(a) Group Living quarters for elderly persons: A residential facility for persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group living quarters for elderly shall be either (1) licensed as a personal care boarding home or alternative care boarding home by either the State Department of Health or Social Services, or (2) certified as an adult foster care facility by Jefferson County Social Services.

(b) Group living quarters for developmentally disabled persons: A state licensed facility exclusively for the care of persons with developmental disabilities, as defined and regulated by the State Department of Institutions, Division for Developmental Disabilities.

(c) Group living quarters for mentally ill persons: A state licensed facility exclusively for the care of persons with mental illness, as defined and regulated by the State Department of Health.

(d) Group living quarters for dependent, neglected children: A Colorado Department of Social Services licensed facility exclusively for the care of persons under the age of eighteen (18) with emotional, behavioral, or social problems, who under the terms of Title 19, C.R.S. 1973 as amended are determined to be dependent or neglected.

(e) Group living quarters for substance abuse rehabilitation: A facility established for purposes of rehabilitation, special care, supervision, or treatment for alcohol or narcotic abuse.

(f) Group living quarters for adult or juvenile offenders: A facility licensed or certified by the State of Colorado, housing residents placed by the Division of Youth Services of the Department of Institutions, or the Department of Corrections, for purposes of rehabilitation, special care, supervision, or treatment for social, behavioral, or disciplinary problems. This category shall not include facilities meeting the definition of a correctional institution.

(g) Group living quarters for the temporary shelter of homeless persons: A facility established and maintained to provide housing and personal care on a "temporary basis" for indigent or homeless persons. The "temporary" period shall be defined by the facility but shall not exceed thirty (30) consecutive days.

(h) Group living quarters for victims of domestic violence: A facility housing residents for the purposes of rehabilitation or special care for domestic violence victims of physical, emotional or mental abuse. (As amended by 0-88-67, effective date 2/11/89.)

(78) High Density Residential: 12 dwelling units per acre or greater.

(79) Historic Place - Buildings, historic and pre-historic sites, structures and objects of national, state, or local importance. (As amended by Ordinance 0-88-14 effective date 7/31/88.)

(80) Home Occupation: (See Article 13.)

(81) Hospital: An establishment administered by licensed physicians, having as its primary purpose the provision of general health care, nursing, and medical treatment for human ailments, including diagnostic and surgical services. Overnight accommodations are available, but patients normally remain within the hospital for only a limited term. A hospital shall not include nor be considered a residential health care facility.

(82) Hotel: A building containing at least six (6) rooms designed and used as sleeping accommodations for usually transient occupancy, and access to the rooms is available through a lobby or supervised office.

(83) Household: Means only the following:

(a) Any family; or

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

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

(d) For the 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 boarding home.

(e) Any household which meets the definition of a group home or group living quarters shall be regulated as a group home or group living quarters rather than as a household. (As amended by 0-88-67, effective date 2/11/89.)

(84) Household Pet: (a) Regulated species of household pets shall be any species of animal commonly kept as a pet within households, and which are more than four (4) months of age, such as adog, cat, rabbit, duck, pot belly pig less than seventy (70) pounds, and ferrett and the keeping of which is not prohibited by the Municipal Code.

(b) Non-regulated species of household pets shall be animals that are typically kept indoors in a cage or container such as tropical fish, non-poisonous snakes, chinchillas, hamsters, gerbils, mice and small birds; any of which are kept as a pet and are not being raised for commercial purposes and the keeping of which is not prohibited by the Municipal Code.

(85) Ideological Sign: A sign which expresses a religious, political, social or other philosophical position. (As amended by 0-82-170.)

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

(87) Illumination, Direct: Lighting by means of an unshielded light source that is effectively visible as part of the sign, where light travels directly from the source to the viewer's eye. (As amended by 0-82-170.)

(88) Illumination, Indirect: Lighting of a surface by a light source that is directed at the reflecting surface in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination. (As amended by 0-82-170.)

(89) Illumination, Internal: Lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent material. For the purpose of Article 10, backlighted signage shall be considered internally illuminated. (As amended by 0-82-170.)

(90) Individual Letter Sign: Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface; but not including a sign painted on a wall or other surface. (As amended by 0-82-170.)

(91) Inoperable Motor Vehicle: Inoperable Vehicle: Any motor vehicle or trailer that does not have a current license plate and validation sticker lawfully affixed thereto or is not capable of being promptly started and driven in safe operating condition under its own power upon a street or right-of-way or that has two or more tires which are not fully inflated as to be in safe operating condition. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

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

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

(94) Joint Identification Sign: A sign which serves as a common or collective identification for two or more business or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof, or may serve as general identification only for such developments as shopping centers, industrial parks and the like. (As amended by 0-82-170.)

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

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

(97) Kennel: Any building, structure or open space used in whole or in part for the boarding or harboring of four (4) or more regulated household pets, above the age of four (4) months, with or without compensation.

(98) Laboratory: A building or a portion of a building devoted to the experimental study in science or the testing and analysis of chemicals, drugs, explosives, minerals, and similar materials.

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

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

(101) Legal Use: A "legal use" as used herein shall be deemed to mean a "use by right" i.e., any use of realty lawfully established in conformity with law and ordinance (or zoning resolution) in existence at the time of establishment of such use, and which is also presently lawful under applicable law and ordinance. "Legal use" shall include nonconforming uses lawfully established at the time of establishment, and lawfully maintained, and any accessory use or uses incidental to and commonly associated with such lawfully established uses. As used herein, the term "legal use" is sometimes used for the purpose of referring to the person, firm or corporation entitled to a "legal use."

(102) Lot: A unit of land within a subdivision or created by a valid and recorded instrument of conveyance prior to January 22, 1975, which is occupied or designed to be occupied by a main building and the accessory buildings or uses customarily incidental to such main buildings, including the open space required by this ordinance and such open spaces as are arranged and designed to be used in connection with such buildings. A lot may have more than one main building as allowed in the 3-RA, 4-R, 4-RA, 5-R, 5-RA, 6-R, OF, 1C through 5-C inclusive, IN and MU districts provided that: 1) all buildings on the lot are in single ownership or unified control and 2) all buildings on the lot are in conformance with the general requirements of the Lakewood Zoning Ordinance including Article 15 and the Subdivision Ordinance. (As amended by Ordinance 0-85-28 and amended by Ordinance 0-89-51, effective date 8/28/89.)

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

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

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

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

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

(108) Lot - Width: The shortest distance between any two (2) lot lines of a lot which are intersected by the same front setback line, measured from either of such points of intersection.

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

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

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

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

(113) Low and Medium Density Residential: Less than 12 dwelling units per acre.

(114) Low-profile: See Monument. (As amended by 0-82-170.)

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

(116) Major Architectural Detail: Distinguishable design features of the facade of the building such as windows, doors, balconies, columns, or patterns or designs formed at the time of construction by the building material. (As amended by 0-82-170.)

(176) Mansard Roof: A roof with two slopes on each of the four sides, the lower steeper than the upper. (As amended by 0-82-170.)

(118) Mansard Roof Sign: A sign attached to the side of a Mansard Roof. (As amended by 0-82-170.)

(119) Marquee: A permanent roof structure attached to and uniformly supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.

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

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

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

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

modular homes. This definition includes half units that are transported to the site on their own wheels and then assembled as one (1) unit.

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

(125) Monument Sign: Also known as low-profile. A ground sign which is integrated into the sign support, usually a pedestal, relatively low in height, and has an appearance of a continuous mass, similar to a structure. (As amended by 0-82-170.)

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

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

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

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

(130) Nonconforming Sign: Any sign which:

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

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

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

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

(133) Off-Premises Sign: A sign advertising a business, product or service, or religious, charitable or nonprofit organization, not located upon or available on the premises whereon the sign is located. Off-premises sign does not include directional or informational signs erected by any governmental institution or agency.

(134) Official Development Plan: The stipulations and maps associated with a mixed use zone district that set forth the land use regulations for the property as approved by the City Council. (As amended by 0-83-159.)

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

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

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

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

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

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

(136) Open Space - Usable:

(a) Usable open space includes:

(1) A landscaped area with a minimum dimension of twelve (12) feet, to be used for active and passive recreational activities.

(2) Common or "public" yards or areas.

(3) Private yards, patios, decks, or balconies, defined and/or screened by landscaping, fences, and/or building walls, except those areas of balconies and decks above the first level may not be counted toward the open space requirement.

(4) Club houses, swimming pools, tennis, or other courts (a club house is considered a recreational amenity and therefore may be counted as usable open space.)

(5) Recreational areas with a minimum size determined by types of activities and by project density.

(b) Usable open space may include ponds, drainage ways, and water areas, including flood plains and floodways which are developed as amenities and located so that they are either physically or visually accessible from the residential units. The Director of Community Development will decide whether to allow part or all of these areas to count toward the usable open space requirement depending on the quality of the amenity and the amount of usable open space provided in other parts of the development. (As amended by Ordinance 0-89-51.)

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

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

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

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

(141) Person: Natural person, joint venture, joint stock company, partnership, association, club, company corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them. (As amended by 0-82-170.)

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

(143) Planted Area: That part of the landscape area that contains living plant materials.

(144) Porch, Patio or Deck: A structure open to the atmosphere on at least two (2) sides and projecting from the front, side, or rear wall of a building. For the purposes of this Ordinance, only those porches, patios, and decks greater than thirty (30) inches above grade or which have a roof shall be subject to required setbacks. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(145) Portable: Any sign which is not permanently affixed to a building, structure, or the ground, except signs painted on or magnetically attached to any licensed vehicles and temporary signs as allowed under Article 10. (As amended by 0-82-170.)

(146) Printing Establishment: A printing business especially for books, periodicals, or newspapers, of a large scale and extended hours of operation, or which normally requires pick-ups and deliveries by large trucks. (As amended by 0-83-159.)

(176) Printing Facility: A printing business which typically operates at retail, and which does not normally require pick-ups and deliveries by large trucks. (As amended by 0-83-159.)

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

(149) Projecting Sign: A sign other than a wall sign which projects from and is supported by a wall. (As amended by 0-82-170.)

(150) Radio Antenna: A device that is used for transmitting and receiving electro-magnetic waves. (As amended by Ordinance 0-87-10 effective 4/12/87)

(151) Radio Tower: A structure that supports an antenna. (As amended by Ordinance 0-87-10 effective 4/12/87.)

(152) Redevelopment: The process of removing existing structures and building new ones with or without land aggregation, or adding buildings to a developed site.

(153) Residence Inn: A hotel with rooms that have complete kitchen and bathroom facilities intended for semi-transient occupancy. (As amended by 0-83-159.)

(154) Residential Health Care Facility: A residential facility intended for the care of the infirm or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual benefit. (As amended by 0-88-67, effective date 2/11/89.)

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

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

(157) School, Public, Parochial and Private: Any public, parochial or private school for any grades between kindergarten and twelfth that is either accredited by the Colorado Department of Education or recognized by and in good standing with the Colorado Department of Education for purposes of compulsory education requirements.

(158) Screen: A solid visual barrier.

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

(160) Self-Propelled Motor Home: A motorized vehicle designed or used as a conveyance upon streets and highways and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one (1) or more persons. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

(161) Semi-Trailer: Any wheeled vehicle, without motive power, that is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo rests upon or is carried by such truck tractor, and is generally and commonly used to carry and transport property over the public highways. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

(162) Servant Animal: An animal that is needed to perform duties for any person because of medical or handicap circumstances or which is used under a health care provider's order.

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

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

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

(166) Shopping Center, Business Center and Office/Industrial/Technical Parks or Centers: A group of two or more professional, office, commercial, industrial or combination thereof establishments that are planned, developed, owned or managed as a unit, related in location, size, and type of establishments to the service area of the unit, and provide on-site parking in definite relationship to the types and sizes of establishments. Where free-standing buildings function as a part of a shopping center, though they may be under separate ownership, they shall be deemed to be a part of the shopping center. (As amended by Ordinance 0-87-51 effective date 9/4/87.)

(167) Short Term Advertising Signs: Signs which advertise the sale of products or services on a short term basis. (As amended by 0-82-170.)

(168) Sight Triangle: The corner area within a corner lot that is adjacent to both right-of-way frontages. The dimensions of the sight triangle are measured from the intersecting point of the property lines which adjoin the

right-of-way line a distance of fifty-five (55) feet along each of the property lines and the resulting distance along a line which connects the end point of these measurements.

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

(170) Signable Area: The signable area shall mean that area of a building facade up to the roof line which is free of windows and doors or major architectural detail and may be enclosed by an imaginary rectangle. (As amended by 0-82-170.)

(171) Sign Permit: A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion, or demolition of any sign, issued pursuant to the Building Code.

(172) Sign Setback: Ten feet from the property line when adjacent to a street in all but residential zoning districts. The setback is measured from the leading edge of the sign or, if larger, the backing on which a ground sign is placed. (As amended by 0-82-170.)

(173) Sign Structure: Sign structure shall include, but not be limited to, the supports, uprights, braces, backing, and framework designed to contain a sign message. Sign structure is not meant to include the message conveyed by the sign. (As amended by 0-81-108.)

(174) Sign With Backing: Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

(175) Sign Without Backing: Any word, letter, emblem, insignia, figure or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of, any larger display area.

(176) Site Specific Development Plan: A plan submitted in conjunction with a rezoning application, which is processed and approved pursuant to Article 18 of this Zoning Ordinance. No land use plan submitted to the City other than one processed in compliance with Article 18 shall be considered a "Site Specific Development Plan" within the meaning of Article 68 of Title 24, C.R.S., and no vested property right shall be created thereby. (As amended by Ordinance 0-88-11 effective date 4/30/88.)

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

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

- (177) Street: A thoroughfare for vehicular traffic.
- (180) Street - Arterial, Collector, Local: Classification for these basic streets shall be as set forth in the Comprehensive Plan.
- (181) 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.
- (182) Street Furniture: Items exclusive of building elements, that are part of the streetscape; such as benches, planters, newspaper stands, trash receptacles, and street lighting fixtures.
- (183) Street Trees: Regularly-spaced shade boulevard trees which are part of the streetscape.
- (184) Streetscape Area: The area directly behind the Colfax curb line, including the curb, brick paver area, wal, and landscape area.
- (185) Structure: Anything built or constructed and located on or in the ground or attached to something on or in the ground.
- (186) Structural Alteration: Any change in the supporting member of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.
- (187) Structured Parking: A parking area within or beneath a principal or main building, a multi-level parking garage, or an underground parking structure. (As amended by Ordinance 0-89-51, effective date 8/28/89.)
- (188) Substantial Alteration: An increase in the gross floor area of a building or structure, or an increase in the size of a parking area or loading area, by an amount of twenty (20) percent or more from the size as it existed on the effective date of this Ordinance.
- (189) Substantial Remodel: Any store or tenant except office tenants, which remodels its space at a value of \$10.00 per square foot or more (excluding building maintenance items such as re-roof, HVAC, etc.) or expands the existing square footage of a tenant space or building by 20% or more or any business which remodel includes compliance to Article 15 of the Lakewood Zoning Ordinance. (As amended by Ordinance 0-87-51 effective date 9/4/87.)
- (190) Suburban Zone: The area, within the District, between Iris Street and Youngfield Street, characterized by buildings with deeper setbacks and greater building separations.
- (191) Suspended Sign: A sign suspended from the ceiling of an arcade or marquee. (As amended by 0-82-170.)
- (192) Tavern: Any establishment selling by the drink, fermented malt beverages, or malt, vinous or spiritous liquors, but not including dance halls.

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

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

(b) Designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, nonmoveable, nonportable, supporting structure. "Temporary Signs" shall include signs placed in the open bed of a vehicle, or printed, affixed, lettered, placed upon or attached to a vehicle; but, however,

(c) Temporary signs shall not include signs printed, painted upon or attached to motor vehicles used primarily for the delivery of products, passengers, or services, or for business purposes other than as a sign. (As amended by 0-82-170.)

(194) Third Party Sign: A sign relating to products or services not on the same marquee. (As amended by 0-82-170.)

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

(196) Trailer: Any wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

(197) Transition Zone: That area, within the District, between Simms Street and Carr Street, which contains characteristics of both the urban and suburban zone.

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

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

(200) Truck Tractor: Any motor vehicle that is generally and commonly designed and used to draw a semi-trailer and its cargo load over the public highways. (As amended by Ordinance 0-89-32, effective date 10/16/89.)

(201) Vested Property Right: The right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan approved pursuant to Article 18 of this Zoning Ordinance. (As amended by Ordinance 0-88-11 effective date 4/30/88.)

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

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

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

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

(206) Watercourse: A river, creek, gulch, stream, or similar conduit, or a tributary of such a conduit, with or without perceptible bed or banks, in which flows of water occur on a regular or continuous basis.

(207) West Colfax Overlay District: That area along West Colfax Avenue identified in "Exhibit A" that these standards and regulations apply to; also referred to in this Ordinance as the "District" or "Overlay District."

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

(209) Window Area: The area of all windows on the first floor of a building which faces or are visible from one public right-of-way. (As amended by 0-82-170.)

(210) Window Sign: A sign which is applied or attached to or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure. (As amended by 0-82-170.)

(211) Wind Sign: Any sign set in motion by wind or breeze, such as banners, flags, pennants or other objects or material. Flags of nations, states or municipalities shall not be classified as wind signs. (As amended by 0-82-170.)

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

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

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

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

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

ARTICLE 3: DISTRICTS AND MAPS

17-3-1. CREATION OF DISTRICTS. In order to carry out the purposes of this Ordinance, the City of Lakewood shall be divided into the following zone districts: (As amended by Ordinance 0-89-51, effective date 8/28/89.)

CN	Conservation District
1-R	Large Lot Residential District
2-R	Small Lot Residential District
3-R	Duplex and Small Lot Residential District
3-RA	High Density Detached/Low Density Attached Residential District
4-R	Medium Density Attached Residential District
4-RA	High Density Attached Residential District
5-R	Higher Density Residential District
5-RA	Unlimited Density Residential
6-R	Mobile Home Residential District
OF	Office District
1-C	Convenience Commercial District
2-C	Neighborhood Commercial District
3-C	Community Commercial District
4-C	Regional Commercial District
5-C	Large Lot Commercial District
IN	Industrial District
MU	Mixed or Single Use Development District

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

(2) When land is initially zoned or rezoned pursuant to this Ordinance, such changes shall be made on the Official Zoning District Map of the City of Lakewood within forty-five (45) days after the ordinance embodying the zoning or rezoning is adopted by the City Council.

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

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

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

(2) In unsubdivided areas, the district boundaries, unless otherwise shown on the maps, are streets, highways or land survey lines. Where a portion of any district is indicated upon the district map as a strip paralleling a street or highway, the width of the strip, unless given in figures, shall be determined by the use of the scale of the map.

ARTICLE 4: ADMINISTRATION, VARIANCES AND APPEALS

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

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

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

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

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

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

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

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

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

(a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property on the date this section takes effect or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of the regulation would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the owner of the property;

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

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

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

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

(f) The variance, if granted, does not deviate more than forty (40) percent from any one of the various numerical limitations contained within the regulation, regardless of any other variance that may have been granted; except, the Board of Adjustment may not grant setback variances greater than 20 percent from those listed in Sections 17-7-4(4), 17-7-5(4), 17-7-6, of this ordinance. The Board of Adjustment may not grant a variance of lot area more than twenty (20) percent of the minimum lot area, and may not grant variances of lot width more than twenty (20) percent of the minimum lot width, independent of variances granted for other numerical limitations. The intent of this provision is to provide for variances with certain percentage limitations, and further clarify that any variance is considered to be independent of any other variance and is not to be considered cumulative.

In cases where the resulting lot width and size is consistent with adjacent properties on the same frontage, the Board may grant a variance of lot width up to twenty-five (25) percent. (As amended by 0-83-183, 0-85-28, and Ordinance 0-89-51, effective 8/28/89.)

In cases where the resulting lot width and size is consistent with adjacent properties on the same frontage, the board may grant a variance in lot width up to twenty-five (25) percent.

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

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

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

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

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

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

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

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

(5) No variance shall be granted by the Board of Adjustment until a variance fee has been paid by the applicant. The amount of the fee shall be established by the City Council, and shall vary according to whether the variance is deemed major or minor. (As amended by 0-85-125.)

17-4-4. MINOR VARIANCES. (1) Upon application the Director of Community Development may grant a variance from the application of standards relating to setback, lot area, lot width, the height of a satellite dish antennae and the minimum number of required parking spaces, for a particular use on a specific piece of property only if:

(a) The variance, if granted, does not deviate more than twenty (20) percent from the requirement, independent of variances granted for other requirements; provided, however the Director may not grant variances of lot area more than ten (10) percent of the minimum lot area, and may not grant variances of lot width more than (10) percent of the minimum lot width, independent of variances granted for other requirements. The Director may grant variances to the number of required parking spaces up to ten (10) percent or five (5) parking spaces whichever is less. The intent of this provision is to provide for variances with certain percentage limitations, and further to clarify that any variance is considered to be independent of any other variance and is not to be considered cumulative. The Director shall have no authority to grant a variance for the purpose of qualifying any property for rezoning consideration.

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

(c) The applicant pays a variance fee in an amount established by City Council Resolution. (As amended by 0-85-125.)

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

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

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

17-4-6. APPEALS TO THE BOARD OF ADJUSTMENT. The Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee of the Department of Community Development in the enforcement of this ordinance. Any appeal shall be filed in writing and shall be accompanied by a Board of Adjustment appeal fee in an amount established by City Council Resolution. (As amended by 0-85-125.)

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

(2) Upon application, the Board of Adjustment may reduce the number of off-street parking spaces required for any particular use if the Board finds that, because of the unique and peculiar nature of a proposed use of property, the total number of parking spaces required by this Ordinance for the use is unnecessary or would create practical difficulties or unnecessary hardship. The number of spaces required for such use, although reduced, shall remain sufficient to reasonably serve the demand created by the use.

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

(4) All applications for parking variances to the Board of Adjustment must be supported by technical documentation to justify the variance request. Typically, parking accumulation studies for uses similar to the one for which a variance is being requested will suffice.

(5) Any application for a parking variance, as provided in subsections (1)-(3) above, shall be accompanied by an application fee in an amount established by City Council Resolution. (As amended by 0-85-125.)

(6) The Board shall have such other powers as are granted to it by this and any other ordinance of the City of Lakewood. (As amended by 0-85-125.)

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

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

ARTICLE 5: DISTRICT REGULATIONS

17-5-1. LOTS. Except as may be otherwise specifically provided herein:

(1) No lot shall be reduced or diminished, nor shall any structure be so enlarged or moved, as to reduce below the minimum, the required yard, lot area, width of lot, open spaces, setbacks or other requirements of the zone district where located, except where the Board of Adjustment grants a variance and the use of the remaining land within its zone district would not create a hazardous situation or be unreasonable.

(2) Every main building hereafter constructed in the CN, 1R, 2R, and 3R zone districts and every single household dwelling unit or duplex that is constructed in the 3-RA zone district which is not a part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot. In the 3-RA district where common facilities are provided, and in the 4-R, 4-RA, 5-R, 5-RA, 6-R, OF, 1C through 5C inclusive, IN, and MU districts there may be more than one main building per lot provided the following conditions are satisfied: 1) all buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses; 2) all buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance. (As amended by 0-81-108, as amended by 0-85-28, and as amended by Ordinance 0-89-51, effective date 8/28/89.)

(3) The front of a yard on a lot shall be as indicated on the plat, regardless of the location or facing of any building or structure thereon, and shall be that portion adjacent to a public street which corresponds to the fronts of the majority of the lots in the block. A corner lot shall have at least two (2) front yards.

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

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

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

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

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

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

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

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

- (a) Public transportation structures and facilities;
- (b) Irrigation ditches;
- (c) Electric transmission lines;
- (d) Telephone exchanges, electric substations designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity at less than 115 kilovolts; and gas regulator stations; provided that no repair or storage facilities are maintained;
- (e) Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage; and
- (f) Public parks.
- (g) Outdoor civil defense public warning siren system, and the apparatus to which it is attached, installed by the City of Lakewood or authorized contractor of the City of Lakewood. This system is not subject to the height restrictions of the individual zone districts in which it may be located. (As amended by 0-85-78.)

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

- (a) Electric substations designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity at 115 or more kilovolts;

(b) Public recreational facilities, which may include, as a Secondary Use, amusement centers; (As amended by 0-82-156.)

