



**City of Lakewood, Colorado**  
**ZONING ORDINANCE**

**ORDINANCE 0-80-51, AS AMENDED**

**Alternate Formats of this Document Available Upon Request**  
**ORDINANCE O-80-51 AS AMENDED**  
**CITY OF LAKEWOOD ZONING ORDINANCE**


Ordinance amendments which are listed below have been incorporated into this document.

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Ordinance O-96-16  
Ordinance O-96-74  
Ordinance O-97-09  
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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 not permit has been issued; and
    - (2) The building permit is issued within thirty days after that effective date; or,

- (3) The requirements of any of the sections will specifically and directly conflict with standards for a particular planned development approved by the City Council prior to the effective date of this Ordinance. If such a conflict exists, the requirements of those sections shall be waived but only to the extent necessary to avoid the conflict.
- (f) All definitions in Article 2 which are applicable to the articles listed in this subsection (3).
- (g) Article 7. Setbacks permitted herein shall be applied to the CO, A-1, A-2, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-CI, RC, C-1, C-2, IT-1, IT-2, IT-3 zone districts of Ordinance 0-70-104, as amended. *(As amended by 0-81-108.)*
- (4) The legislative history of the City of Lakewood's use of the terms Mixed Use and Planned Development is as follows:
  - (a) Pursuant to Ordinance 0-70-104, as amended, land had been zoned PD Planned Development and in some instances the zoning designation had further conditioned the zoning to designated uses, as defined within 0-70-104, as amended.
  - (b) Ordinance 0-80-51 subsequently eliminated the PD Planned Development District and generally replaced that district with the MU Mixed Use District.
  - (c) Ordinance 0-85-79 subsequently amended the term MU Mixed Use District and replaced it with the term MU Mixed Use District and replaced it with the term MU Mixed or Single Use District.
  - (d) This Ordinance 0-93-34 eliminates the MU Mixed or Single Use District and replaces it with the PD Planned Development District.
  - (e) When property develops, if the prior conditional uses referred to uses set forth in Ordinances 0-70-104, 0-80-51, or 0-85-79, as amended, then said property shall be permitted the uses pursuant to those ordinances. *(As amended by 0-93-34.)*
- (5)
  - (a) Any property zoned R-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 1-R District of this Ordinance.
  - (b) Any property zoned R-1A, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 2-R District of this Ordinance.
  - (c) Any property zoned A-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the CN District of this Ordinance. *(As amended by 0-82-140.)*

- (6) Development of property located within the Villa Italia Activity Center shall be subject to review by the Villa Italia Design Review Committee. The Committee is advisory to the Planning Commission or the Director of Planning, Permits and Public Works, depending on the review status of the development application. *(As amended by O-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 O-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.

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

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



ARTICLE 2: DEFINITIONS AND INTERPRETATION (as amended by O-98-58)

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:

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

- d. Is located within or external to the existing main building but on the same lot as the existing main building or principal use served.
- e. Includes carports or other off-street parking, storage structures, patios, patio covers, and other appurtenances.

(7) **Acreage:**

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

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

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

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

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

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

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

ARTICLE 11  
(REPEALED BY ORDINANCE O-98-58)

- (13) **Amortization**: The process by which nonconforming uses and structures must be discontinued or made to conform to the requirements of the Code at the end of a specified period of time.
- (14) **Amusement Arcade**: A place of business where an individual, association, partnership or corporation maintains more than ten amusement devices.
- (15) **Amusement Center**: A place of business where an individual, association, partnership or corporation maintains less than eleven amusement devices excluding any number of billiard tables either as a sole business or in conjunction with some other business.
- (16) **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.
- (17) **Animal Hospital**: A facility for the care of sick or injured animals. Such facilities may include veterinarians' offices, administrative offices, space for examination, surgery, and recovery, and for boarding of animals while under treatment. Animal hospitals are classified as follows.
- a. **Small Animal Care**: An animal hospital where treatment is limited to dogs, cats, rabbits, birds, and other species generally under 100 pounds in size.
  - b. **Large Animal Care**: An animal hospital where treatment is given to dogs, cats, rabbits, birds, livestock, and other similar animals without limit on size of species. Areas where animals are boarded during treatment may include outdoor runs, corrals or pasture if such areas are adequately fenced.
- (18) **Animal, Household Pet**:
- a. Regulated species of household pets shall be any species of animal commonly kept as a pet within households, and which are more than four months of age, such as a dog, cat, rabbit, duck, pot belly pig less than seventy (70) pounds, and ferret, the keeping of which is not prohibited by the Municipal Code. Also see Animal, Servant.
  - b. Non-regulated species of household pets shall be animals that are typically kept indoors in a cage or container such as tropical fish, non-poisonous snakes, hamsters, gerbils, mice, and small birds; any of which are kept as a pet and are not being raised for commercial purposes and the keeping of which is not prohibited by the Municipal Code.