(c) Private nonprofit recreational facilities open to use by the public, which may include, as a Secondary Use, amusement centers; (As amended by 0-82-156.)

(d) Emergency health care facilities, other than ambulance service facilities;

(e) Public fire and police stations;

(f) Emergency, noncommercial, helipad;

(g) Public water supply wells, public water treatment and storage facilities, but not including waste water. (As amended by 0-85-78.)

(h) Churches; and

(i) Public, parochial, and private schools.

(j) City Hall, or any subsequent use of a building originally constructed for and used as a City Hall, subject to the restrictions and regulations of the Office (OF) District. (As amended by 0-82-37.)

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

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

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

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

(4) The following uses are permitted in every zone district subject to the approval of a Special Use Permit pursuant to Article 6 of this Ordinance:

(a) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District. (As amended by (0-85-81.)

(b) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building. (As amended by 0-88-67, effective date 2/11/89.)

(5) Historical Buildings, Structures and Sites. A Historic Place is allowed in all zone districts and shall comply with the use regulations of the applicable zone district. Applications for designation as a Historic Place, including exceptions to the Zoning Ordinance to establish conditions to protect existing features in or on a historic place without modifying the place shall be through a Special Use Permit as outlined in section 17-6-4 (16). (As amended by Ordinance 0-88-14 effective date 7/31/88.)

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

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

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

(a) Agricultural uses.

(b) Cemeteries and crematoriums.

(c) Single household dwellings.

(d) Child care camps.

(e) Public and private stables, including riding academies, and the keeping of only the following animals: horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas.

(1) All horses, cattle, sheep, and goats shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit but including the garage, shall be nine thousand (9,000) square feet for the first such animal, and six thousand (6,000) square feet for each additional such animal. A minimum containment area of 300 square feet shall be provided and used for each animal and any previously constructed containment area that does not meet the minimum area requirement must be enlarged.

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

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

(4) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. All such houses, coops and hutches must be set back fifteen (15) feet from the side and rear property lines and one hundred (100) feet from the front lot line. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.

(5) Sanitary Conditions: The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. If an owner chooses to accumulate manure in a pile or in piles it shall be removed from the property at a minimum of once each month or cultivated into the ground. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream or storm sewer, from runoff containing contaminants resulting from animal waste.

(f) Home occupations.

(g) Private garage.

(h) Veterinary hospitals.

(i) Wind-powered electric generators not to exceed sixty (60) feet in height measured from ground level to the top of the blade diameter. (As amended by 0-81-108.)

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

(a) Group homes. (As amended by 0-88-67, effective date 2/11/89.)

(b) Mineral resource extraction of sand, gravel, rock, earth, and other similar materials. (As amended by 0-85-80.)

(c) Golf driving ranges.

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

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

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

(g) Roadside stands for operation during not more than six (6) months in each year for the sale of farm products produced or made on the premises, provided such stands are set back at least thirty (30) feet from the front lot line.

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

(i) Racetracks.

(j) Sanitary landfills.

(3) No dwelling unit shall exceed a height of thirty-five (35) feet. No buildings or structures, other than dwelling units shall exceed a height of fifty (50) feet. Radio antenna, radio towers and amateur radio towers and antennas shall not be subject to any height restriction. (As amended by Ordinance 0-87-10 effective date 4/12/87.)

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

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

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

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

(d) Buildings, including accessory structures, shall not cover more than ten (10) percent of the area of any parcel of land in this zone. Campgrounds shall not cover more than twenty (20) percent of the area of any parcel on which approval for such use has been given, provided that not less than twenty thousand (20,000) square feet be provided for each camp site.

(5) Manure storage areas shall be so screened as to not be in view of other adjacent private property, from adjacent public thoroughfares, or from areas of public access. Manure shall not be allowed to accumulate so as to

cause a hazard to the health, welfare, or safety of humans or animals. The outside storage of manure in piles shall not be permitted within one hundred (100) feet of the front lot line and shall conform to the side and rear setback requirements for a dwelling.

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

(a) One-household dwelling.

(b) Home Occupations.

(c) In conjunction with an occupied single-family dwelling, private stables and barns not exceeding eight hundred (800) square feet of gross floor area, and the keeping of only the following animals: horses, cattle, sheep, goats, poultry, pigeons, rabbits and chinchillas.

(1) All horses, cattle, sheep, and goats shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit but including the garage, shall be nine thousand (9,000) square feet for the first such animal and six thousand (6,000) square feet for each additional such animal, but in no event to exceed a total of four (4) such animals per acre, except that offspring of animals on the property may be kept until weaned. A minimum containment area of 300 square feet shall be provided and used for each animal and any previously constructed containment area that does not meet the minimum area requirement must be upgraded.

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

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

(4) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. All such houses, coops and hutches must be set back fifteen (15) feet from the side and rear property lines and one hundred (100) feet from the front lot line. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.

(5) Sanitary Conditions: The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot

lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. If an owner chooses to accumulate manure in a pile or in piles it shall be removed from the property at a minimum of once each month or cultivated into the ground. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream or storm sewer, from runoff containing contaminants resulting from animal waste.

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

(a) Group homes; and

(b) Limited office and personal services, including only professional, business, medical, dental, optical offices, hair care salons, tailor shops, shoe repair shops, and art and photographic studios, located on those arterial streets which are so designated in the Comprehensive plan and which conform to engineering standards for arterial streets as set forth in Engineering Regulations, Construction Specifications, and Design Standards. (As amended by 0-84-51.)

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

(3) No building or structure shall exceed thirty-five (35) feet in height. (As amended by Ordinance 0-87-10 effective 4/12/87.)

(4) For every dwelling or other main building constructed or altered, there shall be provided a minimum lot area of not less than twelve thousand five hundred (12,500) square feet. The minimum width of such lot area shall be one hundred (100) feet for each dwelling or other main building.

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

(a) Single household dwellings.

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

(c) Home occupations.

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

- (a) Group homes.
- (b) Wind-powered electric generators. (As amended by 0-81-108.)
- (3) No building or structure shall exceed thirty-five (35) feet in height. (As amended by Ordinance 0-87-10 effective 4/12/87.)
- (4) The following lot area and width requirements shall apply:

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

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

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

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

17-5-10. (3-R DUPLEX) AND SMALL LOT RESIDENTIAL DISTRICT (as amended by Ordinance 0-89-51, effective date 8/28/89):

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

- (a) Duplex.
- (b) Duplex with one (1) side zero lot line, located at the common wall, located on a lot which is subdivided after the effective date of this Ordinance.
- (c) Single Household Dwellings. (As amended by Ordinance 0-87-12 effective date 4/26/87.)
- (d) Single Household, Detached Dwelling with one (1) side zero lot line, located on a lot which is subdivided after the effective date of this Ordinance. (As amended by Ordinance 0-87-12 effective date 4/26/87.)
- (e) Home occupations.

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

- (a) Group homes.

(3) No building or structure shall exceed thirty-five (35) feet in height. (As amended by Ordinance 0-87-10 effective 4/12/87.)

(4) The following lot area and width requirements shall apply: (As amended by Ordinance 0-87-12 effective 4/26/87.)

(a) For any duplex, the minimum lot area shall not be less than twelve thousand (12,000) square feet. For any duplex with one side zero lot line, located at the common wall between the dwelling units, the minimum lot area per dwelling unit shall not be less than six thousand (6,000) square feet. For any single household dwelling constructed or altered, there shall be provided a minimum lot area of not less than six thousand (6,000) square feet. For any zero lot line, detached single household dwelling unit, the minimum lot area shall not be less than five thousand five hundred (5,500) square feet. The minimum lot area of any other main building constructed or altered shall not be less than twelve thousand (12,000) square feet. (As amended by 0-81-108) (As amended by Ordinance 0-87-12 effective date 4/26/87.)

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

(1) For any duplex the minimum lot width shall be ninety (90) feet. (As amended by Ordinance 0-87-12 effective date 4/26/87.)

(2) For any duplex, each dwelling unit shall have a minimum lot width of forty-five (45) feet. (As amended by Ordinance 0-87-12 effective date 4/26/87.)

(3) For any single household dwelling with no zero lot lines, the minimum lot width shall be sixty (60) feet. (As amended by Ordinance 0-87-12 effective date 4/26/87.)

(4) For any single household dwelling with one side zero lot lines, the minimum lot width shall be fifty-five (55) feet. (As amended by Ordinance 0-87-12 effective date 4/26/87.)

**17-5-11 3-RA HIGH DENSITY DETACHED/LOW DENSITY ATTACHED RESIDENTIAL
DISTRICT.**

(1) Intent of District. The intent of this residential district is to provide for a variety of housing types including both attached and detached units at an overall density of less than eight (8) units per acre. Detached housing would include such unit types as small lot detached homes, patio homes, and zero lot line homes. Attached housing would include duplexes, triplexes, fourplexes and attached wall townhouses. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(2) District Regulations. No building or land within the 3-RA district shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Single household detached dwelling.

(b) Single household detached dwelling with one (1) side zero lot line.

(c) Duplex dwellings.

(d) Triplexes, fourplexes and attached wall townhouse dwellings.

(e) Home occupations.

(3) Special Uses. The following use is permitted as a Special Use subject to approval of a Special Use Permit as provided in Article 6 of this ordinance:

(a) Group homes.

(4) Maximum Height. No building within this district shall exceed thirty-five (35) feet in height.

(5) Minimum Lot Size. For every main building hereafter constructed or substantially altered, the following regulations shall apply:

(a) For any detached single household dwelling unit which is not a part of a larger development that includes common facilities, the minimum lot area shall be five thousand four hundred fifty (5,450) square feet.

(b) For any duplex that is not a part of a larger development which includes common facilities, the minimum lot area shall be ten thousand (10,000) square feet.

(c) The minimum lot area for any other dwelling unit or combination of dwelling units shall be five thousand four hundred fifty (5,450) square feet per dwelling unit, which may be divided in any proportion between the individual lot and the common area, provided that the total lot area is not less than twelve thousand (12,000) square feet.

(d) The minimum lot area for any other main building constructed or substantially altered shall not be less than twelve thousand (12,000) square feet.

(6) Minimum Lot Width.

(a) The minimum lot width for a detached single household dwelling unit that is not part of a larger development which includes common facilities shall be 50 feet.

(b) The minimum lot width for a detached single household dwelling unit that is part of a larger development which includes common facilities shall be 36 feet.

(c) The minimum lot width for a duplex lot that is not part of a larger development that includes common facilities shall be 75 feet.

(d) The minimum lot width for an attached wall townhouse dwelling unit shall be twenty-four (24) feet; however, the main building lot width shall not be less than one hundred (100) feet.

(e) The minimum lot width for other main buildings shall be one hundred (100) feet.

(7) Open Space. For all attached wall townhouse developments and all other developments that include common facilities, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total lot area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this ordinance, whichever is greater, shall be provided as usable open space.

(8) Site Plan Requirement. Any main building or combination of buildings that is a part of a larger development which includes common facilities such as private roadways and recreation/open space areas shall comply with the regulations set forth in Article 15 of this ordinance.

17-5-12. 4-R MEDIUM DENSITY ATTACHED RESIDENTIAL DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(1) Intent of District. The intent of this Residential District is to provide for a mixture of the medium density housing types including, but not limited to, triplexes, fourplexes, and attached wall townhouses, which include common facilities at an overall density of less than twelve (12) dwelling units per acre.

(2) District Regulations. No building or land within the 4-R district shall be used and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Multiple household dwelling units.

(b) Child care facilities.

(c) Home occupations.

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

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

(a) Group homes; and

(b) Density bonus of up to 15% over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.

(4) Maximum Height. No building within this district shall exceed thirty-five (35) feet in height.

(5) Minimum Lot Size. For every main building hereafter constructed or substantially altered, the following regulations shall apply:

(a) A minimum lot area of three thousand six hundred forty (3,640) square feet for each dwelling unit is required, except that no such lot or combination of lots for multiple household dwelling units shall be less than twelve thousand five hundred (12,500) square feet in area. For any such multiple household dwelling unit, the three thousand six hundred forty (3,640) square feet for each dwelling unit may be divided in any proportion between the lot and the common area.

(b) For any building other than a dwelling unit, the minimum lot size shall be twelve thousand five hundred (12,500) square feet.

(6) Minimum Lot Width.

(a) For multiple household attached wall townhouse dwelling units, there shall be a minimum lot width of eighteen (18) feet; however, the main building lot width shall not be less than one hundred (100) feet.

(b) For any other main building, the minimum lot width shall be one hundred (100) feet.

(7) Open Space. For every main building or combination of buildings hereafter constructed, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total lot area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this ordinance, whichever is greater, shall be provided as usable open space.

(8) Site Plan Requirement. Any structure hereafter constructed or main building substantially altered within the 4-R zone district shall comply with the regulations set forth in Article 15 of this ordinance. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

17-5-13. 4-RA HIGH DENSITY ATTACHED RESIDENTIAL DISTRICT (As amended by Ordinance of 0-89-51, effective date 8/28/89.)

(1) Intent of District. The intent of this residential district is to provide for a mixture of the medium to high density housing types including, but not limited to, condominiums, attached wall townhouses, stacked flats, and garden apartments which include common facilities at a density of less than eighteen (18) dwelling units per acre.

(2) District Regulations. No building or land within the 4-RA district shall be used and no buildings shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Multiple household dwelling units.

(b) Child care facilities.

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

(a) Residential health care facilities;

(b) Group living quarters for elderly persons;

(c) Density bonus of up to 15% over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.

(4) Maximum Height. No building within this district is to exceed thirty-five (35) feet in height.

(5) Minimum Lot Size. For every main building hereafter constructed or substantially altered, the following regulations shall apply:

(a) A minimum lot area of two thousand four hundred thirty (2,430) square feet for each dwelling unit is required, except that no such lot or combination of lots shall be less than twelve thousand five hundred (12,500) square feet. For any such multiple household attached wall townhouse dwelling unit, the two thousand four hundred thirty (2,430) square feet for each dwelling unit may be divided in any proportion between the lot and the common area.

(b) For any building other than a dwelling unit, the minimum lot size shall be twelve thousand five hundred (12,500) square feet.

(6) Minimum Lot Width.

(a) For multiple household attached wall townhouse dwelling units, there shall be a minimum townhouse lot width of eighteen (18) feet; however, the main building lot width shall not be less than one hundred (100) feet. (As amended by 0-81-108.)

(b) The minimum lot width for any other main building shall be one hundred (100) feet.

(7) Open Space. For every main building hereafter constructed, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total lot area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this ordinance, whichever is greater, shall be provided as usable open space.

(8) Site Plan Requirement. Any structure hereafter constructed or main building substantially altered within the 4-RA zone district shall comply with the regulations set forth in Article 15 of this ordinance. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

17-5-14. 5-R HIGHER DENSITY RESIDENTIAL DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

(2) District Regulations. No building or land within the 5-R district shall be used and no buildings shall be hereafter constructed or altered, except for one or more of the following uses:

- (a) Multiple household dwelling units.
- (b) Child care facilities.
- (c) Residential health care facilities.
- (d) Group living quarters for elderly persons and group living quarters for victims of domestic violence.

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

(a) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent/neglected children, and temporary shelter of homeless persons.

(b) Density bonus of up to 15% over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.

(4) Maximum Height. No building within this district is to exceed fifty (50) feet in height.

(5) Minimum Lot Size. For every main building hereafter constructed or substantially altered:

(a) A minimum lot area of one thousand seven hundred fifty (1,750) square feet for each dwelling unit is required, except that no such lot or combination of lots shall be less than one (1) acre in size.

(b) For any main building other than a child care facility, the minimum lot area shall be one (1) acre. The minimum lot area for a child care facility shall be one-half (1/2) acre.

(6) Minimum Lot Width.

(a) There shall be a minimum lot width of one hundred fifty (150) feet.

(7) Open Space. For every main building hereafter constructed, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this ordinance, whichever is greater, shall be provided as usable open space.

Note: The required amount of on-site open space for higher density multi-family development in activity centers and along the Colfax Corridor will be calculated according to the recommendations of the Urban Design Plan for these areas. Until such time as specific Urban Design Plans are adopted by the City, the above listed requirements shall apply.

(8) Site Plan Requirement. Any structure hereafter constructed or main building substantially altered within the 5-R zone district shall comply with the regulations set forth in Article 15 of this ordinance.

17-5-15 5-RA UNLIMITED DENSITY RESIDENTIAL (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(1) Intent of District. The intent of this residential district is to provide for a mixture of the highest density housing types including, but not limited to, condominiums and apartments at densities greater than twenty-five (25) dwelling units per acre in appropriate locations within activity centers and other special locations as designated in the Comprehensive Plan.

(2) District Regulations. No building or land within the 5-RA district shall be used and no buildings shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Multiple household dwelling units.

(b) Child care facilities.

(c) Residential health care facilities.

(d) Group living quarters for elderly persons and group living quarters for victims of domestic violence.

(3) The following uses are permitted as special uses subject to approval of a Special Use Permit as provided for within Article 6 of this ordinance.

(a) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent/neglected children, and temporary shelter of homeless persons.

(4) Maximum Height. The maximum height of structures shall not be specifically regulated; however, maximum building height shall be a function of the density, type of unit, and surrounding development, as provided for in Article 15 of this ordinance.

(5) Minimum Lot Size. For every main building hereafter constructed or substantially altered, there shall be a minimum lot area of one (1) acre. There is no minimum lot area per residential unit as there is no maximum density; however, there shall be a minimum density of 25 units/acres.

(6) Minimum Lot Width:

(a) There shall be a minimum lot width of one hundred fifty (150) feet.

(7) Open Space. The required amount of on-site open space for unlimited density multi-family development in activity centers and along the Colfax Corridor will be determined by the Urban Design Plan for these areas as defined in the Comprehensive Plan. Until such time as specific Urban Design Plans are adopted, an amount equal to at least fifty-five (55) percent of the total lot area shall be provided. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this ordinance, whichever is greater, shall be provided as usable open space.

(8) Site Plan Requirement. Any structure hereafter constructed or main building substantially altered within the R-5A zone district shall comply with the regulations set forth in Article 15 of this ordinance.

17-5-16. (6-R) MOBILE HOME RESIDENTIAL DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.) (1) No building, structure, mobile home or land within the 6-R District shall be used and no building, structure, or mobile home shall be hereafter constructed or altered except for one or more of the following uses:

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

(2) No building or structure shall exceed thirty-five (35) feet in height. (As amended by Ordinance 0-87-10 effective 4/12/87.)

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

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

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

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

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

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

17-5-17. (OF) OFFICE DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.) (1) No building or land within the OF District shall be used and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) General Office Uses, including:

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

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

(3) Newspaper offices.

(4) Printing facilities.

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

(b) Professional Health Facilities, including:

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

(2) Mortuaries, including facilities for cremation.

(3) Veterinary clinics for small animals.

(4) Hospitals and sanitariums.

(5) Residential health care facilities.

(6) Pharmacies.

(7) Hair salons. (As amended by 0-83-159.)

(8) Group living quarters for elderly persons and group living quarters for victims of domestic violence. (As amended by 0-88-67, effective date 2/11/89, and as amended by 0-89-51, effective date 8/28/89.)

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

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

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

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

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

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

(6) Child care facilities.

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

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

(a) Correctional institutions

(b) Wind powered electric generators

(c) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent, neglected children, temporary shelter of homeless persons, and adult or juvenile offenders. (As amended by 0-88-67, effective date 2/11/89.)

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

(4) For every main building hereafter constructed or substantially altered, an open space area shall be provided in an amount equal to at least twenty-five (25) percent of the total lot area or in the amount required by Article 15 of this ordinance, whichever is greater. However, for any residential health care facility, or group living quarters hereinafter constructed or substantially altered, an open space area shall be provided in an amount equal to at least forty (40) percent of the total lot area or in the amount required by Article 15 of this ordinance, whichever is greater. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

17-5-18. (1-C) CONVENIENCE COMMERCIAL DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.) (1) No building or land within the 1-C District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Any use permitted in the OF (office) district. Uses listed as a Special Use in the OF (office) district shall only be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance. (As amended by 0-88-67, effective date 2/11/89.)

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

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

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

(e) Drive-through car wash.

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

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

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

(i) Motels.

(j) Home service and appliance repair outlets.

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

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

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

(n) Grocery store.

(o) Printing establishment.

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

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

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

(4) For every main building hereafter constructed or substantially altered, an open space area shall be provided in an amount equal to at least twenty-five (25) percent of the total lot area or in the amount required by Article 15 of this ordinance, whichever is greater. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

17-5-19. (2-C) NEIGHBORHOOD COMMERCIAL DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

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

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

(4) For every main building hereafter constructed or substantially altered:

(a) An an open space area shall be provided and maintained in an amount equal to at least twenty-five (25) percent of the total lot area or in the amount required by Article 15 of this ordinance, whichever is greater. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

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

17-5-20. (3-C) COMMUNITY COMMERCIAL DISTRICT (As amended by 0-81-108 and as amended by 0-89-51, effective date 8/28/89.)

(1) No building or land within the 3-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

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

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

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

(4) For any main building hereafter constructed or substantially altered:

- (a) An open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

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

17-5-21. (4-C) REGIONAL COMMERCIAL DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

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

(b) Hotels.

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

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

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

(3) For any main building hereafter constructed or substantially altered:

(a) An open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater (as amended by Ordinance 0-89-51, effective date 8/28/89);

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

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

17-5-22. (5-C) LARGE LOT COMMERCIAL DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.) (1) No building or land within the 5-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

- (a) Lumber yard.
 - (b) Auction houses, except for the auctioning of live animals.
 - (c) Drive-in movie theaters.
 - (d) Sale at retail of any commodity warehoused on the premises and not intended for distribution as a wholesale product.
 - (e) Display, repair, service, sales and storage of mobile homes, travel trailers, motor homes, trailers, campers, boats, and motor vehicles, but not including auto wrecking yards, junk yards, or outside storage of metals or inoperable motor vehicles. (As amended by Ordinance 0-89-51, effective 8/28/89.)
 - (f) Rental agencies for automobiles, campers, trailers, motor homes, light and heavy equipment, and related service facilities.
 - (g) Lawn and garden centers, landscape material centers, and home improvement centers, with outside storage of inventory.
 - (h) Mini-warehouses.
 - (i) Parking on premises of motor vehicles to serve permitted uses.
 - (j) Racetracks, miniature golf or putting ranges, golf driving ranges, skateboard parks, amusement parks, go-cart tracks and trampoline centers.
 - (k) Kennels.
 - (l) Flea markets.
 - (m) Contractor shops and building trades supplies storage if totally enclosed within a building or structure. (As amended by 0-82-19.)
- (2) No building shall exceed sixty (60) feet in height.
 - (3) For every building or structure hereafter constructed or altered there shall be a minimum lot area of one-half (0.5) acre.
 - (4) For any main building hereafter constructed or substantially altered:
 - (a) An open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. (As amended by Ordinance 0-89-51, effective date 8/28/89.)
 - (b) Outdoor storage of any materials not intended for display shall be screened from view from adjacent streets and adjoining property to a height of six (6) feet.

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

17-5-23. (IN) INDUSTRIAL DISTRICT (As amended by ordinance 0-89-51, effective date 8/28/89.) (1) No building or land within the IN District shall be used, and no building shall be hereafter constructed or substantially altered, except for one of the following uses:

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

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

(c) Cement and asphalt batch plants.

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

(e) Printing establishments.

(f) Auction houses for animals.

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

(h) Public wastewater facilities.

(i) Laboratories.

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

(k) Motor vehicle service and repair facilities.

(1) Motor fuel filling stations.

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

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

(4) For any building or structure hereafter constructed or substantially altered, an open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater.

17-5-24. (MU) MIXED OR SINGLE USE DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89.) (1) The Mixed or Single Use District permits the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The Mixed or Single Use District is intended to provide a means of accomplishing the following objectives:

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

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

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

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

(3) Applications for Mixed or Single Use District zoning which include billboards shall be limited to geographic areas which are either within the following existing zone districts or have uses which are compatible with uses permitted in only the following zone districts: 1-C, 2-C, 3-C, 4-C, 5-C, and IN. Applications and proposed stipulations for an MU District to permit construction of a billboard shall comply with the following standards in addition to any standards generally applicable to an MU District: (As Repealed and Re-enacted by 0-82-170.)

(a) A billboard shall be limited to one (1) display surface not to exceed one hundred (100) square feet in area.

(b) Billboards shall be limited to one (1) display surface or sign face per direction per lot, not to exceed a maximum of two (2) display surfaces per lot, provided that such multiple display surface must be attached back-to-back.

(c) There shall be not less than ten (10) feet of minimum setback between the lot line and the leading edge of the sign.

(d) No billboard shall be constructed or maintained which is not separated by at least five hundred (500) feet from the nearest display surface of any other lawfully erected or maintained billboard.

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

(f) Billboards shall not be illuminated between the hours of twelve o'clock (12:00) a.m. (midnight) and six o'clock (6:00) a.m. if they are situated with a display surface closer than five hundred (500) feet from the nearest lot line of a property zoned for a residential use.

(g) Notwithstanding (4) below, the height of the billboard shall conform to the height restrictions as stated in 17-10-8.

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

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

(6) When regulations governing setbacks, secondary and accessory uses, off-street parking, fences, walls and obstructions to view, open space, signage, and site elements included in, but not limited to, Article 15 are not specifically mentioned in the stipulations of the approved Official Development Plan, the Director of Community Development shall have the following options:

(a) Require the application of regulations as set forth in the most similar zone category for any or all of the site elements listed above;

(b) Require the applicant to develop standards, prior to site plan submittal, which are in keeping with the intent of the Mixed or Single Use District as stated in 17-5-21(1). Such standards must be recorded as an amendment to the Official Development Plan.

(c) For either option, the Director may use the site plan criteria listed in 17-15-3(2) to evaluate the effects of the proposed regulations. (As amended by 0-83-158.)

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

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

(b) In addition to the following rezoning procedures, the developer shall submit with the rezoning application an official development plan (ODP) containing written stipulations or graphic representations addressing the following plan elements. In phased mixed use developments, the Director of Community Development may allow one or more of the following plan elements to be submitted on or with the site plan for that phase in conformance with Section 17-5-21(10) below.

(1) Type and location of all intended uses.

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

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

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

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

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

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

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

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

(10) Certification blocks for Planning Commission, City Council, County Clerk and Recorder, and land owner(s) signatures. (As amended by 0-83-159.)

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

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

(13) Lighting detail.

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

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

(e) All construction shall be in accordance with the approved and recorded official development plan and amendments or modifications thereto as provided in subsection (9) below. (As amended by 0-83-158.)

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

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

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

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

(9) Provisions of the Official Development Plan, authorized to be enforced by the City of Lakewood, may be modified, removed or released subject to the following provisions:

(a) If such modification, removal, or release involves an increase of the gross floor area by an amount of ten percent (10%) or more of the original measurement of the gross floor area or residential density as set forth on the official development plan, or if it involves a specific

change in use or uses within the Mixed or Single Use Development, which would not be allowed within the applicable standard zoning district, the applicant shall be required to submit a new application for rezoning the parcel as provided for within Article 17 of this Ordinance.

(b) If such modification, removal or release involves a change to the development including but not limited to building setback, height or architectural design, landscaping, fencing, or a specific change in use or uses permitted in accordance with 17-5-24(9)(a), the Director of Community Development shall review the application with respect to the criteria included in 17-5-24(9)(d). Written notice of the application shall be provided at the applicant's expense to all owners of property adjacent to the site, disregarding public rights-of-way. If a written objection to the application is filed with the Director within ten (10) days of notification, the application shall be referred to the Planning Commission in accordance with 17-5-24(9)(e). If no objection is filed, and the application is found to be consistent with the criteria in 17-5-24(9)(d), the Director may approve the application.

(c) If such modification, removal, or release involves only a change in the site plan, the applicant shall be required to submit a new site plan indicating such changes in conformance with Article 15 of this ordinance for review and action by the Director of the Department of Community Development.

(d) Modification not covered in subsection (a) or (b) above may be granted by the Director of the Department of Community Development if it is determined that the modification meets the following criteria:

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

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

(3) Does not affect in a substantially adverse manner the public interest;

(4) Is not granted solely to confer special benefit upon any person;

(5) Application for such administrative review is accompanied by a review fee in an amount established by City Council Resolution.

(e) The Director of the Department of Community Development may, at his discretion, refer a modification to the Planning Commission for consideration. The Planning Commission may also hear applicants' appeals from administrative decisions. A public hearing before the Planning Commission shall be held with prior notice thereof published, mailed, and posted as provided in 17-17-4(1). Any action by the Planning Commission shall require payment of an additional review fee in an amount to be established by City Council Resolution.

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

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

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

(10) Phasing of Mixed or Single Use Developments. (As amended by 0-81-108.) (As amended by 0-85-79.)

(a) Based upon both development and planning considerations, it may be desirable to develop property in several phases. Accordingly, the applicant for rezoning may elect to apply for development in any number of phases, setting forth the sequence of the phases and the information, plans, regulations, and stipulations to be submitted with each phase in the application; provided, however, that the proposed uses, use patterns and the proposed intensity and density of such uses and use patterns will be the factors determined at the time of approval of the first phase, along with the factors listed in Article 17-5-21 of this Ordinance which the Planning Commission determines to be necessary to the consideration of the rezoning application. The intensity and density of use may be set within upper and lower limits thereof as set by the Planning Commission.

(b) The Planning Commission shall consider the request of the applicant for rezoning to the Mixed or Single Use Zone District simultaneously with the consideration of the first phase proposal, as set forth in the application. If the proposed uses, use patterns and the

intensity and density of such uses and use patterns are approved by the Planning Commission, or if the proposed uses, use patterns, and the intensity and density of such uses are approved by the Planning Commission with amendments, and if the Planning Commission shall determine that the application for rezoning is in accordance with the standards and policies set forth in Section 31-23-303, C.R.S. 1973, as amended, the Comprehensive Development Plan of the City of Lakewood, and other articulated policies of the Planning Commission, the land may be rezoned to the Mixed or Single Use Zone District.

(c) The sequences of phases and the nature and character of the information, plans, regulations, and stipulations to be submitted with each phase shall be determined by the developer and the Department of Community Development prior to the submission of the application; provided, however, that the nature and character of the information, plans, regulations, and stipulations to be submitted in each phase shall be stated in the stipulations of the first phase.

(d) After initial rezoning to the Mixed Use Zone District, and in the consideration of the subsequent phases, the Planning Commission shall consider only those factors listed in Article 17-5-21 of this Chapter which relate to division of land and the way in which land will be made ready for building development, and which it has not determined during consideration of the first phase; provided, however, that all the provisions of the Official Development Plan authorized to be enforced by the City of Lakewood may be modified, removed or released, in accordance with this Ordinance. When submitting subsequent phases for Planning Commission consideration, all applicants shall pay a fee for the review of each phased site plan. The amount of this fee shall be established by City Council resolution. (As amended by 0-85-125.)

ARTICLE 6: SPECIAL USE PERMITS

17-6-1 **APPLICABILITY.** The requirements of this Article 6 shall apply to all uses listed as special uses within Article 5 of this ordinance. Special uses are uses which are appropriate for the applicable zone district only upon site specific review according to the standards established by Section 17-6-4 of this ordinance and formal approval by the City. Review and determination of proposed special uses shall be governed by the provisions of Subsection 17-6-2 except where the proposed use is a group home housing eight (8) or fewer client residents meeting the definition in this ordinance of a group home for victims of domestic violence or a group home for pregnant women and infants. Applications involving these particular group homes shall be subject to the process set forth in Subsection 17-6-2(11). (As amended by 0-88-67, effective date 2/11/89.)

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

(2) (a) Prior to filing an application for Special Use Permit for any parcel of land, the applicant shall participate in a pre-application review with the Department of Community Development. No application for Special Use Permit shall be accepted until after the preapplication review is completed and the Department's written conclusions are received by the applicant.

(b) In addition to a pre-application review with the Department of Community Development, the City Engineer shall review the information submitted with the pre-application request to determine if public improvements may be necessitated upon issuance of a Special Use Permit. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, and these requirements will be listed in the Community Development Department's written response.

(3) To commence the pre-application review, the applicant shall submit the following:

(a) Plan of the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 1/2) inches by eleven (11) inches in size, or may be in final form.

(b) Letter stating: The proposed uses of the parcel; the approximate gross floor area of any intended buildings or structures and the number and size of residential dwellings to be included; and the gross land area of the parcel, including public rights-of-way contained within the parcel.

(c) For Special Use Permits for group homes or group living quarters, the following information shall also be submitted:

(1) A description of the client population, including the proposed number of residents and staffing levels.

(2) The state or county agency responsible for licensing the facility, and the names of at least two (2) contact persons at that agency familiar with the applicant's licensing status.

(3) The type and level of services to be provided.

(4) A statement establishing that the proposed facility conforms with the standards set forth in section 17-6-4 of this Ordinance.

(4) Official minutes summarizing the pre-application review shall be prepared by the Department of Community Development and a copy of such minutes shall be provided to the applicant.

(5) Within fourteen (14) days after the date of the pre-application review, the Department of Community Development shall notify the applicant in writing of its conclusions regarding the requested use with respect to the following items:

(a) Appropriateness of the change with respect to the standards set forth in section 17-6-4 of this Ordinance.

(b) Need, if any, to plat the subject parcel pursuant to the City of Lakewood Subdivision Ordinance.

(c) Any required site plan considerations.

(d) General concerns relating to the anticipated impact upon public rights-of-way and public improvements, as well as appropriate measures to address the impact.

(6) Each applicant shall meet with residents and persons owning property in the vicinity of the site, in accordance with the Neighborhood Referral Program. The neighborhood referral meeting shall be held prior to filing a formal application. Notification for said meeting shall be as provided in subsection 17-17-4(1)(b), and (c) of this ordinance.

The administrative guidelines presently require that all property owners within 300 feet of the boundaries of the subject property must be notified of the meeting. However, where the desired use involves a group home or group

living quarters, the administrative guidelines shall require that the distance for notification shall be 500 feet. In addition, registered neighborhood organizations within and adjacent to the 300 foot radius shall be notified. The notification process is the joint responsibility of the City of Lakewood, Department of Community Development and the applicant.

(7) Formal applications shall be submitted on forms provided by the Department of Community Development and shall contain the following:

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

(8) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the fee schedule adopted by City Council resolution to cover necessary costs related to this application. There shall be no refund of any fee which accompanies an application. An application shall not be considered accepted until all required information is submitted. (As amended by 0-85-125.)

(9) The Department of Community Development shall study the application and shall, within twenty-five (25) days after acceptance of a complete application, make a written report to the Planning Commission of its findings. In addition to the application review by the Department of Community Development, the City Engineer shall review the Special Use Permit application within the same twenty-five (25) day period in accordance with the applicable provisions of Chapter 14.13 of the Lakewood Municipal Code to determine if the application necessitates the dedication and/or construction of public improvements by the applicant. (As amended by 0-84-108.)

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

(a) The Secretary to the Planning Commission shall schedule a public hearing on the application on the agenda of a meeting of the Commission within thirty (30) days of the acceptance of the formal application, unless continued by the applicant or Planning Commission, and shall give notice thereof in the same manner and to the same persons as provided in Section 17-17-4, except that no publication of the notice shall be required.

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

(c) Within sixteen (16) days after hearing all evidence, the Planning Commission shall deliver a copy of said findings and decision to the applicant and to any other person who shall submit a written request for a copy. The decision of the Planning Commission may impose conditions upon the Special Use Permit in addition to those set forth in Section 17-6-4 which, if not complied with, shall be grounds for revocation of the Special Use Permit. In the case of approval of a Special Use Permit for a group home or group living quarters, the Planning Commission shall include, in addition to any other appropriate conditions, the maximum number of client residents that may be housed in the group home or group living quarters pursuant to the criteria established in Section 17-6-4(5)(j).

(d) The Planning Commission shall exercise its judgment in the review of the application and shall consider the standards set forth in the applicable subsections of 17-6-4, as well as the suitability of the property for the proposed special use, the impact of the proposed special use on nearby uses, and the circulation and access to the proposed special use. (As amended by 0-84-51.)

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

(11) (a) Notwithstanding the provisions of Subsections 17-6-2(6), (9) and (10) above, group homes housing eight (8) or fewer client residents meeting the definitions in this ordinance of group homes for victims of domestic violence or pregnant women and infants shall be exempt from the neighborhood referral and public hearing process described in those sections due to the need to maintain the confidentiality of the location of such group homes. Instead, the formal application may be submitted to the Department of Community Development as described in Subsection 17-6-2(7) immediately after receipt of the City's written pre-application response.

(b) The Department of Community Development shall study the application according to the requirements of this Article 6, and shall, within twenty-five (25) days after acceptance of the application, make a written report to the applicant of its findings. If the Department of Community Development finds that the standards in this Article 6 for group homes

are not met, the report will specify the deficiencies or areas of non-compliance. If the Department of Community Development finds that the application meets all applicable criteria of this Article 6, or that noted deficiencies have been corrected, the report will so state and the Director shall issue a special use permit for the requested group home special use, indicating that all conditions and revocation procedures listed in this article shall be in full force and effect.

(c) If the Department of Community Development finds that the application does not comply with the criteria in Article 6, and the applicant does not correct all previously noted deficiencies, the applicant shall have the right to appeal to Planning Commission according to the notification and scheduling procedures listed in Subsection 17-6-2(10) of this Article 6. (As amended by 0-88-67, effective date 2/11/89.)

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

If a complaint is lodged directly with the City zoning personnel regarding a group home or group living facility, such complaint shall be in writing, and shall be passed on to the Special Use Permit holder and to the licensing agency. If the complaint is not resolved to the satisfaction of both parties within 30 days, the Director will determine whether a violation of the Special Use Permit exists. Such a violation will be deemed to exist only if one of the Ordinance standards or Planning Commission conditions are affected, or if the Director determines that a substantial adverse impact to the neighborhood will result from the continued operation of the facility.

(2) If and when any special use is determined to be in violation of the Special Use Permit, the Director shall notify the permit holder and the licensing agency in writing of said violation and shall provide the permit holder with a thirty (30) day period in which to abate the violation. In addition, the notice shall state the time and place for a hearing, if the violation has not been abated within the thirty (30) day period. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued.

(3) If, within the thirty (30) day period established in subsection (3) above, the permit holder completely abates the cited violation, the permit holder shall notify the Director and licensing agency that the required changes have been made.

(4) Failure of the permit holder to abate cited violations within thirty (30) days shall result in the commencement of the hearing process scheduled by the provisions of subsection (3) above. Notice of the hearing shall be provided as required by Section 17-6-2(10)(a) above, with notification to the licensing agency also provided.

(5) Following a proper hearing, the Director shall issue a decision either revoking or sustaining the Special Use Permit. This decision may be appealed to the Planning Commission. After hearing, with prior notice to the permit holder, the Planning Commission shall sustain the decision of the Director if it finds a violation of the permit has occurred. The revocation of the Special Use Permit shall require the permit holder to vacate the premises of or stop the use authorized by the Special Use Permit. After revocation, the permit holder may not reapply for a Special Use Permit pursuant to the procedures outlined in 17-6-2 of this Ordinance within 180 days of the revocation action.

The City, in addition to any other remedies provided in this Ordinance or by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation. Such actions may be instituted in the District Court of Jefferson County. (As amended by 0-88-67, effective date 2/11/89.)

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

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

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

(3) Golf Driving Range:

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

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

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

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

(5) Group Home:

(a) The group home shall comply with any applicable license requirements of the State of Colorado, and have a currently valid license, if appropriate, and shall also comply with all certification and registration requirements of Jefferson County, including requirements for minimum floor area, bathroom area, closet space, and communal area.

(b) All group homes shall be operated by an individual who lives in the dwelling as his/her primary residence and is issued the Special Use Permit in his/her own name or by a firm or organization holding Colorado non-profit corporate status and Internal Revenue Service tax exempt status.

(c) No group home shall be located less than 1000 feet from another existing or approved group home, except when such group homes are separated by a restricted access highway or community level public park. In addition, in their review of Special Use Permit requests, the Planning Commission will consider the number of existing group homes within the planning district as a factor with bearing on the other standards set forth in this Section (17-6-4). It is the intent of the City of Lakewood to encourage an even distribution of group homes within the residential areas of the City.

(d) Every group home shall comply with the applicable City building, fire, and safety codes as well as all applicable requirements of the zone district in which the home is to be located.

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

(f) No administrative activities of any private or public organization, other than those directly related to the specific group home, shall be conducted on the premises of the group home.

(g) Parking for the group home shall typically be confined to the street frontage, drive-way, and garage of the group home.

(h) The Group Home Special Use Permit shall be issued to a specific operator or organization and will not be transferable to another party.

(i) No group home shall be occupied until approvals from both the City of Lakewood and the appropriate licensing agency, when necessary, are received. In the case of group homes for the elderly, licensing agency approval shall consist of approval by Jefferson County as an adult foster care home, or by the State of Colorado as a personal care boarding home or alternative care boarding home.

(j) Every group home shall be limited to a maximum of twelve (12) total residents living in the dwelling as a primary residence, with not more than eight (8) client residents, unless all of the following conditions can be met:

(1) A minimum of one thousand (1,000) square feet of lot area is maintained per person (client and other) residing in the the dwelling.

(2) The structure meets or exceeds habitable floor area requirements of the licensing agency or if no license is required, meets requirements of Jefferson County Social Services for a similar licensed use; and

(3) A favorable recommendation is provided by the licensing agency setting forth the reasons for a higher number of residents is provided; and

(4) The Planning Commission determines that no substantial negative impact to the subject or nearby properties will result from the additional number of residents proposed.

If the Planning Commission approves a number of client residents above eight (8), such approval shall appear in the Planning Commission Resolution of Approval. In addition, the Planning Commission may determine that a lower number of total residents is necessary to assure compatibility with surrounding properties, and may include such a restriction in the approving resolution.

(k) Services provided within the group home setting should not include on-going medical or psychiatric treatment normally associated with a hospital or clinic setting, or a group living quarters, as determined by licensing agency.

(1) Any group home existing as of the effective date of this Ordinance 0-88-67 shall have a period not to exceed one hundred eighty (180) days to come into compliance with the above listed standards; except that any existing group home that does not currently meet the separation standards of subsection (c) shall not be considered to be in violation of this section. Upon proof that an existing group home meets the above listed standards, the Director of Community Development shall cause to be issued a Special Use Permit for the existing use, indicating that all conditions and revocation procedures listed in this Article shall be in full force and effect. Any existing group home failing to comply shall be considered to be in violation of this Ordinance and subject to the procedures set forth in 17-6-3 above, unless a Special Use Permit is applied for according to the procedures listed in Section 17-6-2, and issued by Planning Commission. (As amended by 0-88-67, effective date 2/11/89.)

(6) Group Living Quarters and Residential Health Care Facilities:

(a) Every group living quarters shall comply with the site development requirements of Article 15 of the Zoning Ordinance, the Multiple Family Design Guidelines, and the requirements of the zoning district in which it is located.

(b) Every group living quarters shall comply with the parking requirements of Article 9 of the Zoning Ordinance. The Planning Commission shall have the authority to modify such requirements, if a parking analysis is submitted which demonstrates the appropriateness of a different parking requirement.

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

(d) Every group living quarters shall comply with all applicable license requirements of the State, and registration requirements of Jefferson County.

(e) Every group living quarters shall be located on a multi-family or commercial local, collector, or arterial street, and shall be accessible to transportation and convenience shopping facilities.

(f) Group living quarters shall not include the conversion of a portion of an existing multi-family development.

(g) Every group living quarter for juvenile or adult offenders shall be so designed and located to assure the security of the facility itself, adjoining properties and the neighborhood in general.

(7) Limited Office And Personal Services:

(a) The following lots are excluded from this special use category:

(1) Lots which are separated from the arterial street by a frontage or service road.

(2) Lots which front on another street and back up to the arterial street.

(3) Lots containing less land area than the minimum set forth in the applicable zoning district. A variance shall not be granted to allow a substandard lot to qualify for a special use permit. (As amended by 0-84-51.)

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

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

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

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

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

(8) Mineral Resource Extraction:

(a) The term "mineral" as used in this section means an inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, or chemical, an energy source, or a raw material for manufacturing or construction material, but does not include surface or subsurface water.

(b) The term "extraction operations" or "operations" includes the development or extraction of a mineral from its natural occurrence on affected land, including but not limited to, open mining and surface operations, and the disposal of refuse from underground and in situ mining, as well as stockpiling of extracted minerals, concentration, milling, evaporating and other on-site processing activities, but not including the grading or removal or transportation of earth normally associated with construction activities, when the primary purpose of the activities is construction rather than mineral extraction.

(c) Notwithstanding the requirements of Section 17-6-2 of this Ordinance, Special Use Permit applications for mineral extraction may be initiated by the fee owner of the property, his designated agent, and/or the owner or lessee of mineral interests.

(d) Impact analyses shall be submitted by the applicant to Planning Commission regarding potential impacts of the operations on erosion, drainage patterns, geological formations and stability, transportation systems, air and water quality, and plant and animal communities in the area, and Planning Commission shall consider the analyses and impacts when reviewing an application for a special use permit.

(e) A reclamation plan shall be submitted by the applicant to Planning Commission for review. The reclamation plan shall demonstrate restoration of the surface to original conditions as far as possible, or at the discretion of Planning Commission to an appropriate land use as indicated by the comprehensive plan, and shall be consistent with the plan submitted to the Mined Land Reclamation Board.

(f) All vehicles connected with mineral extraction operations shall operate in conformance with Article 10 of the Lakewood Municipal Code.

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

(h) All extraction operations shall comply with the requirements of Chapter 9.52 of the Lakewood Municipal Code pertaining to noise, as well as Chapter 5.16 of the Lakewood Municipal Code pertaining to the use of explosives.

(i) All extraction operations, including areas used for equipment storage and/or the stockpiling of extracted minerals, shall conform to the following setback requirements:

(1) A minimum one thousand (1000) foot setback shall be provided from the property line of any adjacent property, if the adjacent property is zoned for residential uses.

(2) A minimum two hundred (200) foot setback shall be provided from the property line of any adjacent property that is zoned for other than residential uses, or from any street right-of-way, or property that is designated as public park/open space property.

(3) A minimum two hundred (200) foot setback shall be provided from any structures located on the same parcel of property as the extraction operations; except that upon written agreement with the owner of the structure the setback may be reduced to a minimum of fifty (50) feet.

(j) All operations shall be separated from adjacent land uses by appropriate fencing, buffering and safety measures. Buffering shall include provisions for screening temporarily disturbed areas and stockpiles. A phasing plan and approximate time schedule for conducting and completing operations shall be submitted with an application for Special Use Permit. Phasing plans shall indicate the maximum area of disturbance during any phase. No permit for any phase shall be issued for a period of longer than five (5) years from the date of approval of the special use permit, except that upon written request prior to the termination of the five (5) year period, Planning Commission may review the operations and grant extensions of up to five (5) years each to complete the operations.

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

(l) The proposed operations shall not be otherwise detrimental to the public health, welfare or safety of the present or future inhabitants of the City.

(m) In evaluating a permit application, Planning Commission shall consider the suitability of the property for the proposed operations, the impact of the proposed operations upon and compatibility with nearby uses, both existing and proposed, and upon traffic circulation in the area of and access to the proposed operations.

(n) If a Special Use Permit is granted, Planning Commission shall have the authority to impose such reasonable conditions and safeguards upon the permit as are necessary to insure compliance with the standards set forth in this subsection (8). The Special Use Permit and any conditions attached thereto remains in effect until the final phase of reclamation is complete. (As amended by 0-85-80.)

(9) Private Golf Course; Country Club:

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

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

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

(10) Racetrack:

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

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

(11) Roadside Stand:

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

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

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

(13) Travel Trailer Campgrounds:

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

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

(14) Wind-powered Electric Generators:

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

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

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

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

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

(15) Government office building (As amended by 0-85-81.)

(a) Any use of the property must comply with Article 15 of this Ordinance.

(b) Any use of the property must comply with the restrictions and regulations of the Office (OF) zone district with an allowable building height of sixty (60) feet; provided, however, that the Planning Commission shall have the discretion to limit building heights to less than sixty (60) feet based upon prevailing building heights in the area, proposed building setbacks, or other environmental factors.

(c) Parking requirements for allowed uses shall be those set forth for comparable uses in Article 9 of this Ordinance.

(d) Any use of the building must be in compliance with the Building Code. (As amended by 0-85-81.)

(16) HISTORIC PLACE

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

(1) Establish criteria for evaluation, designation and the preservation of historic buildings, structures, and sites;

(2) Provide a means to preserve historic places of Local, State, or National historic or pre-historic importance.

(3) Provide criteria to allow historic places a means to keep their uniqueness by establishment of conditions, by which other provisions of the zoning ordinance may be modified.

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

(1) Listed in "The National Register of Historic Places".

(2) Designated by The Planning Commission, as part of a Special Use Permit application, as a historic place. The Planning Commission may designate a site as a historic place if it finds that:

(a) The place was associated with events that have made a significant contribution to the broad patterns of National, State or Local history; or

(b) The place was associated with the lives of persons significant to our history; or

(c) The place embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that posses high artistic values, or that represent a significant and distinguishable entity whose components may lack distinction; or

(d) The place has yielded, or may be likely to yield information important in pre-history or history.

(3) The Planning Commission may request an application be reviewed by the Lakewood Historical Society or the Colorado Historical Society.

(c) Conditions to Protect Historic Places (1) As part of the Special Use Permit Planning Commission may place such reasonable conditions as it finds necessary to protect the historical character of the site, building or structure under consideration. Said conditions may be in addition to the Zoning Ordinance or a reduction from the requirements in the Zoning Ordinance. When considering a reduction from the requirements of the Zoning Ordinance the Planning Commission shall be limited to the following:

(a) Height and setbacks for existing buildings and structures.

(b) Existing parking lot configuration.

(c) Existing signs only when such sign is part of the historical character of the historic place.

(2) Special Use Permits for historical places shall address the entire parcel or lot containing the historic place. All Special Use Permits shall include a reproducible mylar site plan showing all relevant site information including:

(a) Lot boundary with legal description.

(b) All buildings and structures weather or not all are considered historic. Includes parking and access.

(c) Building setbacks.

(d) Architectural elevations of historic buildings or structures.

(e) Tabular information such as lot size, zoning, building area, etc.

(f) A listing of all conditions established for the designation and continued use as a historic place.

(As amended by Ordinance 0-88-24 effective date 7/31/88.)

(17) MULTIPLE FAMILY HOUSING DENSITY BONUS:

(a) The Planning Commission shall have the authority to approve a density bonus of up to 15% over the maximum number of units specified in the 4R, 4-RA, and 5R zone districts. Said bonus may be granted by the Planning Commission to those developments which demonstrate superior achievement and which also provide density incentive features as listed below. Said bonus shall be considered by the Planning Commission pursuant to an application for a Special Use Permit in the 4-R, 4-RA, or 5-R zones and upon review of approved development plans. Said bonus shall be based upon design quality and the number of density incentive features included in the development plans. Density incentive features are upgrades of the more important criteria outlined in the Multiple Family Housing Design Guidelines.

Density features shall include:

- (1) Increased setbacks and buffer areas.
- (2) Increased usable open space.
- (3) Increased number and size of appropriate plant materials.
- (4) Parking lots with improved visual impact.
- (5) Variation in size and configuration of building footprints.
- (6) Increased structured or covered parking.
- (7) Special treatment in screening miscellaneous mechanical equipment, utility meters, on-ground air conditioners, and transmission boxes.
- (8) Detention ponds designed as recreational or visual amenities.
- (9) Superior interface with developments of lower density or lower height.

(10) Increased recreational amenities.

(11) Increased private open space.

(12) Any other design features which significantly improve the quality of the living environment.

(b) In order for a project to be considered superior, the upgrade shall demonstrate a superior level of function and design. The Planning Commission shall make the final decision on awarding the density bonus.

ARTICLE 7: SETBACK REQUIREMENTS

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

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

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

(1) The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet. Private garages shall have the same front yard as the dwelling or other main building on the lot. Accessory buildings housing horses, cattle, sheep, goats, rabbits, chinchillas, poultry, and pigeons, shall be set back at least one hundred (100) feet from the front lot line. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.

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

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

(1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard for dwellings and other main buildings shall be forty (40) feet when the front yard is adjacent to a major arterial street. Private garages shall have the same front yard as the dwelling or other main buildings on the lot. Accessory buildings housing horses, cattle, sheep, goats, rabbits, chinchillas, poultry, and pigeons shall be set back at least one hundred (100) feet from the front lot line. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.

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

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

(1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard for dwellings and other main buildings shall be forty (40) feet when the front yard is adjacent to a major arterial street. Private garages shall have the same front yard as the dwelling or other main buildings on the lot. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.

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

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

(4) In situations such as infill, where existing setbacks are similar to those specified below, and in new developments where the use of varied setbacks and different housing types would improve the design of the development, the Director of Community Development may require that building setbacks be as set forth in the small lot single family guidelines. This determination shall be made at the time of zoning/rezoning or preliminary map and shall be noted on the final plat. The minimum setbacks shall be as follows:

Front: 12 feet minimum, when adjacent to a local street, measured from back of walk, except that an attached garage shall have a minimum setback of 18 feet measured from back of sidewalk if the overhead garage doors face the local street. Detached garages shall have the same front-yard as the main building on the lot. All other accessory structures not otherwise listed herein shall be set back at least fifty (50) feet from the front lot line.

30 feet minimum, measured from property line, when adjacent to a collector street.

40 feet minimum, measured from property line, when adjacent to an arterial street.

Side: 5 feet minimum except that a zero lot line dwelling is permitted if the side yard opposite the zero lot line, is a minimum eight feet wide.

Rear: 20 feet minimum except for accessory structures which shall have a five foot minimum setback.

(As amended by Ordinance 0-89-51, effective date 8/28/89.)

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

(1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard shall be forty (40) feet when the front yard is adjacent to a major arterial. Private garages shall have the same front yard setbacks as dwellings or other main buildings on the lot. All other accessory buildings and structures not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line. (As amended by Ordinance 0-86-50.)

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

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

(4) Single household dwellings shall also be subject to the provisions of 17-7-4(4). (As amended by Ordinance 0-89-51, effective date 8/28/89.)

17-7-6. 3-RA DISTRICT. The following setbacks shall apply within the 3-RA District: (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(1) The minimum setbacks for single household detached dwellings shall be as follows:

Front: 12 feet minimum, when adjacent to a local street, measured from back of walk, except that an attached garage shall have a minimum setback of 18 feet measured from back of sidewalk if the overhead garage doors face the local street. Detached garages shall have the same front yard as the main building on the lot. All other accessory structures not otherwise listed herein shall be set back at least fifty (50) feet from the front lot line.

30 feet minimum, measured from property line, when adjacent to a collector street.

40 feet minimum, measured from property line, when adjacent to an arterial street.

Side: 5 feet minimum except that a zero lot line dwelling is permitted if the side opposite the zero lot line is a minimum eight feet wide.

Rear: 20 feet minimum except for accessory structures which shall have a five foot minimum setback.

(2) The minimum setbacks for duplexes which are not part of a larger development that includes common facilities such as private roadways and recreational/open space areas shall be as provided for in Section 17-7-5.

(3) The minimum setbacks for all other main buildings shall be as defined in the charts contained in 17-7-7. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

17-7-7. 4-R, 4-RA, 5-R, 5-RA DISTRICTS (As amended by Ordinance 0-89-51, effective date 8/28/89):

(1) The minimum setbacks for single household detached dwellings and duplexes which are not a part of a larger development that includes common facilities shall be as provided for in Section 17-7-6.

(2) The minimum setbacks for all main structures shall be as contained in the chart below. Refer to definitions of setbacks in Section 17-2-2 of this ordinance for details on measurement.

BUILDING HEIGHT*	FRONT SETBACKS			REAR SETBACK	SIDE SETBACK
	LOCAL	COLLECTOR	ARTERIAL		
1 Story	20'	30'	40'	30'	20'
2 Stories	35'	45'	55'	35'	25'
3 Stories and over	45'	55'	60'	45'	35'

* Stories shall be as defined in the City Building Code and shall be measured to the side of the building closest to the street.

(3) Along private drives, the following garage setbacks shall be required:

With parking in front of garage, when
measured from the inside of a sidewalk: 18'

With parking in front of garage, when
when measured from curb face (no sidewalk): 20'

Without parking in front of garage: Maximum 5'

Note: If more than a five (5) foot, setback
is provided, the standards above must be met.

(4) The minimum setbacks for all other accessory structures shall be as follows:

Front - 75 feet
Side - 10 feet
Rear - 15 feet

17-7-8. 6-R DISTRICT (As amended by Ordinance 0-89-51, effective date 8/28/89): The following setbacks shall apply to each mobile home park.

(1) The minimum depth of front yard shall be thirty (30) feet when the front yard is adjacent to a local street. The minimum depth of front yard shall be forty (40) feet when the front yard is adjacent to a collector street. The minimum depth of front yard shall be fifty (50) feet when the front yard is adjacent to a major arterial. No accessory buildings or structures are allowed in the front yard setback. (As amended by 0-86-50.)

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

17-7-9. ALL OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS (As amended by Ordinance 0-89-51, effective date 8/28/89): The following setbacks shall apply to all office, commercial and industrial districts:

(1) The minimum depth of front yard for any building or structure shall be thirty (30) feet. (As amended by Ordinance 0-87-10 effective 4/12/87.)

(2) The minimum depth of any side or rear yard shall be zero (0) feet or at least five (5) feet except when adjacent to a residential zone district; in which case the side or rear setback shall be at least (10) feet. (As amended by 0-83-159.)

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

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

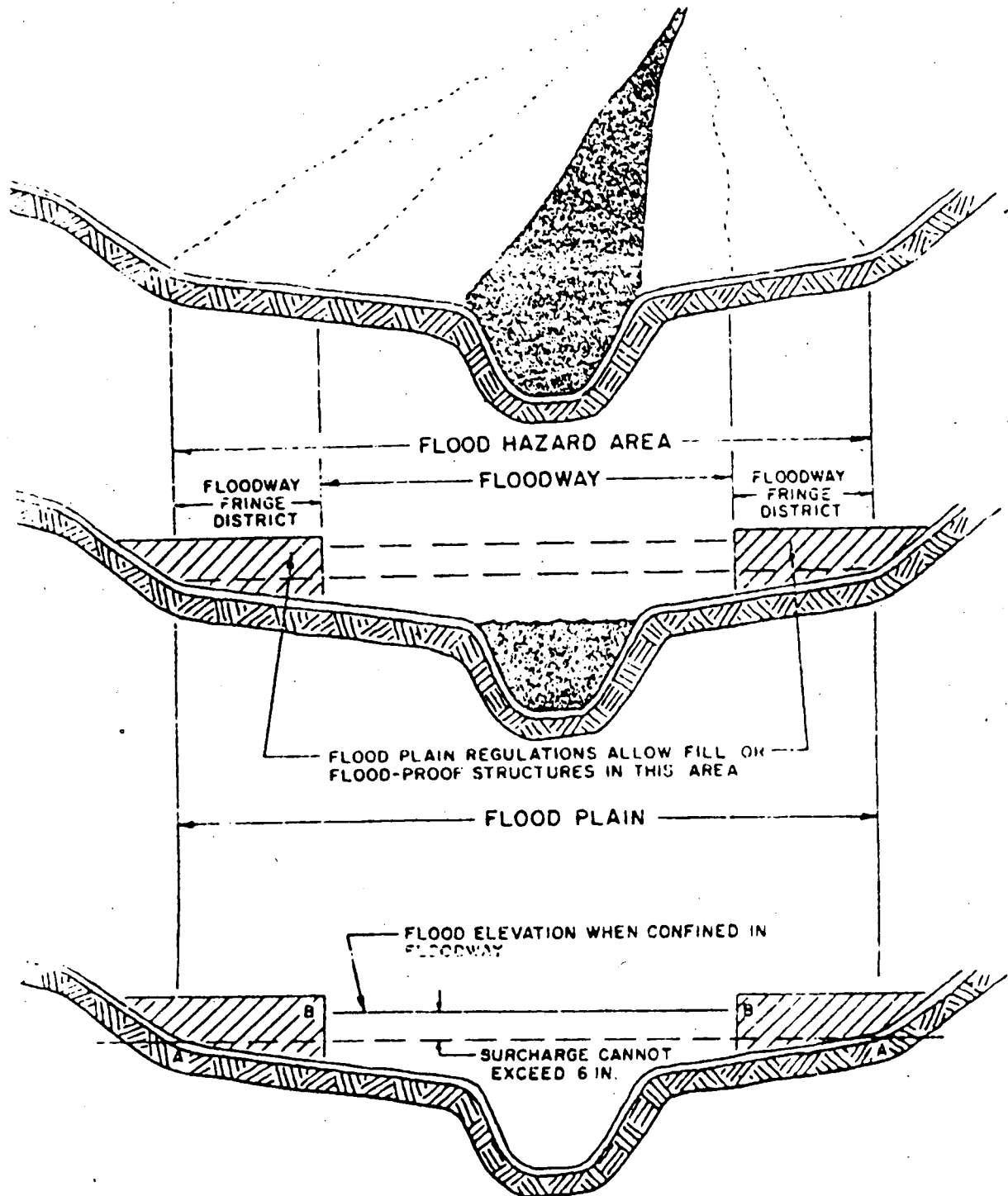
(5) No accessory building or structure shall encroach in the front setback. Side and rear setbacks for accessory buildings and structures shall be at least five (5) feet from property line. (As amended by 0-86-50.)

17-7-10. ZERO LOT LINE SETBACKS AND STRUCTURE SEPARATIONS (As amended by Ordinance 0-89-51, effective date 8/28/89): Zero lot line structures permitted in the 3-R, 4-R, 5-R, and MU districts may be constructed so that the wall of the structure is placed on a particular lot line. However, in such cases, provision must be made for both encroachment of any overhang and maintenance

access for such structure from the owner of the adjacent lot. However, if a building is constructed of masonry or fireproof materials, separation between individual buildings is restricted only to those requirements of the materials themselves as specified in the Building Code.

17-7-11. EXCEPTION FROM REQUIRED FRONT YARD SETBACKS IN ALL ZONE DISTRICTS. Porches as defined in Section 17-2-2, may project eight (8) feet into the required front yard setback. (As amended by 0-82-19 and as amended by Ordinance 0-89-51, effective date 8/28/89.)

EXHIBIT A
FLOOD PLAIN MANAGEMENT ORDINANCE



LINE A-A IS FLOOD ELEVATION BEFORE ENCROACHMENT. THIS IS DEFINED AS THE "100 YEAR FLOOD ELEVATION". STRUCTURES MUST BE FLOODPROOFED ONE FOOT ABOVE THIS LEVEL.

LINE B-B IS FLOOD ELEVATION AFTER ENCROACHMENT

ARTICLE 15: SITE DEVELOPMENT STANDARDS

17-15-1. APPLICABILITY OF THE SITE DEVELOPMENT STANDARDS. (1) The site development regulations shall apply to:

- (a) All uses located within the following zone districts:
 - 4-R Medium Density Residential District
 - 5-R High Density Residential District
 - 6-R Mobile Home Residential District
 - OF Office District
 - 1-C Convenience Commercial District
 - 2-C Neighborhood Commercial District
 - 3-C Community Commercial District
 - 4-C Regional Commercial District
 - 5-C Large Lot Commercial District
 - IN Industrial District
 - MU Mixed Use District, which permits uses allowed in any of the above listed zone districts.

(b) Uses which are located within any other zone district which are specifically made subject to this Article 15.

(c) Uses which are located or to be located on property within any other zone district and the owner of the property requests application of the site development regulations.

(2) No building permit for any use described in subsection (1) shall be issued for the construction of any new building, structure, parking area, or loading area, or any substantial alteration thereto without first obtaining the approval of a site plan from the Director. A site plan may be required prior to a proposed rezoning of property only pursuant to the provisions of Article 17.

(3) The site development standards set forth in this Article apply throughout the zone districts and to the uses set forth in subsection (1) above and are in addition to any other site development standards which may otherwise be applicable to a particular property or geographic area of the City, unless specifically provided otherwise by an adopted and approved amendment to the Comprehensive Plan. In case of any conflict among applicable site development standards, the more restrictive standards will apply.

(4) Property located within the Villa Italia Activity Center is subject to design review by the Villa Italia Design Review Committee. In the instances where specific quantitative landscape site development standards in the Villa Italia Design guidelines are in conflict with Article 15, the stricter shall apply. (As amended by 0-85-27)

17-15-2. APPLICATION FORM AND SITE PLAN. (1) Every request for site plan approval shall be accompanied by a completed application form and three (3)

copies of the site plan except when the site plan is a condition of a rezoning request as provided for in Section 17-17-3(3). In such case the applicant shall provide, in addition to the three (3) copies, thirteen (13) copies of the final site plan for Planning Commission review. These shall be submitted to the Director on one or more sheets of paper measuring twenty-four (24) by thirty-six (36) inches and drawn to a minimum scale of one inch equals fifty feet (1"=50') (i.e., 1"=40', 1"=30', 1"=20', and 1"=10' shall be acceptable) and signed by the applicant. The site plan shall contain the following information: (As amended by 0-81-108) (As amended by 0-84-9)

- (a) Date.
- (b) North arrow.
- (c) Written and graphic scale.
- (d) Finished floor elevation related to the United States Geological Survey information, and should be surveyed to USGS datum when practical. All plans shall indicate grading and drainage and existing and finished grades and contours. (As amended by 0-84-9)
- (e) The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
- (f) The building envelope, size, setback dimensions and height of all proposed structures and all existing structures which are to be retained on the site.
- (g) Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii. Location and dimensions of bike/pedestrian paths and walkways shall be shown.
- (h) The proposed layout of the parking lot including location and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles and access driveways with indication of direction of travel.
- (i) Location of all exterior lighting, signage, and fencing used to divide properties and to screen mechanical equipment and trash containers.
- (j) Existing specific physical features on the site, including drainage ways, lakes, buildings, and structures, with indication as to which are to be retained. Adjacent properties and their physical features within fifty 50 feet of the property line shall be identified including setback dimensions of adjacent structures.
- (k) The location of all existing trees greater than four (4) inch caliper and those which are to be retained on the property the location and dimensions of landscaped areas, location and names of all proposed plant material and ground cover, and the location of other pertinent landscape features.

(1) Location of all existing and proposed recreational amenities such as open play areas, swimming pools, tennis courts, tot lots, and similar facilities.

(m) Building elevations showing height and dimensions of buildings. (As amended by 0-84-9)

(2) Other information which shall be required, but need not be designated on the site plan includes:

(a) A metes and bounds legal description of the property verified and signed by a registered land surveyor in the State of Colorado. If the property is the subject of a recorded plat, a legal description referencing lot, block and subdivision name shall be sufficient.

(b) Statement of the present zoning and the intended use of the property.

(c) Statement of maintenance responsibility for all improvements shown on the site plan.

(d) Site data in tabular form including:

- (1) Total area of the property (sq. ft.)
- (2) Building coverage (sq. ft.)
- (3) Parking lot coverage (sq. ft.)
- (4) Parking lot landscape area (sq. ft.), as defined in 17-15-9.
- (5) All other landscape area coverage (sq. ft.)
- (6) Number of parking stalls provided
- (7) Number of residential units as appropriate
- (8) Existing and proposed gross floor area (sq. ft.)

17-15-3. REVIEW PROCEDURES AND REQUIREMENTS FOR APPROVAL. (1) A nonrefundable application fee shall be paid in an amount as set by City Council Resolution. The amount of the application fee shall not be credited against the amount of the building permit fee. (As amended by 0-85-125)

(2) The Director of Community Development shall approve or deny the site plan and proposed building elevations within twenty-one (21) working days after receipt of a complete site plan.

Site plans and building elevations shall be approved if they are complete in form, meet all the applicable standards set forth in this title, and address the following design guidelines. It is the intent of this section that the qualitative standards serve as general guidelines in the review of site Plans and building elevations. It is not expected that any one development will meet all of the qualitative guidelines, but that principles of good design be applied in the best combination determined by the use, nature of the site, and location of the development. It is further the intent that the design

criteria set forth herein be administered so as to improve those development proposals which appear to be marginal or weak in design character. The criteria are not to be administered in a fashion which would require a developer to make changes unless there is a sound basis in principles of good design to support the changes.

(a) On-site circulation and parking:

(1) the circulation system, including parking lots, contributes to the order and aesthetic quality of the site;

(2) provisions have been made to limit the effects of vehicular noise and exhaust;

(3) the negative impact of parking areas are minimized, including excessive heat absorption. Aesthetics, compatibility with the overall site design, convenience and safety for users and pedestrians have been considered in parking lot design.

(b) Building scale and design:

(1) scale is appropriate to the site and function of the project;

(2) promotes harmonious transitions in scale and character in areas between different land uses;

(3) quality and overall design are compatible with the site location and proposed use as demonstrated by building elevations.

(4) diverse architectural treatments are integrated to avoid a cluttered appearance.

(c) Open space considerations:

(1) optimum preservation of natural site features, including trees and drainage areas;

(2) the landscape design improves or creates a micro-climate to mitigate extreme heat and cold;

(3) the overall landscape treatment of exterior spaces enhances the quality of the project and creates usable open space;

(4) landscape design incorporates consideration of the function and use of outdoor spaces;

(5) lighting and signage is of a scale, style, and material appropriate to the development, with negative impacts minimized.

d) Vicinity considerations:

(1) logical on-site/off-site pedestrian, auto, and bike link-ages;

(2) landscaping on or near the border of the site is an amenity to the adjacent use as well as the project. (As amended by 0-84-9)

(3) Any approval or denial shall be in writing with the reasons for denial set forth. Red line changes on the site plan shall constitute sufficient detail of the reasons for denial.

(4) Upon denial of a site plan the applicant may request in writing, within five (5) working days after denial, that the Director reconsider his decision. The request for reconsideration shall state the grounds therefor. A decision upon the request for reconsideration will be given by the Director within ten (10) working days after receipt of the request. No appeal to the Planning Commission shall be permitted unless a request for reconsideration was previously filed with and denied by the Director. (As amended by 0-84-9)

(5) If a building permit has not been issued within two (2) years from the date the approval of the site plan has occurred, the site plan shall be null and void unless extended. An extension may be granted for a maximum of one year upon written request of the applicant. No extension shall be granted if this Ordinance has been amended such that the site plan no longer conforms to the requirements of this Ordinance. If a zone change for any property included within an approved site plan has occurred, the site plan shall be null and void.

17-15-4. APPEALS. (1) If the Director denies the application upon reconsideration, the applicant may appeal to the Planning Commission. Written appeals from the decision of the Director must be received by the Secretary to the Planning Commission within thirty (30) days of the date of denial upon reconsideration, and must be accompanied by an appeal fee in an amount to be established by City Council Resolution. During the time an appeal is pending, no building permit shall be issued. (As amended by 0-85-125)

(2) The Planning Commission shall conduct a public hearing within thirty (30) days after the appeal is made in writing by the applicant of a decision made by the Director pursuant to this Ordinance. The inquiry of the Planning Commission shall be limited to whether the decision of the Director was contrary to or violated this Ordinance.

(3) Any decisions of the Planning Commission shall be set forth in writing giving reasons for affirming, modifying, or reversing the administrative decision of the Director. Any decision of the Planning Commission shall be final and any appeal therefrom shall be to the courts. (As amended by 0-84-9)

17-15-5. WAIVERS AND EXCEPTIONS. (1) Upon written request, the Director of Community Development may waive specific site plan form or information requirements as set forth in 17-15-2. Such request must be accompanied by a request fee, the amount of which shall be established by City Council Resolution. (As amended by 0-85-125).

(2) The Director of Community Development may waive any requirement of a site plan if, in his opinion, specific requirements are unnecessary due to circumstances unique to the property, or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intent and purpose of this ordinance is not violated.

(3) The Director of Community Development may approve a site plan which is different from dimensional and other quantitative criteria in this Article provided that the change fulfills the design guidelines in 17-15-3(2) and does not conflict with other ordinances and regulations. (As amended by 0-84-9)

17-15-6. AMENDMENTS TO SITE PLAN. (1) Except as provided in paragraph (2) of this Section 17-15-6, amendments to an approved site plan shall be subject to the same application, review and appeal process applicable to the original site plan. The applicant shall provide the Director with an updated site plan with all current amendments shown on the most recent approved site plan. Amendments deemed minor shall require payment of a minor amendment fee in an amount established by City Council Resolution, while major amendments shall require payment of a major amendment fee in an amount to be established by City Council Resolution. A change shall be deemed minor unless it involves one or more of the following:

(a) A change altering any other condition of the zoning.

(b) A change in the size or location of existing or proposed easements or rights-of-way that would result in a significant change in the circulatory system or alter the provision of services for existing structures.

(c) A change of twenty percent (20%) or more in the building envelope, size, setback, dimensions, or height of any proposed or existing structures to be retained, the number of parking spaces, the size of signage, fencing or landscaped areas.

(d) A change in the location of the parking area, access driveways, recreational amenities, exterior lighting, signage, or fencing or landscaping used as buffering, if such change would significantly affect the compatibility of the use of the site with surrounding areas.

(2) (a) If a rezoning includes as a condition thereof the use of a specific approved site plan, such site plan may be amended or modified only after submission of a new site plan indicating the desired changes in conformance with Article 15 of this Ordinance. The Director shall then determine whether such changes are minor or substantial based on the criteria contained in subsection (1) above.

(b) If the modification is deemed to be minor, the Director shall approve or deny the modifications pursuant to the provisions of Article 15 of this Ordinance. Such approval or denial shall be given only after the applicant has paid a minor modification fee in an amount to be determined by City Council resolution.

(c) If the modification is determined to be substantial, the applicant shall be required to submit a new application for rezoning the parcel as provided for within Article 17 of this Ordinance, and shall pay the fees required for such a new application.

(d) If the Director is unable to determine whether the modification is minor or substantial, he shall present the proposed change and all relevant material to the Planning Commission which shall make such determination. If the Planning Commission determines that the change is minor, the provisions of paragraph (2)(b), above, shall apply. If the Planning Commission determines that the change is substantial, the provisions of paragraph (2)(c), above, shall apply.

(e) Regardless of the type of amendment applied for, every amendment to an approved site plan shall be reviewed by the City Engineer in accordance with the applicable provisions of Chapter 14.13 to determine if the amendment necessitates the dedication and/or construction of public improvements by the applicant. (As amended by 0-85-125)

17-15-7. **PERIMETER LANDSCAPE AREA.** (1) Where the property lies adjacent to an arterial or collector street, a landscaped strip along the entire perimeter area averaging at least twenty (20) feet in width but not less than fifteen (15) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways shall be included in the perimeter landscape area and counted as part of the twenty (20) feet. The eventual cross section shall be based upon the Transportation section of the Comprehensive Plan. Landscaping within this area shall include two (2) trees for each one thousand (1,000) square feet, and four shrubs for each 1,000 square feet and ground cover over the entire area except for perimeter landscape areas adjacent to Alameda Parkway where four (4) trees for each one thousand (1,000) square feet, four (4) shrubs for each one thousand (1,000) square feet and ground cover over the entire area is required. One (1) tree can be substituted for two (2) shrubs. All plant materials should be in accordance with the Recommended Plant List of the City of Lakewood. (As amended by 0-85-31)

(2) Where the property lies adjacent to a local street, a landscaped strip along the entire perimeter area averaging at least fifteen (15) feet in width but not less than eight (8) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways shall be included in the perimeter landscape area and counted as part of the fifteen (15) feet. The eventual cross section shall be based upon the Transportation section of the Comprehensive Plan. Landscaping within this area shall include two (2) trees and four (4) shrubs for each one thousand

(1,000) square feet, and ground cover over the entire area. One (1) tree can be substituted for two (2) shrubs. All plant materials should be in accordance with the Recommended Plant List of the City of Lakewood.

17-15-8. SIGHT TRIANGLE AREA. Within the sight triangle area, landscaping and structures shall not exceed the requirements of 17-8-1.

17-15-9. PARKING LOT LANDSCAPE AREAS. An area or a combination of areas equal to ten (10) percent of the total parking lot area shall be landscaped. Any parking area in excess of one hundred (100) spaces or four (4) parking rows shall require interior landscape islands. Landscape islands shall be a minimum of nine (9) feet in width and eighteen (18) feet in length with a minimum of one (1) tree and four (4) shrubs per island. If the island is larger than two hundred (200) square feet, landscaping shall include one (1) additional tree and four (4) additional shrubs for every additional two hundred (200) square feet or fraction thereof.

17-15-10. DRAINAGE. Surface water from a property shall be discharged into a storm sewer system or into an alternate drainage system if storm sewers are unavailable, provided however, the alternate drainage system is designed and constructed in accordance with the adopted standards of the City of Lakewood.

17-15-11. BUFFER AREAS. (1) A buffer area not less than ten (10) feet wide shall be provided.

(2) A solid fence or wall shall be placed adjacent to the property line which abuts the residential district and shall have a minimum height of five (5) feet. The fence requirement may be waived by the Director if a continuous hedge with a minimum height of five (5) feet is existing, or if there is no loading or access adjacent to the residential district and the materials, color and finish of the rear of the building match those of the front. (As amended by 0-82-19)

(3) Landscaping shall include one (1) tree for each fifteen (15) linear feet or fraction thereof of the buffer area (as measured along the property line) and ground cover over the entire area. Shrubs are optional. The size of the individual plant material used within the buffer area, at the time of planting, shall be the same size as required by 17-15-15(3). All plant materials should be in accordance with the Recommended Plant List for the City of Lakewood. (As amended by 0-82-19)

17-15-12. TRASH CONTAINERS, ELECTRICAL AND MECHANICAL EQUIPMENT AND SERVICE LINES. (1) All trash containers shall be screened to a height of six (6) feet.

(2) Roof-mounted electrical and mechanical equipment shall be placed or screened such that the equipment is not visible from any point ten (10) feet above the ground and from any point within a two hundred (200) foot radius of the building upon which it is mounted.

17-15-13. WALKWAYS AND BIKE/PEDESTRIAN PATHS. (1) The minimum width of an on-site walkway shall be five (5) feet unless head-in parking is permitted adjacent to one side of the walkway, in which case the walkway shall have a minimum width of seven (7) feet. If head-in parking is permitted adjacent to both sides of the walkway, the walkway shall have a minimum width of nine (9) feet.

(2) Walkways designed to accommodate bicycles shall be referred to as bike/pedestrian paths and shall have a minimum width of eight (8) feet. If head-in parking is permitted adjacent to bike/pedestrian paths, then two (2) feet additional width shall be required for vehicle overhang on each side where head-in parking is allowed.

(3) Sustained grades for walkways and pedestrian paths shall not exceed eight (8) percent or the grade of the adjacent public street.

(4) A walkway connecting the walkway or bikepath in the public right-of-way to the building or parking lot must be provided. (As amended by 0-81-108)

17-15-14. LANDSCAPING STANDARDS. (1) All open areas not covered by paving, buildings or other structures shall be landscaped.

(2) No artificial trees, shrubs, turf or plants shall be used to fulfill the minimum requirements for landscaping as required by this Article.

(3) Minimum size for landscaping material as measured at the time of planting shall be:

(a) Deciduous Trees: Two (2) inch caliper, measured one (1) foot above the ground; however, three (3) inch caliper trees are required in the perimeter landscape area along Alameda Parkway. (As amended by 0-85-31)

(b) Ornamental and Flowering Trees: Two (2) inch caliper measured one (1) foot above the ground, except that a multi-stemmed specimen shall have a minimum caliper of one and one-half (1 1/2) inches as measured one (1) foot above the ground.

(c) Evergreen Trees: Five (5) feet in height; however, trees a minimum of eight (8) feet in height are required in the perimeter landscape area along Alameda Parkway. (As amended by 0-85-31)

(d) Flowering and evergreen shrubs and hedges shall be of five (5) gallon size. If in ball and burlap, the minimum size shall be fifteen (15) inches in diameter.

(e) Rock and stone: Minimum three-quarter ($3/4$) inch in size, and poured to a minimum depth of three (3) inches over a minimum 10 mil plastic ground cover.

(4) No living tree which exceeds four (4) inches caliper shall be removed from the property except in accordance with an approved site plan.

(5) The City shall provide a Recommended Plant List.

(6) All landscape improvements indicated on or contained in an approved site plan shall be completed prior to issuance of a Certificate of Occupancy. However, if all conditions necessary for issuance of a Certificate of Occupancy are met except landscape improvements, and the reason for not finishing these landscape improvements is because completion of construction occurred outside of a planting season, a Temporary Certificate of Occupancy will be issued. In this situation, all landscape improvements must be completed by the next planting season within a time frame established by the Director, but in no case shall exceed one hundred eighty (180) days after issuance of the Temporary Certificate of Occupancy. (As amended by 0-81-108)

17-15-15. MAINTENANCE RESPONSIBILITY. (1) The owner of the property, his successors, heirs and assigns shall be responsible for the proper maintenance of the area subject to an approved site plan. That area shall be deemed to include an area as measured from the back of the curb line to, and including, all areas subject to the approved site plan.

(2) Landscaping shall be continuously maintained including necessary watering, weeding, pruning, pest control and replacement of dead or diseased plant material. Replacement for dead or diseased plant material shall be of the same type of plant material as set forth in the approved site plan; for example, a tree must replace a tree, a shrub must replace a shrub, a ground cover must replace a ground cover, etc. Replacement shall occur in the next planting season, but in any event, such replacement time shall not exceed one (1) year. Any replacement which conforms to the requirements of this section shall not be considered an amendment to the site plan.

ARTICLE 16: NONCONFORMING USES

17-16-1. ADMINISTRATION AND DEFINITIONS. An application for a Nonconforming Use Certificate shall be submitted on forms approved by the Director of Community Development along with a fee in an amount established by City Council resolution. Any nonconforming use may be revoked subject to Section 17-16-10. Any appeal of the decision regarding Nonconforming Use Certificates under this section shall be to the Planning Commission.

(1) "Nonconforming use" means a use which lawfully occupied a building or land at the time this Ordinance applied to the property, or at the time of any amendment hereto, and which does not conform to the use regulations of the zone district in which it is located.

(2) "Nonconforming building or structure" means a building or structure, or portion thereof, lawfully existing at the time this Ordinance applied to the property, or at the time of any amendment hereto, which does not conform to all the height, setback, lot coverage, lot width and lot area regulations of the zone district in which it is located.

(3) "Nonconforming vacant lot" means a parcel of land which meets all of the following requirements:

(a) No main building is constructed thereon;

(b) On the effective date of this Ordinance, the lot did not meet the minimum lot area or lot width requirements of this Ordinance; and,

(c) The lot was lawfully established prior to the adoption of this Ordinance.

17-16-2. NONCONFORMING USE OF BUILDING OR STRUCTURE. (1) The nonconforming use of a building or structure may be continued, except as otherwise provided herein.

(2) A conforming building or structure containing a nonconforming use may be repaired, but it may not be structurally altered, except as allowed in section (5) below, unless the building, structure, or a portion thereof, is declared unsafe by the City building inspector, in which case the building, structure, or portion thereof declared unsafe may be strengthened, altered, or restored to a safe condition.

(3) The nonconforming use shall not be changed to a different nonconforming use.

(4) The nonconforming use, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

(5) The nonconforming use shall not be extended or expanded, except for single household dwelling units or duplexes in the 4-R, 4-RA, 5-R, and 5-RA zone districts. An "extension or expansion" shall include any increase in the floor area of the building or structure in which the nonconforming use is conducted, and any expansion or relocation of the nonconforming use, in whole or in part, to a different part of the building or structure. (As amended by 0-85-28) (As amended by Ordinance 0-87-12 effective date 4/26/87) (As amended by ordinance 0-89-51. effective 8/28/89.)

(6) Except as provided herein, if the nonconforming use is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations, any future use of the building or structure must be a conforming use. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(7) If a conforming building or structure containing a nonconforming use is destroyed or damaged to the extent of more than sixty (60) percent of its value, as determined pursuant to the method of valuation of buildings for permit issuance in the Building Code, any future use of the rebuilt or restored building or structure shall be a conforming use. However, a legal nonconforming single household dwelling unit, on August 30, 1980, located in a 4-R, 4-RA, 5-R, or 5-RA Residential District may be rebuilt or reconstructed and used as a single household dwelling unit if a building permit for the single household dwelling unit is applied for within one year after the destruction or damage occurred. A legal conforming two household dwelling unit, on August 30, 1980, located in a 1-R or 2-R Residential District may be rebuilt or reconstructed and used as a two household dwelling if a building permit for the two household dwelling unit is applied for within one year after the destruction or damage occurred. Further, a legal conforming multiple household dwelling in existence on or before August 27, 1989 located in a 3-RA 4-R, 4-RA, 5-R, or 5-RA zone district may be rebuilt or reconstructed and used as a multiple household dwelling containing a maximum of the same number of dwelling units that existed prior to the destruction or damage if a building permit for the structure(s) is applied for within one year after the destruction or damage occurred. (As amended by 0-85-28) (As amended by Ordinance 0-87-12 effective date 4/26/87, and as amended by Ordinance 0-89-51, effective date 8/28/89.)

17-16-3. NONCONFORMING BUILDING OR STRUCTURE. (1) A nonconforming building or structure may continue to be used, except as otherwise provided herein.

(2) A nonconforming building or structure may be repaired, structurally altered, or expanded only if the alteration, repair or expansion complies with this Ordinance. If the nonconforming building or structure, or any portion thereof, is declared unsafe by the City building inspector, the building may be strengthened or restored to a safe condition even if compliance with the requirements of this Ordinance is impossible.

(3) No nonconforming building or structure which is destroyed or damaged to the extent of more than sixty (60) percent of its value, as determined pursuant to the method of valuation of buildings for permit issuance in the Building Code, shall be repaired or rebuilt except in compliance with the requirements of this Ordinance.

(4) If a nonconforming building or structure becomes conforming, it shall not be changed back to a nonconforming building or structure.

17-16-4. NONCONFORMING USE OF LAND: (1) A nonconforming use of land may be continued, except as otherwise provided herein.

(2) Such nonconforming use of land shall not be extended or expanded, either on the same or adjoining properties. An "extension or expansion" shall include any increase in the area of land used for the nonconforming use, and any relocation of the nonconforming use, in whole or in part, to an area of land different from the area used on the date the use became nonconforming.

(3) If the nonconforming use of land is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations, any future use of the land must conform to the requirements of this Ordinance.

(4) The nonconforming use of land shall not be changed to a different nonconforming use.

(5) The nonconforming use of land, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

17-16-5. NONCONFORMING VACANT LOT. (1) A nonconforming vacant lot may be used only for a use permitted in the zone district in which the lot is located, or at the discretion of the Director, a detached single household dwelling unit consistent with the provisions of the 2-R zone district. The Director may waive or vary minimum open space, parking lot area, setback, and lot width requirements. The Director may grant said waiver or variance only if he finds that:

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

(b) The property was included in the applicable zone district during the initial comprehensive city-initiated rezonings occurring subsequent to the effective date of this Ordinance; and

(c) The waiver, if granted, is necessary to afford relief with the least modification possible of this Ordinance. (As amended by Ordinance 0-89-51, effective date 8/28/89.)

(2) Any appeal from the Director's decision shall be to the Board of Adjustment which shall apply the same criteria as set forth in this Section 17-16-5 in determining the appropriateness of granting said waiver. (As amended by 0-82-108)

17-16-6. NONCONFORMING KEEPING OF DOMESTIC LIVESTOCK AND PERMITTED DOMESTIC LIVESTOCK IN THE 3-R AND 4-R ZONE DISTRICTS.

(1) For property in the 3-R or 4-R zone districts the keeping of horses, cattle, sheep, goats, poultry, pigeons, rabbits and chinchillas shall be permitted to continue as a permitted use only if they legally existed on the property at any time in 1987 and the keeping of such animals is in conformance with Section 17-5-8(1)(c).

(2) The nonconforming keeping of horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas may continue on a property in any other zone district by obtaining a Nonconforming Use Certificate.

The criteria and standards outlined in this article shall be met prior to issuance of any certificate and the Nonconforming Use Certificate shall run with the property and be permitted to continue if the subject property is sold, transferred, or bequeathed so long as the criteria below continues to be met.

Criteria (A) Nonconforming Use Certificate may be issued if a complete application is submitted within ninety (90) days of the effective date of this ordinance and if the application meets the following criteria:

(1) The property contains an occupied legally conforming or legally nonconforming single household dwelling unit.

(2) The keeping of such animals is in conformance with the domestic livestock standards listed in Section 17-5-8(1)(c).

(3) A scaled site plan of the property is submitted.

(4) If an adjacent property is not allowed to keep livestock and a house on that property is located within fifty (50) feet of the common property line and a six (6) foot solid fence is not existing on the common property line between the adjacent property and where animals are kept, the applicant requesting approval of the nonconforming use of domestic livestock shall construct and maintain a six (6) foot solid fence along the common property line between the adjacent property and where the animals are kept. For the purpose of this paragraph, solid fence means a fence with five percent or less open space in its vertical surface.

(5) Number of animals allowed. The nonconforming use application shall not be granted for more animals than the property is entitled to as regulated in Section 17-5-8(1)(c). If a Nonconforming Use Certificate is issued it shall state the number of animals allowed on the property and such number shall not exceed the number permitted.

(6) Species of animals allowed. The applicant shall submit evidence to clearly establish the specific species and number of animals that legally existed on the subject property at any time in 1987. The determination of what domestic livestock was on the property shall be made by the Director of Community Development or his designee after reviewing all evidence submitted in relation to the application for a Nonconforming Use Certificate for domestic livestock. The Nonconforming Use Certificate shall be designated the allowance to have only the species of domestic livestock determined to have legally existed on the property at any time in 1987.

17-16-7. NONCONFORMING MOBILE HOME PARKS AND NONCONFORMING MOBILE HOMES.

(1) If a mobile home park was in existence in the City on the date this Ordinance applied to the property on which the park is located, or was in existence on property annexed to the City after the effective date of this Ordinance, and such mobile home park complied with all applicable legal requirements then in effect, the mobile home park shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance except:

(a) Any expansion or extension of the mobile home park shall be subject to all applicable requirements of this Ordinance; and,

(b) Any individual mobile home may be replaced or relocated within a legally nonconforming mobile home park.

(2) If a mobile home is used for residential purposes in the City on the date this Ordinance applied to the property on which the mobile home is located, or is located on property annexed to the City after the effective date of this Ordinance and the mobile home complied with all applicable legal requirements then in effect, the mobile home shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance, except:

(a) If the mobile home is moved from its location, the mobile home shall not be replaced or relocated except within a mobile home park; and,

(b) If the use of the mobile home is discontinued for a period of one hundred eighty (180) days or more, the mobile home shall not be reoccupied until it is relocated within a mobile home park.

17-16-8. EXPANSION OF CHILD CARE FACILITIES. Any child care facility which was in existence on the date this Ordinance applied to the property on which the child care facility is located, and which by this Ordinance becomes a nonconforming use, may not expand to care for a larger number of children than the maximum licensed capacity as authorized by the State of Colorado on the effective date of this Ordinance.

17-16-9. PROPERTY TAKEN FOR PUBLIC USE. If a portion of a parcel of land is taken for public use such that the remaining portion of the parcel does not conform to the requirements of this Ordinance, the following shall apply:

(1) If the taking causes a variance of no greater than twenty (20) percent in one or more numerical requirements, then the use shall be considered a legal, conforming use and a permanent variance shall be granted by the Board of Adjustment.

(2) If the taking of land causes a variance of more than twenty (20) percent in one or more numerical requirements and, in the judgment of the Board of Adjustment, would not create a hazardous situation or be otherwise unreasonable, the use shall be considered a legal nonconforming use and shall be subject to the applicable nonconforming use regulations set forth in this Article 16.

17-16-10. REVOCATION OF ANY NONCONFORMING USE. Any nonconforming use may be revoked by the Director of Community Development if:

(a) Violation of the Lakewood Municipal Code related to the nonconforming use are not resolved within thirty (30) days of issuance of an official notice of violation and/or:

(b) There are recurring violations related to the nonconforming use to the property owner or persons in association with the nonconforming use.

(1) Procedures The Director shall notify the property owner in writing stating the time and place for an administrative hearing. The purpose of the hearing shall be for the Director to determine whether revocation of the nonconforming use or other legal action should be pursued. Written notice of the hearing shall be provided at least ten (10) days prior to the hearing to the person owning the property on which the nonconforming use is located.

Following the hearing, the Director shall issue a decision either revoking or allowing continuance of the nonconforming use. This decision may be appealed to the Planning Commission only upon written request. The request shall be filed with the Secretary to the Planning Commission no later than thirty (30) days after the Director's decision. The appeal shall be conducted as a public hearing in accordance with Section 17-6-2(10)(a). The revocation of the nonconforming use shall require the use to terminate. After revocation, the property owner or any other person may not apply for a Nonconforming Use Certificate or be allowed to continue the nonconforming use on the property.

The City, in addition to any other remedies provided in this Ordinance or by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation.

ARTICLE 17: PROCEDURE FOR INITIAL ZONING AND REZONING

17-17-1. GENERAL PROVISIONS. (1) The procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any parcel of land within the City of Lakewood, as shown on the official zoning map of the City of Lakewood, herein referred to as "rezoning," shall be as Provided in this Article 17. In addition to the preapplication review, the applicant shall meet with residents and persons owning property in the vicinity of the site prior to filing a formal rezoning application in accordance with the Neighborhood Referral Program which is hereby established. The meeting shall take place pursuant to the Neighborhood Referral Program administrative guidelines which shall be adopted by resolution. (As amended by 0-84-88)

(2) A rezoning may be initiated by:

- (a) The owner of any property;
- (b) Any person, firm or corporation with the written consent of the owner of the property;
- (c) The Planning Commission ("City-initiated"); or,
- (d) The City Administrator of the City of Lakewood ("City-initiated").

(3) The procedure for the initial zoning of property annexed or to be annexed to the City shall follow, to the extent practicable, the procedures applicable herein to rezonings. In such circumstances, the zoning procedures may be instituted at any time after a resolution of intent to annex is adopted Pursuant to C.R.S. 1973, 31-12-106, as amended, or after a petition for annexation or a petition for annexation election has been found to be valid in accordance with C.R.S. 1973, 31-12-107, as amended.

(a) No ordinance initially zoning property annexed to the City shall be adopted on second reading prior to the date the annexation ordinance is adopted on second reading.

(b) Property annexed to the City shall be initially zoned by the City within ninety (90) days after the effective date of the annexation ordinance. Any time requirements set forth herein, and not required by statute, shall be modified to the extent necessary to meet the ninety (90) day requirement.

17-17-2. PRE-APPLICATION REVIEW. (1)(a) Prior to filing an application to rezone any parcel of land, the applicant shall participate in a preapplication review with the Department of Community Development. No application for rezoning shall be accepted until after the preapplication review is completed and written notification of the Department's conclusions is received by the applicant.

(b) In addition to a pre-application review with the Department of Community Development, the City Engineer shall review the rezoning application to determine if public improvements may be necessitated as a result of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply. (As amended by 0-84-109.)

(1) The extent of existing and contemplated development of the surrounding area.

(2) The need to ensure that the health, safety, and welfare of the public will be maintained.

(3) Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.

If public improvements are necessary, the standards, criteria, timing and extent of public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, except that all rights-of-way, easements, and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the City Engineer.

(2) When an application is submitted by the Planning Commission, any member or groups of members of the Planning Commission may serve as the applicant.

(3) At the time of the preapplication review, the applicant shall submit the following:

(a) Plan of the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 1/2) inches by eleven (11) inches in size or, at the option of the applicant, may be in final form.

(b) Letter stating the proposed uses of the parcel, the approximate gross floor area of any intended buildings or structures and the number and size of residential dwellings to be included, and the gross land area of the parcel, including public rights-of-way contained within the parcel.

(4) Official minutes summarizing the preapplication review shall be kept and a copy of the minutes shall be provided to the applicant.

(5) Within fourteen (14) days after the date of the preapplication review, the Department of Community Development shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items:

(a) Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.

(b) Need, if any, to plat pursuant to the Subdivision Regulations.

(c) Any required site plan considerations.

(d) General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.

(6) After receiving the written conclusions of the preplanning review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site in accordance with the Neighborhood Referral Program. Notification for said meeting shall be as provided in subsections 17-17-4(1)(b) and (c) of this ordinance.

17-17-3. APPLICATION PROCEDURE. (1) An application for a rezoning shall be submitted on forms approved by the Director of Community Development. A rezoning application shall expire one (1) year after submittal, provided however, that the Director may extend the application for six (6) months for just cause. (Amended by Ordinance 0-88-10 effective date 4/28/88).

(2) If the requested rezoning for the parcel is for a Mixed Use District, the applicant also shall include with the application all information required by 17-5-21.

(3) An application for a rezoning shall be accompanied by a Conceptual Site Plan. (Amended by Ordinance 0-88-10 effective date 4/28/88).

(a) The Conceptual Site Plan is intended to supply enough information about the development for the Director of Community Development to evaluate and for the Planning Commission and City Council to make a decision on the rezoning application. The information to be supplied will be determined by the Director of Community Development as part of the pre-application review, but should generally include:

(1) The site characteristics.

(2) The density and intensity.

(3) General circulation and location of building(s) and parking area(s).

(4) The amount of the site devoted to structure, open space and parking.

(5) Compatibility with surrounding land uses.

(b) The Conceptual Site Plan shall be considered part of the rezoning application and shall become a condition of the zoning.

(c) The Conceptual Site Plan will be required as follows:

Applications for 3-R through 6-R, OF, 1-C through 5-C, and IN or MU zones shall be accompanied by a Conceptual Site Plan.

Applications for 1-R, 2-R, and single family homes in 3-R will not normally require a Conceptual Site Plan. However, if the application involves an area of significant natural features or constraints, or involves an infill situation with more than 3 units, or other similar situations, the Director of Community Development may require such a plan.

(d) The Director of Community Development may waive or defer the requirement for the Conceptual Site Plan for: a) City initiated rezonings, b) rezonings related to an annexation, and c) other situations for which the Director determines that the requirement for a Conceptual Site Plan at the time of rezoning is not in the best interest of the City. If the requirement for a site plan is deferred, the Planning Commission shall consider the Conceptual Plan at a subsequent public hearing prior to the issuance of building permits. The reasons for waiving or deferring the Conceptual Site Plan requirement shall be incorporated into staff recommendations to the Planning Commission on the rezoning request. The Planning Commission or City Council may require a Conceptual Site Plan even if it has been waived or deferred by the Director of Community Development.

(e) Decisions of the Director of Community Development may be appealed to the Planning Commission by the applicant.

(f) The Final Site Plan shall conform to the approved Conceptual Site Plan, or the Director of Community Development must determine that the changes are minor. Decisions of the Director of Community Development may be appealed to the Planning Commission. If the changes are substantial, a public hearing on the Final Site Plan will be held by the Planning Commission. The decision of the Planning Commission on a final site plan is final.

Criteria to be used by the Director of Community Development in determining whether a change is substantial are as follows:

(1) Whether or not the plan has the same character and same basic arrangement of buildings, parking and open space.

(2) Whether or not the change adversely affects the surrounding area.

(3) Whether or not the change constitutes more than a 5% increase in gross floor area or the number of dwelling units.

(4) Whether or not the change reduces the amount of usable open space, reduces the recreational amenities, or amount of landscaped area by more than 5% or does not adversely affect natural features which were preserved with the Conceptual Site Plan.

(g) If City regulations have changed since the approval of the Conceptual Site Plan and the submittal of the Final Site Plan; and if the regulations cannot be met on the Final Site Plan without major deviation from the approved Conceptual Site Plan, a public hearing before Planning Commission will be held on the Final Site Plan.

(4) If an application proposes a rezoning to a zone district listed in 17-15-1, a Final Site Plan which complies with selected requirements of Article 15 may be required rather than a Conceptual Site Plan:

(a) By the Director of Community Development, to be filed along with the application for rezoning;

(b) By the Planning Commission, to be filed prior to completion of its fact-finding hearing on the application;

(c) By the City Council, to be filed prior to completion of its hearing on the rezoning ordinance. If the City Council requires the Final Site Plan, the Council must remand consideration of the application to the Planning Commission for further proceedings prior to voting upon the rezoning ordinance on second reading.

(d) No final site plan may be required pursuant to subsection (3) above unless the Director of Community Development, Planning Commission, or City Council determines that the final site plan is essential to a determination that the proposed rezoning and method of development of the property will be compatible and consistent with the Comprehensive Plan.

(5) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule adopted by Council resolution. No fee shall be charged for a City-initiated rezoning.

(6) The Department of Community Development shall study the application and shall make a written report of its findings within forty-five (45) days after acceptance of a complete application and at least two (2) days prior to the fact-finding hearing on the application. This report shall include a determination of the compatibility of the proposed rezoning with policies and standards contained in the Comprehensive Plan. (Amended by Ordinance 0-88-10 effective date 4/30/88)

17-17-4. FACT-FINDING HEARING. For the purpose of reducing costs, reducing time required to grant or deny rezoning applications, and ensuring full protection of the applicant's rights as well as the interests of other property owners and residents, and except as otherwise specifically provided herein, the Planning Commission shall function as the City Council's fact-finding hearing agency on all rezoning applications. Procedures to be followed by the Planning Commission are as follows:

(1) The Secretary to the Planning Commission shall schedule a public hearing on a rezoning application, to be held not later than forty-five (45) days after the Department of Community Development accepts a completed application unless the hearing is continued by action of the Commission. Notice of the hearing shall be provided as follows:

(a) The Secretary shall give written notice of the date, time and place of the hearing, by first class mail, to the applicant.

(b) The applicant shall submit to the Secretary to the Planning Commission no later than twenty-one (21) days prior to the public hearing, information and materials necessary to provide public notice in accordance with requirements established by the Director of Community Development. The information and materials shall include, at a minimum, a list of and mailing labels for owners of property, apartment managers, and homeowners associations located within the notification area. The notification area shall be five hundred feet (500') for Special Use Permits and three hundred feet (300') for all other types of applications. The applicant shall also pay the cost of postage for mailing of notification letters.

(c) The Secretary to the Planning Commission shall prepare letters explaining the request and giving notice of the date, time, and place of the public hearing. Said letters shall be mailed via first class mail to all persons, firms and/or corporations identified in (b) above and all registered neighborhood organizations in the notification area by the Secretary to the Planning Commission at least fifteen (15) days prior to the date of the public hearing.

(d) The applicant, shall erect upon the property or aggregate of properties described within the application and to which the application applies, one (1) or more signs containing notice of the public hearing and stating the date, time and place the hearing will be held. Such signs shall be provided by the City, with the mounting boards and supports provided by the applicant, and shall be posted for a period of at least fifteen (15) consecutive days prior to the date of such hearing.

(e) The Secretary shall cause notice of the hearing, including date, time and place, to be published in full in an official paper or paper of general circulation in the City at least six (6) days prior to the date of the hearing.

(f) The applicant shall certify in writing, to the Secretary to the Planning Commission, prior to the public hearing that the lists submitted in accordance with (b) above were obtained from the most current records of the applicable county assessor, and that signs were posted on the property in accordance with (d) above.

(g) Failure of the applicant to provide the certification required in paragraph (f) of this subsection shall cause the public hearing to be postponed at least fifteen (15) days and until the applicant provides the certification.

(2) During the fact-finding hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other relevant statement or evidence, written or oral.

(3) The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. When required pursuant to section 17-17-5, the Planning Commission shall cause the hearing proceedings, or any portion thereof, to be transcribed, the cost of the transcription to be paid by the person or entity requesting the transcription. If the City Council acquires a copy of the transcription of the proceedings, its copy of the transcription shall be made available to any person at reasonable times for inspection and study.

(4) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant its written findings and recommendation on the application. The written findings and recommendation shall include a statement of the Commission's findings and conclusions upon all relevant issues of fact or law raised by the application, and a recommendation for approval or denial thereof. A copy of the written findings and recommendation also shall be mailed to any other person who requested in writing a copy thereof.

(5) If the recommendation of the Planning Commission is to approve the rezoning, the Planning Commission shall transmit to the City Council a copy of its written findings and recommendation and a notice of the availability, at a location convenient to the Council, of the entire record of the application and hearing, including the application itself and any written evidence, exhibits, and other papers or matters considered by the Planning Commission. The applicant may request that such materials not be transmitted to the City Council for a period of time not to exceed six (6) months from the date of the Planning Commission's written findings and recommendation, or the applicant may withdraw his application at any time.

(6) If the recommendation of the Planning Commission is to deny the rezoning, the materials described in subsection (5) shall be transmitted to the City Council only upon written request of the applicant filed with the Secretary to the Planning Commission not later than thirty (30) days after the public hearing at which the Planning Commission recommended the denial. (As amended by 0-82-19)

(7) No substantial amendment to an application for a rezoning may be made after a decision on the rezoning has been made by the Planning Commission. (As amended by 0-81-108)

17-17-5. WRITTEN OBJECTIONS AND TRANSCRIPT OF HEARING. (1) After receipt by the City Council of the written findings and recommendation and notice described in 17-17-4(5), an ordinance embodying the proposed rezoning shall be placed on the agenda of a meeting of the City Council for first reading. (As amended by Ordinance 0-87-54 effective date 9/25/87).

(2) Any person who objects to a finding or the recommendation of the Planning Commission may file a written statement with the Secretary to the Planning Commission specifying in detail the finding or recommendation subject to objection, the reasons for the objection, and all parts of the transcript of the hearing proceedings before the Planning Commission relevant to such

objection, and shall advance the cost of such transcription. A copy of the written objection shall also be served upon the applicant (if other than the objector), the Director, and any other person who requests in writing, a copy of the written objection. This objection must be filed with the Secretary to the Planning Commission at least ten (10) days prior to the public hearing before City Council. (As amended by Ordinance 0-87-54 effective date 9/25/87)

(3) Within five (5) days after receipt of a written objection, the staff of the Department of Community Development, the City Council, or any other interested person may file a designation of additional parts of the hearing Proceedings which are to be transcribed.

(4) No transcript shall be required in any case where the objector does not seek to amend or reverse a basic finding of fact set forth in the Commission's written findings of fact and recommendation, as distinguished from the recommendation of the Commission or its ultimate findings as to the matters set forth in 17-17-7.

(5) If a transcript would otherwise be required pursuant to this section, the applicant, objector (if different from the applicant), and Director of the Department of Community Development may approve a written summary of the relevant testimony and evidence presented at the Planning Commission hearing in place of the transcript.

(6) The transcript or approved written summary shall be filed with the City Council at least three (3) days prior to its consideration of the rezoning ordinance on second reading. If no transcript or approved written summary is provided to the Council as required herein, the Commission's basic findings of fact are conclusively presumed to be complete and accurate.

17-17-6. CITY COUNCIL HEARING AND DECISION. (1) Notice of the Council's consideration of the rezoning ordinance on second reading, and of the Council's consideration hearing thereon, shall be provided pursuant to the procedures set forth in 17-17-4(1) except that the City Clerk shall perform the responsibilities assigned therein to the Secretary to the Planning Commission. However, notwithstanding the provisions of 17-17-4(1)(d), the public hearing and consideration by the City Council of the rezoning ordinance shall not be less than ten (10) days from the date of publication in an official paper or paper of general circulation in the City. (As amended by Ordinance 0-87-54 effective date 9/25/87).

(2) The Council shall establish a period of time, prior to voting upon the rezoning ordinance on second reading, during which the applicant, any person filing a written objection, or any other interested person may comment and be heard upon the findings and recommendation of the Planning Commission. Upon consideration of the rezoning ordinance on second reading, the Council may consider only the record before the Planning Commission, the written findings and recommendation of the Planning Commission, any previously filed written objections to those findings and recommendation, and the comments related thereto made during the Council hearing. In addition the City Council

may, in its sole discretion, hear any other relevant written or oral statement regarding the findings and conclusions of the Planning Commission. No other materials or evidence shall be considered by the Council.

(3) If it is shown that the written findings and recommendation of the Planning Commission contain a finding based on incorrect information, or if there is shown to be newly discovered information not available at the time of the Planning Commission's fact-finding hearing, and if the correct or newly discovered information could, in the opinion of the Council, change the recommendation of the Planning Commission, then the entire matter shall be referred by the City Council to the Planning Commission for its consideration. If there is shown to be a clerical mistake in the written findings or recommendation of the Planning Commission, the mistake may be corrected by Council action without referral to the Planning Commission.

(4) After its hearing, the Council may:

(a) Continue the matter by remanding consideration of the rezoning to the Planning Commission for further proceedings as the Council may direct; or,

(b) Revise the Commission's findings of fact only if such revision is supported by evidence in the record made before the Commission, and proceed to vote upon the rezoning ordinance; or,

(c) Adopt the Commission's findings of fact and proceed to vote upon the rezoning ordinance; or,

(d) Table its decision to a specified date.

(5) Final action by the City Council on the rezoning ordinance shall be taken within ninety (90) days after the date of the Council's hearing on the Ordinance, or within thirty (30) days after the date the Council receives the Ordinance after remand to the Planning Commission, whichever is later. Failure to take final action within such period shall be considered a final decision of the Council denying the rezoning. If the vote on any rezoning ordinance is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code Section 1.20.030, an additional fourteen (14) days shall be added to the time limitation for each such tabling.

(6) The City Clerk shall provide written notice to any person who has requested in writing to receive such notice, the results of the Council's final action adopting or rejecting the rezoning ordinance.

(7) The fact-finding hearing on the rezoning application shall be conducted by the City Council itself, rather than by the Planning Commission, only when the formal application for rezoning is initiated by the Planning Commission. Where the City Council conducts the fact-finding hearing, the Procedures for the conduct of the hearing, notice prior thereto, and written findings thereafter shall comply to the extent possible with section 17-17-4. The hearing shall be held prior to the Council vote on the rezoning ordinance on second reading.

17-17-7. STANDARDS FOR ZONING AND REZONING. (1) To promote stability in zoning and appropriate development of property within the City, no application for rezoning of property shall be approved unless it is demonstrated: (Amended by Ordinance 0-88-10 effective date 4/28/88)

(a) That the proposed rezoning promotes the health, safety or welfare of the inhabitants of the City of Lakewood and the purposes of this Ordinance; and,

(b) At least one of the following additional factors exist:

(1) The proposed rezoning is consistent with the goals of the Comprehensive Plan;

(2) There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.

(3) The property to be rezoned was previously zoned in error.

(c) That both of the following criteria are met:

(1) The proposal as evidenced by the Conceptual Site Plan, is compatible with surrounding uses; or in the case of redevelopment that the proposal is an improvement to the area.

(2) The proposal as evidenced by the Conceptual Site Plan, enhances significant natural characteristics of the site by preservation or incorporating the features into the development's open space.

(Amended by Ordinance 0-88-10 effective date 4/28/88)

(2) The requirements of paragraph (b) of subsection (1) shall not apply to the initial zoning of property annexed to the City or to rezonings which occur incidental to a comprehensive City-initiated revision of the City's Official Zoning District Maps.

17-17-8. COMPREHENSIVE INITIAL CITY-INITIATED REZONINGS. Notwithstanding any other provision of this Article 17, only the following procedures shall be required for the initial comprehensive City-initiated rezonings occurring subsequent to the effective date of this Ordinance:

(1) The rezonings may be initiated by the City Administrator in such form as the Planning Commission may direct.

(2) Public hearings on the rezonings, either individually or in groups, shall be conducted by the Planning Commission. Notice of the hearings, including date, time and place, shall be published in an official newspaper or

paper of general circulation in the City at least fifteen (15) days prior to the date of the hearings. In the discretion of the Planning Commission, additional notice of the hearings may be provided.

(3) The Planning Commission shall follow the procedures set forth in subsection (2) through (5) of section 17-17-4 except that the Planning Commission may recommend to the City Council a zone category for particular property different than the zone category proposed by the City Administrator.

(4) The provisions of sections 17-17-5 and 17-17-6 shall be followed except that the only required notice of the hearings before the City Council shall be publication of the date, time and place thereof in an official paper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearings. In the discretion of the City Council, additional notice of the hearings may be provided.

17-17-9. WHEN REZONING APPLICATIONS ARE NOT ACCEPTED. No application for rezoning property shall be accepted within six (6) months following a final decision on a prior rezoning application relating to all or any portion of that same property. A "final decision" shall mean.

(a) Denial by the Planning Commission of the rezoning application without an appeal to the City Council;

(b) Withdrawal of the rezoning application occurring after the Planning Commission has voted on the rezoning application and prior to the vote by the City Council on the rezoning ordinance; or

(c) The vote by the City Council denying or approving the rezoning ordinance. (As amended by 0-83-159)

17-17-10. ZONING CONDITIONS. The Planning Commission may recommend and the City Council may adopt an ordinance initially zoning or rezoning property which includes specific conditions binding upon the owner of the property, his successors, heirs and assigns. Examples of such conditions are the requirement that certain actions such as subdivision platting be completed prior to building permit issuance, further regulation of the use of the property itself such as specific use requirements, site plan requirements, height restrictions, or public improvement construction. (As amended by Ordinance 0-89-51, effective 8/28/89.)

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

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

ARTICLE 18: SITE SPECIFIC DEVELOPMENT PLAN

17-18-1. **PURPOSE.** The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.C., as amended. (As amended by Ordinance 0-88-11 effective date 4/28/88)

17-18-2. **GENERAL PROVISIONS.** The Planning Commission may recommend and the City Council may adopt, in conjunction with the rezoning of any property, an Ordinance approving a Site Specific Development Plan. Approval of a Site Specific Development Plan pursuant to this Article shall create a vested property right. The approval may include such terms and conditions as are necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may result in a forfeiture of the vested property rights.

17-18-3. **APPLICATION.** (1) An owner of property who seeks to cause rights to vest may file an application for approval of a Site Specific Development Plan, which application may only be submitted in conjunction with a Rezoning application. Each application shall be signed by the fee owner of the property, or his authorized agent. Each such application shall be accompanied by a fee to be established by City Council Resolution to cover necessary costs related to processing the application.

(2) The Site Specific Development Plan shall include the following items unless a written request to waive or vary certain requirements has been approved by the Director of Community Development:

(a) Site Plan meeting the requirements of Article 15 of this Zoning Ordinance;

(b) Landscape Plan meeting the requirements of Article 15 of this Zoning Ordinance;

(c) Building Elevations meeting the requirements of Article 15 of this Zoning Ordinance;

(d) Preliminary Drainage Study;

(e) Grading Plan;

(f) Traffic Study;

(g) Utility Plan;

(h) Soils/Geologic Report; and

(i) Preliminary Construction Plans for Required Public Improvements.

17-18-4. NOTICE OF HEARING. (1) No Site Specific Development Plan shall be approved until after noticed public hearing before the Planning Commission and City Council have been held. The Planning Commission hearing shall follow the procedures set forth in Section 17-17-4 of this Zoning Ordinance and the City Council hearing shall follow the procedures of Section 17-17-6. Such notices and hearings may, at the City's option, be combined with the notice and hearings for the rezoning of the property approved in Sections 17-17-4 and 17-17-6.

(2) A Site Specific Development Plan shall be deemed approved upon the effective date of the Ordinance relating thereto. Within 14 days following such approval, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created shall be published once in a newspaper of general circulation within the City.

17-18-5. DURATION OF RIGHT AND TERMINATION. (1) A property right which has been vested, as provided for in this Article, shall remain vested for a period of three (3) years. In the event amendments to the Site Specific Development Plan are processed and approved, the effective date of such amendments, for purposes of the duration of the vesting period, shall be the date of the approval of the original Site Specific Development Plan, unless the amendments are approved by City Council and City Council specifically finds to the contrary and incorporates such findings in an approval of the amendment.

(2) The City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the original approval. Failure to establish such compliance may result in a notice of forfeiture from the Director of Community Development.

(a) Upon receipt of a notice of forfeiture, an owner or his authorized agent may file a written request, within five (5) working days of receipt, that the Director reconsider his decision. The request for reconsideration shall state the grounds therefor and shall specifically describe the actions which constitute compliance with the terms and conditions of approval. No appeal to the Planning Commission shall be permitted unless a request for reconsideration is timely filed with and denied by the Director.

(b) Denial or a request for reconsideration may be appealed according to the procedures set forth in Section 17-15-4 of this Zoning Ordinance.

17-18-6. OTHER PROVISIONS UNAFFECTED. (1) Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of the municipal code pertaining to the development and use of property. Nor shall it preclude the application of ordinances or regulations which are general in nature and applicable to all property subject to land use regulation in the City of Lakewood.

(2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of property on which a Site Specific Development Plan has been approved, which hazards could not have been reasonably discovered at the time of the approval, and where such hazards, if uncorrected, would pose a serious threat to the health, safety or welfare, the City may alter, amend, or repeal its approval of the Site Specific Development Plan as necessary to protect the public health, safety and welfare.

17-18-7. DEVELOPMENT AGREEMENTS. In conjunction with approval of a Site Specific Development Plan pursuant to this Article, the City Council may enter into a Development Agreement with an owner providing that property rights shall be vested for a period exceeding three (3) years where Council finds such to be warranted in light of all relevant circumstances, including, but not limited to, the size and phasing of the development, economic factors, and market conditions.

17-18-8. LIMITATIONS. (1) Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of the Title 24, C.R.S., as amended. In the event of the repeal of said Article, or a judicial determination that said Article is invalid or unconstitutional, no vested property rights shall be deemed created by the approval by the City of any Site Specific Development Plan.

(2) No approval of any site plan, or other land use plan, by the City, other than a Site Specific Development Plan approved pursuant to this Article, shall be deemed to vest a property right pursuant to Article 68, Title 25, C.R.S., as amended. (Amended by Ordinance 0-88-11 effective date April 30, 1988).

ARTICLE 19: THE WEST COLFAX AVENUE OVERLAY DISTRICT

17-19-1. **PURPOSE AND INTENT** The West Colfax Avenue Corridor is of special and substantial public interest because it is Lakewood's oldest commercial area. As a business district, it contributes significantly to the City's tax base. However, without special attention, it may experience further economic and physical deterioration. Therefore, in recognition of the special needs of this corridor, the West Colfax Avenue Overlay District is hereby established as an interim plan until such time as a Land Use Plan can be developed and adopted. (See Section 17-19-2(5)). This Overlay is established with the following objectives:

(1) To promote economic development, redevelopment and revitalization of the West Colfax Corridor.

(2) To have a design review process that provides an incentive for development, redevelopment and revitalization of the West Colfax Corridor.

(3) To create a unique identity for West Colfax through the use of special design standards.

(4) To ensure flexibility in the review of development plans and to substantially reduce regulatory impediments to revitalization.

(5) To create a more pedestrian-oriented environment.

(6) To encourage high-quality, high-density residential, commercial and mixed use development along the Corridor.

Within this District, specific design standards have been created for the West Colfax Avenue Corridor which are intended to create a unique identity for the area while enhancing and encouraging pedestrian use along the corridor. Although these standards are intended as a benchmark for development and should be applied to the fullest extent possible, it is recognized that in some revitalization situations, it will not be possible for all of the standards to be met. Therefore, the physical constraints of a particular site will be considered in determining which standards are applicable and the extent to which the standards should be adhered to for each particular project. A redevelopment or revitalization project will not be denied because one or more standards cannot be met due to the physical constraints of the site.

17-19-2 APPLICABILITY AND EFFECTS:

(1) The standards contained in this Article shall apply to all property lying within the West Colfax Avenue Overlay District as defined on the Official Zoning Maps of the City of Lakewood. Underlying, existing zone district designations and allowed uses are not affected by this District

except to the extent that this Overlay District conflicts with the existing zoning. For properties in the District zoned M.U., the owner will have the option to adhere to either the standards of this District or the approved Official Development Plan.

(2) Within this District the following shall apply: the West Colfax Design Guidelines, the Multi-Family Housing Design Guidelines, the City of Lakewood Flood Plain Ordinance, Colorado Department of Highways Access Code requirements, and applicable provisions of the Zoning Ordinance. Where there are conflicts, the provisions of this Overlay District shall supersede those of the Zoning Ordinance Chapter 14.13 of the Municipal Code, and the previously mentioned guidelines.

(3) Properties within this District shall be exempt from the requirements of the Park Land Dedication and Park Development Fee Ordinances for a period of three years from the effective date of this Ordinance (Effective date of this Ordinance: April 16, 1990).

(4) All properties within this district with Colfax frontage are subject to the City-wide Public Improvements Exaction Policies relating to the Colfax Streetscape.

(5) If an Urban Design or other special area study for the Colfax Corridor has not been adopted by the City of Lakewood within three years of the effective date of this Ordinance, this Overlay District shall be repealed as of that date. (Effective date of this Ordinance: April 16, 1990).

17-19-3. SITE PLAN APPROVAL AND FLEXIBILITY

(1) Intent: It is recognized that many different situations exist within the District which will require flexibility in the application of these standards. Each case will be considered on its own merits recognizing the attributes and constraints which are unique to each site. Flexibility will be administered through:

(a) The site plan approval process based on Table 3-C of the Flexibility chart.

(b) The trade-off provisions for building height. Unlimited building height is allowed if conditions contained in Section 17-19-6 are met.

(2) The Department of Community Development shall require a site plan in accord with the format requirements and procedures of Article 15 of the Zoning Ordinance and the standards herein for the following:

(a) Major addition to existing buildings (50% or greater building addition on any property, and 20% or greater building addition for properties with 150 feet or greater of Colfax frontage.) Increases in gross floor area are cumulative and are calculated from the size of the building as it existed on August 28, 1980.

(b) Rezoning to zone districts listed in 17-15-1 of the Zoning Ordinance; however, the Director of Community Development may authorize a conceptual plan to be substituted for a full Article 15 site plan.

(c) Redevelopment of an existing site;

(d) New development on vacant lots;

(3) The Department of Community Development shall require a Conceptual Site Plan as described in Section 17-17-3(a) of the Zoning Ordinance or any other pertinent information necessary for adequate review for improvements to the site or building which constitute a minor addition (less than 20% building addition for any property, and less than 50% building addition for properties with 150 feet or less of Colfax frontage) or which vary from the standards herein.

(4) Site Plans will be subject to the standards listed herein and the review and approval requirements of Article 15 of the Zoning Ordinance. Any requested variances from the standards of this District or the underlying zone district will be subject to the procedures of Articles 4 and 15 of the Zoning Ordinance as appropriate. For purposes of this District, the standards contained herein shall be subject to the Director of Community Development's administrative authority contained in Article 15 of the Zoning Ordinance.

17-19-4 STREETSCAPE STANDARDS

(1) Intent: Due to the diversity of land uses, architecture, signage, and building placement, a common design theme is critical to creating a unified appearance throughout the corridor. The design theme is based upon recognizing the concept of "urban" and "suburban" character areas which exist along the corridor. (See Figure 1.) The design for the "urban" area (east of Iris Street), is characterized by buildings constructed close to the street and a streetscape consisting of brick pavers, sidewalks, low brick walls, or planters, and a row of street trees in a landscaped strip. The design for the "suburban" area consists of a more informal streetscape treatment which includes brick pavers, a meandering sidewalk, and a row of street trees in landscaped areas.

(2) West Colfax Avenue Streetscape Treatment Standards (See Table 3-B, Landscaping Specifications for the Streetscape)

(a) Urban Zone (for the area fronting on West Colfax Avenue, east of Iris Street): A twenty (20) foot wide area shall be provided along the West Colfax Avenue frontage, extending around any street corner to include the full radius. This area shall be comprised of the following elements: (See Figure 2)

(1) A two (2) foot wide, brick pavement strip adjacent to the curb; and

(2) A six (6) foot wide concrete walk adjacent to the brick pavement strip; and

(3) A planted area adjacent to the sidewalk, a minimum of twelve (12) feet wide, landscaped with approved ground cover, shrubs, and trees (see Appendix Table 3-A, Plant Materials List); and

(4) Street trees, (in tree grates where appropriate), planted thirty-five (35) feet apart, and set back eleven (11) feet from curb flow line and twenty-five (25) feet back from the intersection.

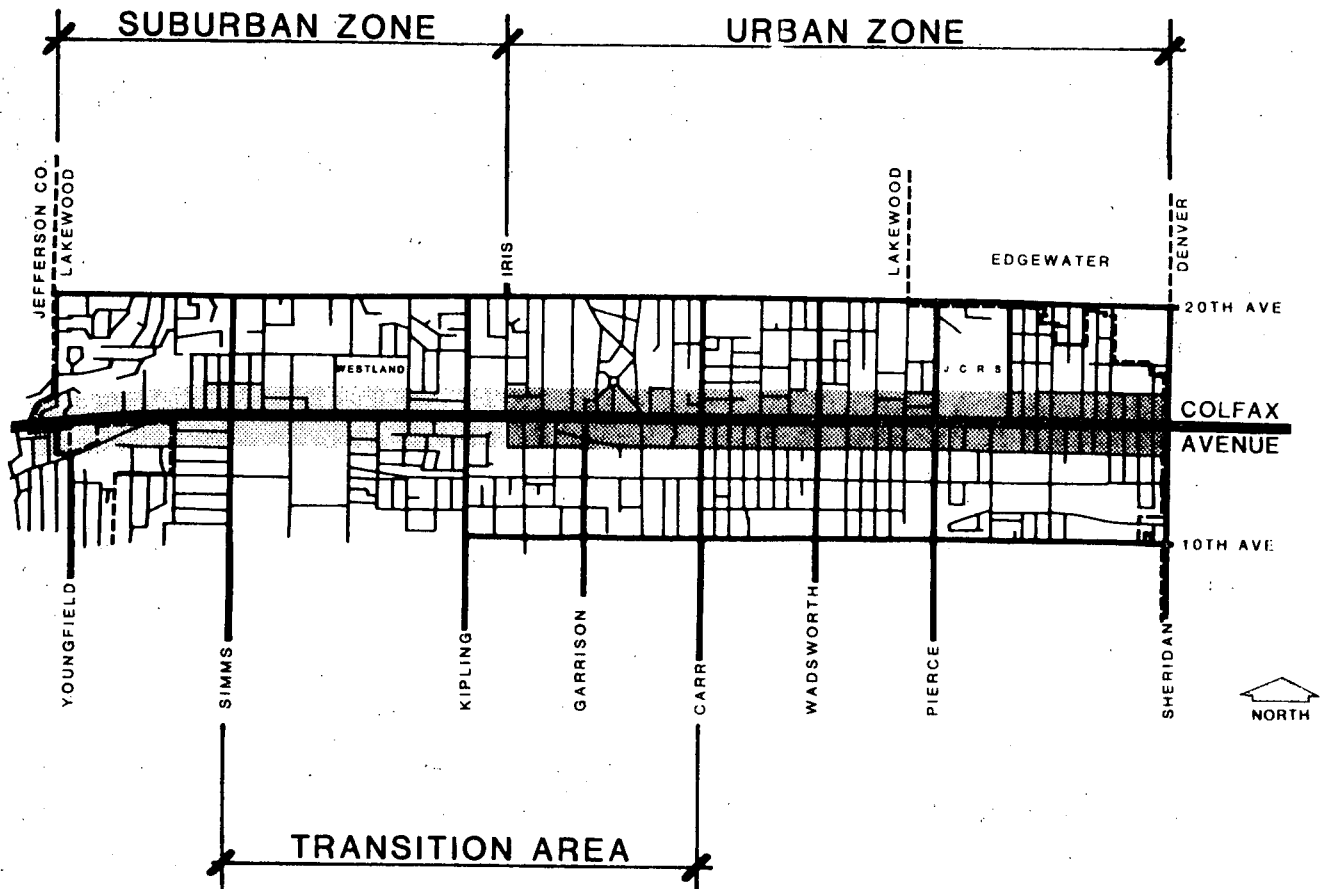
(5) Free-standing masonry, concrete or brick walls or planters, set ten (10) feet from the curb flow line, at a minimum height of twenty (20) inches, when parking lots or vehicle display areas front directly on Colfax.

(b) Suburban Zone (for the area fronting on West Colfax Avenue, west of Iris Street): A twenty (20) foot wide landscape area shall be provided along the Colfax frontage, extending around the corner to include full the radius. This area shall be comprised of the following elements: (See Figure 3)

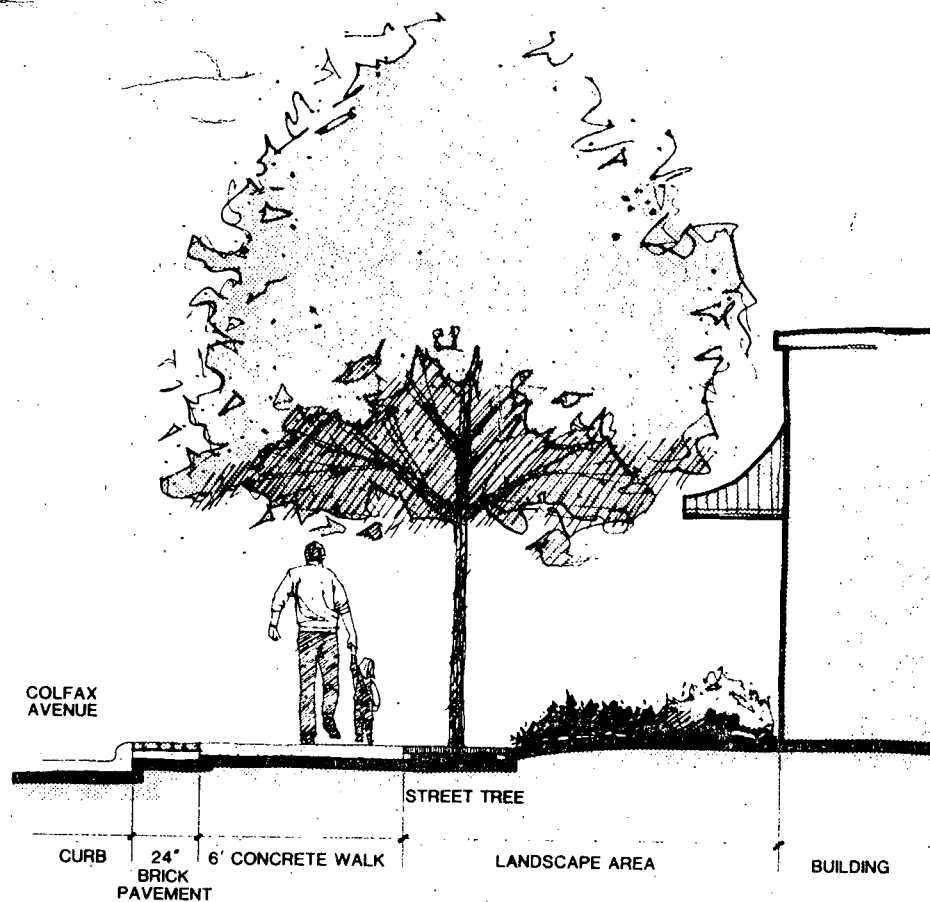
(1) A two (2) foot wide brick pavement strip adjacent to the curb; and

(2) A five (5) foot wide sidewalk, meandering in wide curves, separated from the brick pavement strip by a planted area. The meandering sidewalk shall be placed no closer than four (4) feet from the curb. If there is insufficient space to meander the sidewalk, it may be attached to the brick pavers, provided it is widened to six (6) feet; and

FIGURE 1

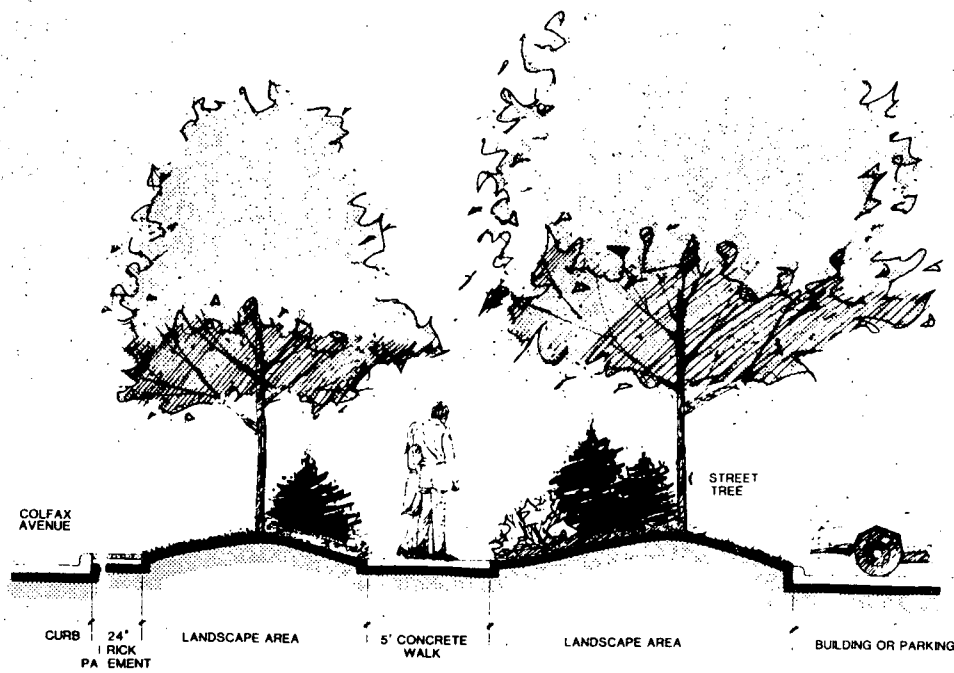


URBAN AND SUBURBAN TREATMENT ZONES



TYPICAL URBAN STREETSCAPE TREATMENT

FIGURE 3



TYPICAL SUBURBAN STREETScape TREATMENT

(3) A planted area including the areas on either side of the sidewalk, a minimum of thirteen (13) feet wide, containing approved street trees, shrubs and appropriate ground cover (see Table 3-A, Plant Materials List); and

(4) Street trees, arranged in clusters or informal rows, averaging thirty-five (35) feet apart, planted eleven (11) feet (minimum) from the curb flow line and twenty-five (25) feet from the intersection; and

(5) Landscaped berms, walls, evergreen shrubbery or planters shall be provided to screen parking and vehicular display areas which front on Colfax. Walls shall be set back ten (10) feet from the curb flow line and be a minimum height of 20 inches.

(c) Transition Zone (for the area between Carr and Simms Streets): Due to existing conditions, it may not be possible to construct the Urban or Suburban treatment in its entirety. The streetscape treatment for this area may include a combination of both the Urban and Suburban treatments. (See Figures 1-3.)

(d) When necessary, due to insufficient space, the width of the landscaped area may be reduced if an approved alternative treatment is provided. The streetscape treatment shall, in all cases, include the brick pavers, the sidewalk, and a row of street trees.

(e) Whenever the sidewalk portion of the public improvement part of the Colfax Streetscape is required to be installed pursuant to the City-Wide Public Improvements Exaction Policies, the private portion of the streetscape shall also be required to be installed.

(f) In connection with any discretionary action (such as a Rezoning or a Special Use Permit) by the Planning Commission on any property within the West Colfax Overlay District, the Planning Commission shall consider the criteria set forth in the City-Wide Public Improvement Exaction Policies. However, the Commission shall evaluate the facts of the case before them and, as a condition of approval of the case, the Commission may make requirements that are different than would be suggested by the City-Wide Public Improvement Exaction Policies.

17-19-5 BUILDING SETBACK AND SEPARATION STANDARDS

(1) Intent: The setbacks in the Urban Zone are designed to create an urban character on Colfax and to reflect the existing setbacks in that zone. Buildings setback close to the curb are strongly encouraged. The setbacks in the Suburban Zone are intended to permit maximum flexibility; recognizing that buildings will frequently be set back further than the minimum with parking in

front of buildings. However, buildings setback closer to Colfax are also permitted. Building separations are designed to buffer residential uses from the increased height which is being encouraged along Colfax.

(2) Standards

(a) Front Setbacks

(1) Along all streets except West Colfax Avenue: a minimum of thirty (30) feet from back of curb.

(2) Along Colfax:

(a) Urban Zone: A minimum of twenty (20) feet from back of curb to building wall; a maximum of twenty (20) feet is also strongly encouraged. If the building is set back more than twenty (20) feet, other means of continuing a visual line along the street must be provided such as: a plaza, walls or planters, a row of pedestrian lights, or other acceptable, special treatments.

(b) Suburban Zone: A minimum of twenty (20) feet from back of curb.

(c) Setbacks for Building Projections: Coverings over walks leading to the street, (such as awnings), building projections (including bay windows, cantilevers above the first story, decks, eaves of roofs and awnings hung parallel to the street), and roofs or overhangs to entrances may extend up to six (6) feet into the front setback provided that the streetscape is installed. However, utilities must be cleared by the building or cantilevered overhang, and no building projection may negatively impact the streetscape.

(d) Fuel Pump Islands for Service Stations: A minimum setback of thirty (30) feet from the back of the curb.

(e) Canopies for Fuel Pump Islands: A minimum of twenty (20) feet from the back of curb.

(b) Building separations and side and rear setbacks

(1) For all uses, building and setbacks separations shown in Table 1, shall apply.

(2) See Section 17-19-9 Landscaping Standards, 2-D for buffer requirements.

TABLE 1
BUILDING SETBACKS AND SEPARATIONS

PROPOSED USE	ADJACENT USE (EXISTING OR ZONED)	SIDE AND REAR SETBACK*
Non-residential	Low and medium density residential	20'**
High density residential	Low and medium density residential	30'**
Non-residential	High density residential	10'
High density residential	High density residential	20'
Non-residential	Non-residential	0'

*See Section 17-19-9, 2.D, for buffering requirements.

**For proposed buildings over 30 feet in height, the building separation from existing residential buildings shall be 45 feet plus one-half foot for each foot of proposed building height over 30 feet.

17-19-6. BUILDING HEIGHT STANDARDS

(1) Intent: To encourage high intensity office and residential and mixed-use development along Colfax, while promoting the pedestrian scale on the street and protecting surrounding uses as shown in Figure 4.

(2) Standards

(a) Except as provided below, the maximum height of any structure within this District shall be determined by the regulations for the particular zone district for that site.

(b) Structures within the District may have unlimited height provided all of the following conditions are met:

(1) The first floor along the Colfax frontage is made sixty percent (60%) transparent by use of windows; and

(2) Canopies, arcades, horizontal bands or other appropriate means of reducing the visual impact of height are provided to establish a pedestrian scale along the Colfax frontage, and at least one of the following is met:

(a) A glass atrium is provided fronting on Colfax and stepped back a minimum distance of thirty (30) feet. (See Figure 5A)

(b) The structure is stepped back horizontally or at a forty-five (45) degree angle above the second story. (See Figure 5B)

(c) A landscaped plaza is provided along the Colfax frontage. This plaza must function visually as an extension of the building and have at least one entrance to the building.

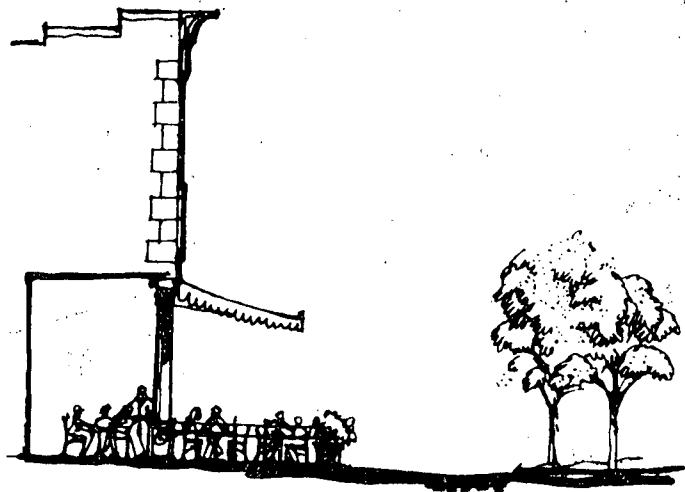
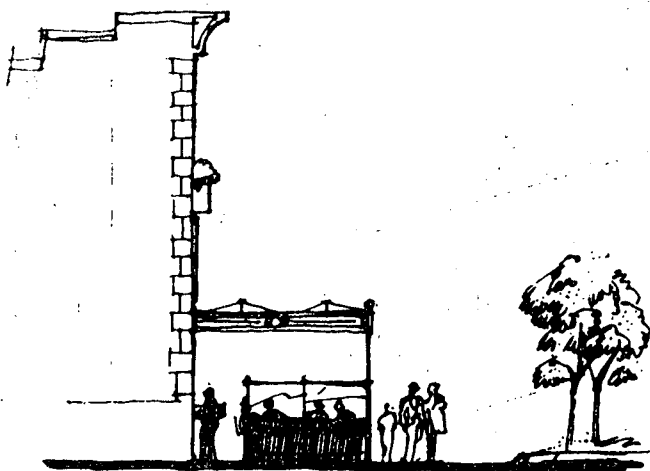
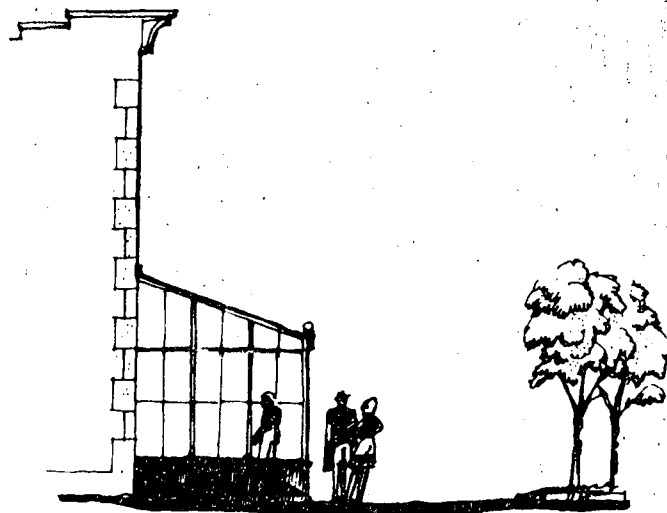
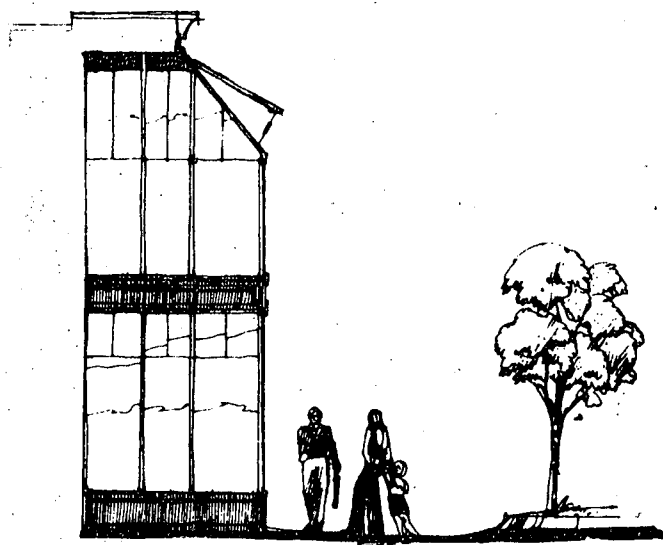
(d) The structure does not cast shadows on public sidewalks, cafes, open air plazas, other special situations requiring sunlight, or all impacted properties for more than 4 hours of the day.

(c) The impact of the bulk or mass of buildings adjacent to low and medium density residential neighborhoods shall be lessened by scaling buildings down at the edges of the development as shown in Figure 6.

17-19-7. PARKING STANDARDS

(1) Intent: To encourage safe, attractive and adequate parking and to encourage shared and combined parking. To encourage parking to be placed to the side and rear of buildings to increase safety and improve the appearance of the corridor. To allow for maximum flexibility in parking requirements in order to encourage development to occur on West Colfax Avenue.

FIGURE 4



PEDESTRIAN SCALE TREATMENTS

FIGURE 5 A

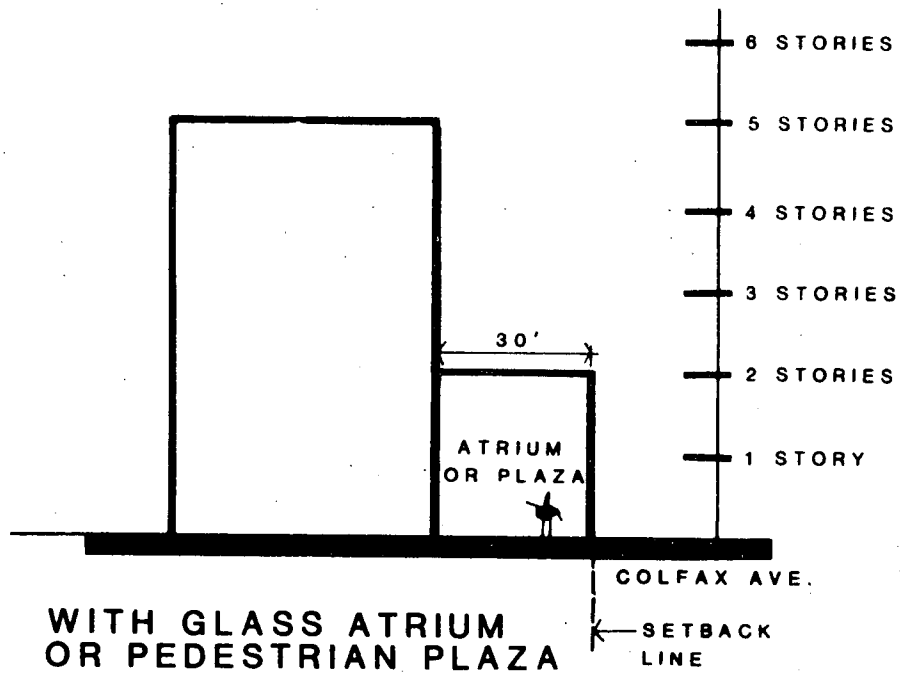
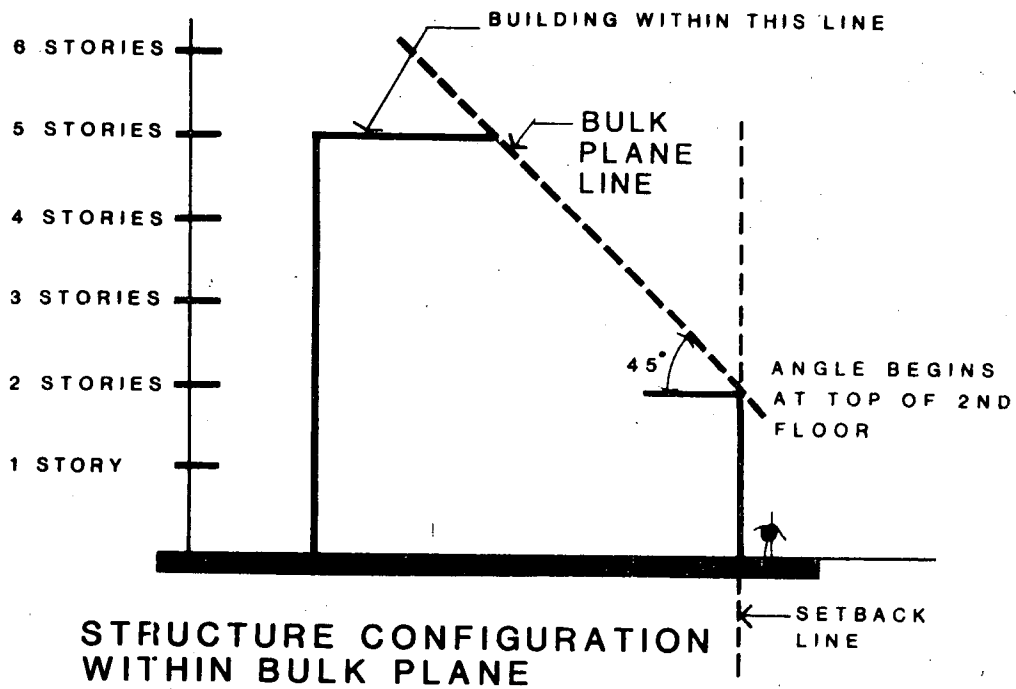


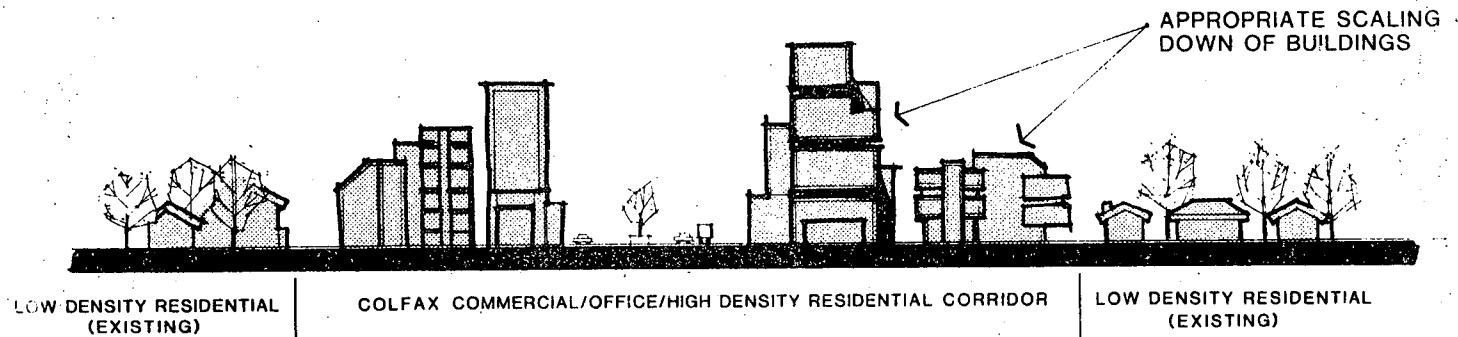
FIGURE 5 B



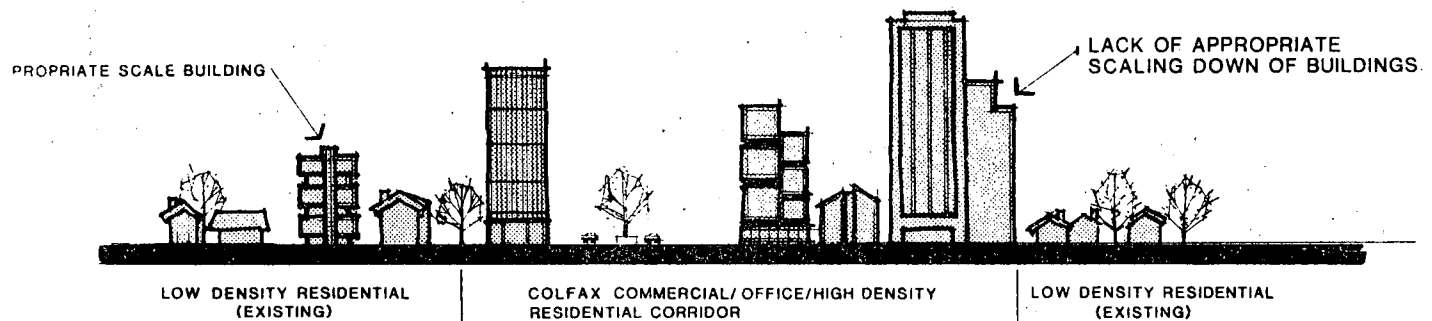
**ALTERNATIVE TREATMENTS
FOR BUILDINGS FRONTING COLFAX**

FIGURE 6

ORDINANCE 0-90-9



APPROPRIATE



NOT APPROPRIATE

**TRANSITIONING BUILDING SCALE ADJACENT
TO EXISTING LOW DENSITY RESIDENTIAL USES**

(c) Parking Lot Landscaping - Any parking area in excess of one hundred spaces or four parking rows shall require interior landscape islands. Landscape islands shall be a minimum of nine feet in width and eighteen feet in length with a minimum of one tree and four shrubs per island. If the island is larger than two hundred square feet, landscaping shall include one additional tree and four additional shrubs for every additional two hundred square feet or fraction thereof.

(d) A minimum ten foot wide landscape buffer is required along side and rear lot lines of non-residential developments and multi-family developments adjacent to existing residential and office uses or zones. Plantings are required as provided in Article 15 of the Zoning Ordinance. One of the following treatments may be used to reduce this width requirement:

(1) A continuous screen of "Approved Screening Plant Materials" which are a minimum of four (4) feet high at installation. These materials shall be planted in an area large enough to accommodate mature growth. (See Table 2).

(2) A combination of Approved Screening Plant Materials (see Table 2) and fencing to create a continuous buffer eight feet high at mature growth of the plant materials.

(3) An existing continuous hedge, of approved plant materials, in good condition, eight feet high.

(4) A combination of berming and approved plant materials, eight feet high at installation.

TABLE 2
APPROVED SCREENING PLANT MATERIALS

<u>Common Name</u>	<u>Scientific Name</u>
All evergreen trees	
Amur Maple	Acer ginnala
Common Buckthorn	Rhamnus cathartica
Common Lilac	Syringa vulgaris
European Euonymus	Viburnum trilobum
Golden Elder	Sambucus canadensis aurea
Hawthorn	Crataegus sp.
Nannyberry Viburnum	Viburnum lentago
Persian Lilac	Syringa persica integrifolia
Purpleleaf Plum	Prunus cerasifera
Rocky Mountain Maple	Acer glabrum
Snowball Viburnum	Viburnum opulis sterile
Tallhedge Buckthorn	Rhamnus frangula 'columnaris'
Wayfaringtree Viburnum	Viburnum lantana

17-19-10. LIGHTING STANDARDS

(1) Intent: To promote the use of attractive pedestrian-scale lighting standards and to provide for other appropriate types of lighting.

(2) Standards. These standards apply to all site and parking lot light standards including pedestrian light standards and lighted bollards. (See Figure 7.)

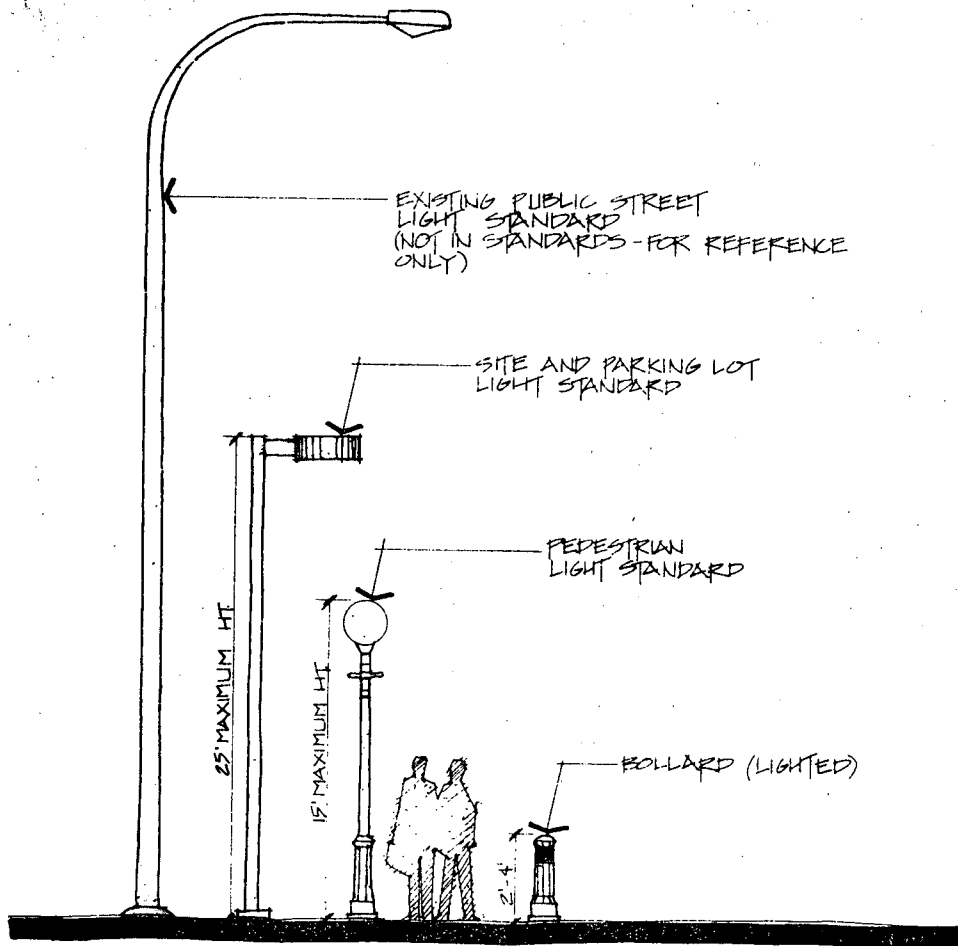
(a) All types of illumination shall be downcast and shall not overflow to adjacent property.

(b) Attached wall fixtures shall be mounted no higher than five (5) feet above the first story. Such fixtures shall not be located on building roofs.

(c) Parking lot light standards shall be a maximum of twenty-five (25) feet high, shall set back a minimum of twenty (20) feet from flow line, and shall be located a minimum of forty (40) feet apart.

FIGURE 7

ORDINANCE 0-90-9



STREET AND SITE LIGHTING

TABLE 3A

PLANT MATERIALS LIST

1. STREET TREES

Boulevard street trees, planted thirty-five feet apart along the street, 3" caliper in size or larger as measured at one foot above ground level and limited to the following species:

a) For the Urban Zone

Shademaster Honeylocust
Marshall's Seedless Ash

b) For the Suburban Zone

Marshall's Seedless Ash
American Linden
Norway Maple
Green Ash
Common Hackberry
Sugar Maple

2. PLANT MATERIALS IN LANDSCAPED AREAS:

a) Shade Trees

Street trees listed above
Littleleaf Linden
Autumn Purple Ash
English Oak
Kentucky Coffee Tree
Western Catalpa

Northern Red Oak
Ohio Buckeye
Pin Oak
Red Oak

b) Ornamental Trees

Amur Maple
Black Locust
Bradford Pear
Canadian Red Cherry
Cutleaf Weeping Birch
Downy Hawthorn
Eastern Redbud
European Mountain Ash
European White Birch
Flowering Crab

Gambel's Oak
Golden Raintree
Newport Plum
Purpleleaf Plum
Quaking Aspen
Rocky Mountain Birch
Sargent Cherry
Taterian Maple
Washington Hawthorn

c) Evergreen Trees

Austrian Pine
 Bristlecone Pine
 Colorado Blue Spruce
 Douglas Fir
 Eastern Red Cedar
 Norway Spruce

Pinion Pine
 Ponderosa Pine
 Scotch Pine
 White Fir
 White Pine

d) Shrubs

A.W. Spirea
 Alpine Currant
 Beautybush
 Bridalwreath
 Broadmoor Juniper
 Buffaloberry
 Bush Cinquefoil
 Chinese Lilac
 Chokeberry
 Columnar Buckthorn
 Common Buckthorn
 Common Flowering Quince
 Common Lilac
 Cotoneaster
 Creeping Juniper
 Dwarf Euonymus
 Euonymus
 European Elder
 Forsythia
 Golden Currant
 Honeysuckle
 Greenleaf Barberry
 Honeysuckle
 Japanese Barberry
 Korean Barberry

Lead Plant
 Mockorange
 Mountain Common Juniper
 Mugho Pine
 Mugho Swiss Mountain Pine
 Ninebark
 Potentilla Gold Drop
 Privet
 Rabbitbrush
 Redtwig Dogwood
 Rocky Mountain Maple
 Rocky Mountain Smooth Sumac
 Savin Juniper
 Serviceberry
 Siberian Peashrub
 Snowberry
 Snowmound Spirea
 Staghorn Sumac
 Thimbleberry
 Three Leaf Sumac
 True Mountain Mahogany
 Variegated Dogwood
 Viburnum
 Western Chokeberry
 Wild Rose

e) Ground Covers

Ajuga
 Avena
 Clematis
 Creeping Holly Grape
 Creeping Mahonia
 Engleman Ivy
 Indian Strawberry
 Kinnickinnick
 Moss Sandwort

Phlox
 Polygnum
 Potentilla
 Snow on the Mountain
 Spurge
 Stonecrest
 Stonecrop
 Thyme
 Wild Strawberry

TABLE 3B. LANDSCAPING SPECIFICATIONS FOR THE STREETScape

ITEM	SIZE	QUANTITY	TYPE	OTHER
CONCRETE WALK	<u>Urban:</u> 6 foot width; poured 6 inch depth <u>Suburban:</u> 5 foot width; poured to 6 inch depth	Along entire Colfax frontage	See Engineering Design Standards	<u>Urban:</u> Attached to brick pavers <u>Suburban:</u> Detached meandering where space permits
BRICK PAVERS	2 foot width; 3 5/8" x 7 5/8" x 2 1/4" brick	Along entire Colfax frontage	See Appendix Section C	Attached to curb
STREET TREES	3 inch caliper min., measured one (1) foot above the ground	35 ft. apart along street frontage	<u>Urban:</u> Street trees only, as per Specifications List A. <u>Suburban:</u> Shade trees only, as per Specifications List A	<u>Urban:</u> 35 ft. apart, located eleven feet from curb flow line. <u>Suburban:</u> 35 ft. apart, may be clustered.
OTHER TREES	SHADE: 25 inch caliper minimum. ORNAMENTAL: 2 inch caliper. EVERGREEN: 6 ft. height minimum.	<u>Urban:</u> Two (2) trees per 1,000 square feet of total landscape area; street trees may be counted towards meet- ing this requirement. <u>Suburban:</u> Three (3) trees per 1,000 square feet of landscaped area.	Spec. List A	Clustered.
SHRUBS	5-gallon container size or larger.	Eight (8) shrubs per 1,000 square feet of total landscape area.	Spec. List A	Planted in groups and located in planter beds.
GROUND COVER	1-gallon container size or flats.	Amount necessary to cover planted areas.	Spec. List A	Used in lieu of turf unless planted area is very large.
TURF	Sod cut to 1/4-inch thickness minimum.	Amount necessary to cover planted area.	Blended bluegrass sod.	Used only in very large planted areas.
ROCK	Minimum 2 inch diameter.	Minimum 3 inch depth	Washed river rock.	In planter beds only
PLANTER WALLS	20 inches in height; 3 5/8 x 7 5/8 x 2 1/4" brick	As needed to screen parking.	Medium buff color brick.	Between walk and parking or auto dis- play areas.
MULCH	1 inch in diameter or larger.	Minimum 3 inch depth.	Pine, cedar, aspen, or spruce bark.	In planter beds only.
BERMS	Suburban area only: Maximum 3 1/4:1 side slopes and 32 inches in height.	N/A	N/A	Landscaped with trees, plantings, living ground cover

TABLE 3C FLEXIBILITY CHART

TYPE OF DEVELOPMENT	STREETSCAPE	COLFAX SETBACK	SIDE & REAR SETBACKS	FRONT SETBACK ON SIDE STREET	BUILDING SEPARATION	PARKING (SUBURBAN ZONE)	PERIMETER LANDSCAPING (STREETS OTHER THAN COLFAX)	ON SITE LANDSCAPING
A. DEVELOPMENT OF VACANT LOT	1	1	3	1	1	1	1 FOR ARTERIAL MAJOR CLTR. 3 FOR LOCAL & MINOR CLTR.	1 SUBURBAN 3 URBAN
B. MAJOR BLDG. ADDITIONS (20% plus on lots with at least 150' of frontage and 50% plus on lots of any size frontage)	1	1	3	1	1	3	1 FOR ARTERIAL MAJOR CLTR. 3 FOR LOCAL & MINOR CLTR.	3
C. MINOR BLDG. ADDITIONS (Under 20% on any lot & under 50% on any lots with less than 150' of frontage)	N/A	1	3	1	1	3	N/A	N/A
D. MISCELLANEOUS SITE IMPROVEMENTS WHICH TRIGGER ARTICLE 15 (Parking lot, loading areas canopies, accessory structures)	3	3	3	3	3	3	3	3
E. REZONING WITHOUT BUILDING OR SITE CHANGES	1	N/A	N/A	N/A	N/A	1	N/A	N/A

N/A = NOT APPLICABLE

1 = MINIMUM FLEXIBILITY

3 = FLEXIBILITY

NOTE: IN MANY CASES, THE OVERLAY STANDARDS PROVIDE A VARIETY OF ALTERNATIVES ACCEPTABLE FOR A REQUIREMENT RATED "1". WHEN APPLIED TO EXISTING DEVELOPMENT, THE STANDARDS ARE TO BE ADMINISTERED IN A FLEXIBLE MANNER AS LONG AS THE ESSENTIAL STREETSCAPE COMPONENTS ARE PROVIDED.



0 500' 1000' 2000'

DISTRICT BOUNDARY

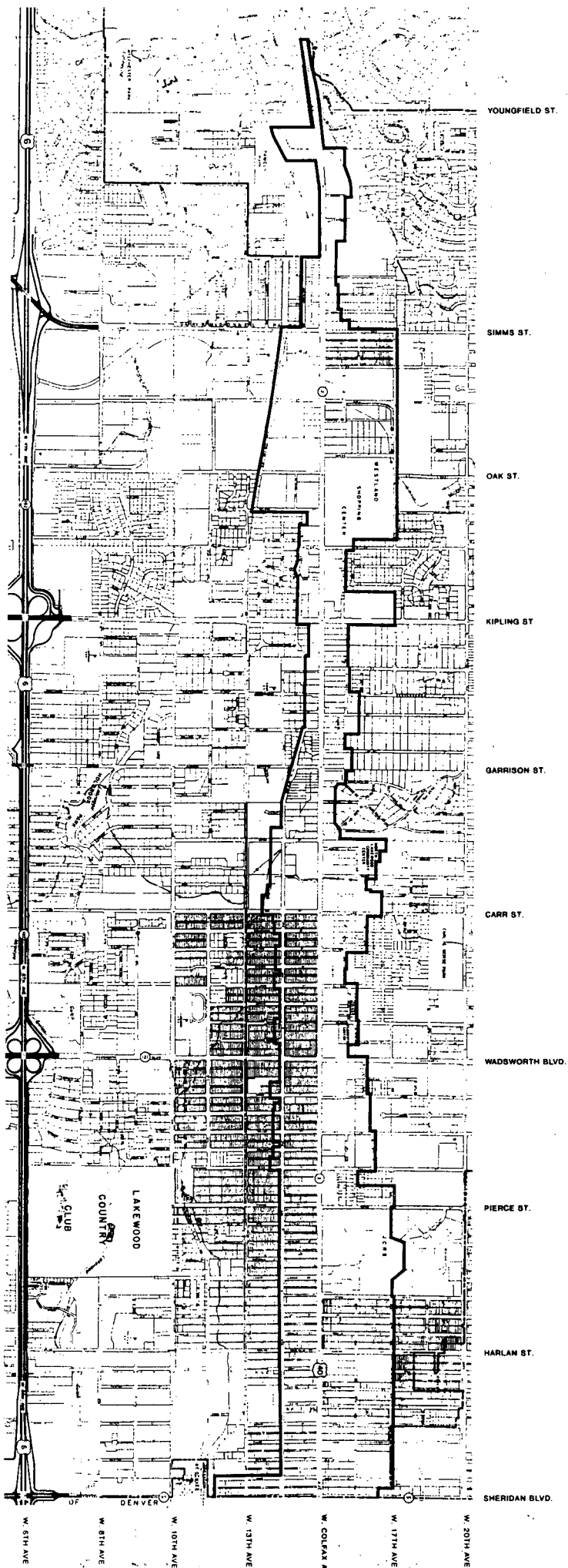


EXHIBIT 'A'

WEST COLFAX OVERLAY DISTRICT BOUNDARY

ORDINANCE 0-90-10
CITY OF LAKEWOOD, COLORADO

SECTION 11. This ordinance shall take effect forty-five (45) days after final publication.

INTRODUCED, READ AND PASSED on first reading at a regular meeting of the City Council on February 25, 1991; ordered published in full in the Lakewood Sentinel and Public Hearing and consideration on final passage set for March 11, 1991, at 7 O'clock p.m. at Lakewood City Hall, 445 South Allison Parkway, Lakewood, Colorado.

Linda Shaw
Linda Shaw, Mayor

ATTEST:

Karen Goldman
Karen Goldman, City Clerk

INTRODUCED, READ AND ADOPTED by the City Council the 11th day of March, 1991.

APPROVED AND SIGNED THIS 12th day of March, 1991

Linda Shaw
Linda Shaw, Mayor

I hereby certify and attest that the within and foregoing Ordinance was introduced, read and passed on first reading on the date hereinabove set forth, published in full in the Lakewood Sentinel on the 28th day of February, 1991; introduced, read, finally passed and adopted by the City Council, and signed and approved by the Mayor on the dates hereinabove set forth.

ATTESTED AND CERTIFIED:

Karen Goldman
Karen Goldman, City Clerk

Approved as to form:

City Attorney

Roger L. Norman Date March 5, 1991

Approved as to content:

Community Development _____
Community Resources _____
Employee Relations _____
Finance _____
Economic Development _____

Date _____
Date _____
Date _____
Date _____
Date _____

City Manager _____ Date _____
Police Department _____ Date _____
Public Works _____ Date _____
City Clerk _____ Date _____