- (19) **Animal, Livestock**: Domestic animals, raised for home use or for profit. For purposes of this Code, livestock shall include cattle, horses, goats, llamas, and sheep.
- (20) **Animal, Fowl**: Regulated fowl, such as chickens, ducks, geese and pigeons, that are permitted to be kept within appropriately zoned property including, peacocks, ostriches, and emus.
- (21) **Animal, Servant**: An animal that is needed to perform duties for any person because of the person's medical or disabled circumstances, or which is used under a health care provider's order.
- (22) **Apartment**: A room or set of rooms designed as housekeeping facilities, including a bedroom, bathroom and kitchen, and leased as a dwelling.
- (23) **Assisted Living**: See Residential Health Care.
- (24) **Attached Wall Townhouse**: A single family dwelling that is attached to a similar dwelling by a common wall.
- (25) **Automobile**: See Vehicle, Automobile
- (26) **Bank**: See Financial Institution.
- (27) **Bar**: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink.
- (28) **Basement**: Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein. Also see Story.
- (29) **Batch Plant**: An industrial establishment or factory where gravel or sand are combined with a mixture of bitumens to create a substance used for paving, roofing and waterproofing, or for the manufacture of a building material made from sand, pebbles, and/or crushed stone held together by a mass of cement or mortar.
- (30) **Bed and Breakfast**: A one-family dwelling which is occupied by the resident, where short-term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities.
- (31) **Bedroom**: A room planned and intended for sleeping.
- (32) **Berm**: A raised earthen mound. Soil must be stabilized by terracing or soil stabilizing mats with ground cover or solid turf. The berm should not exceed a side slope with a rise of greater than one foot in three feet of run.

- (33) **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.
- (34) **Block**: A unit of land within a subdivision containing one or more lots and/or tracts which is bounded by public or private streets, highways, railroad rights-of-way, subdivision boundaries, property boundaries or a combination thereof.
- (35) **Boat**: See Vehicle, Recreational.
- (36) **Bowling Center**: A structure containing bowling lanes for use by the public for sport and entertainment, and compensated for by a fee.
- (37) **Buffer Area**: An area of land located within a development that provides a landscaped transition and screen between the development and abutting land uses, the requirements for which are specified in this Ordinance.
- (38) **Building**: Any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.
- (39) **Building Code**: The Building Code, as adopted by the City of Lakewood.
- (40) **Building Footprint**: The outline of the total area which is covered by a building's perimeter at the ground level.
- (41) **Building Front**: One exterior wall of a building facing a front lot line; or, in the event that the primary entrance is located on an exterior wall which is not facing the front lot line, the building front shall be the exterior wall containing the primary entrance to the building.
- (42) **Building - Height of**: The height of a building shall be the vertical distance measured from the grade at the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, the highest point of the highest gable of a pitched or hipped roof, or the highest point of any other type of roof. The height of a building shall not include mechanical equipment, screening for mechanical equipment, spires, chimneys and antennae. See Grade.
- (43) **Building Official**: The officer or other designated authority charged with the administration and enforcement of the Building Code or the building official's authorized representative.
- (44) **Business, Retail**: A commercial establishment offering products or goods for sale to the general public. The Article 5: District Regulations determine the zone district which

permit the establishment of specific retail business based upon the intensity of the business.

- (45) **Business, Service**: A commercial establishment offering services, including repair, copying, support, and transport or delivery of products or goods.
- (46) **Business Site, Single**: A single lot or series of contiguous lots having common ownership and occupied by one free standing building where a single or multiple businesses are housed.
- (47) **Caliper**: The diameter of a tree trunk measured one foot above the ground.
- (48) **Camper**: A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use. See Vehicle, Recreational.
- (49) **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.
- (50) **Carnivals**: A traveling organized enterprise offering amusements, entertainment or exhibition.
- (51) **Carport**: A structure open on a minimum of two sides designed or used to shelter vehicles.
- (52) **Car Wash**: Any building, premises or portions thereof used for the washing, polishing or detailing of vehicles.
- (53) **Cemetery**: A place for burying the dead. A cemetery may include a mausoleum and crematorium. Also see Mortuary.
- (54) **Certificate Of Occupancy**: An official certificate issued by the City through the Building Official which indicates conformance with, or approved conditional waiver from the zoning regulations, and other applicable regulations, and authorizes legal use of the premises for which it is issued.
- (55) **Change In Use**: A change in the purpose or activity for which a particular piece of land or its building is designed, arranged or intended, or for which it is occupied or maintained.
- (56) **Channel**: That portion of a watercourse with a perceptibly defined bed and banks which confines and continuously or periodically conducts a flow of water.
- (57) **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.

- (58) **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.
- (59) **Church /Synagogue/Temple**: A structure which is intended for conducting organized religious services and associated activities such as religious classes, child care, and committee and office work, and parish house. For the purpose of this Ordinance, reference to church shall include all religious facilities.
- (60) **Church Parish House**: A single family dwelling used by a minister, monk, rabbi, or priest as their primary place of residence.
- (61) **City Hall**: The primary office buildings operated by the City of Lakewood, and which houses principal administrative offices of the City. See Community Buildings.
- (62) **Clinic**: A facility providing health services, medical, or surgical care for individuals where overnight stays are usually on an emergency basis only.
- (63) **CMRS Freestanding Telecommunications Facility**: A facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(e), and associated equipment storage shelter(s).
- (64) **CMRS Telecommunications Equipment Shelter**: An unattended structure such as a small building or cabinet(s) used to house equipment for a CMRS telecommunications facility associated with either a freestanding CMRS telecommunication facility or a structure or building mounted CMRS telecommunications facility.
- (65) **CMRS Structure or Building Mounted Telecommunications Facility**: Any CMRS facility, antenna, or equipment attached to or mounted upon any structure or building. Structure or building mounted CMRS telecommunication facilities do not include freestanding CMRS telecommunication facilities as defined by this section 17-2-2. All structure or building mounted CMRS telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.
- (66) **CMRS Telecommunications Provider**: A public or private company providing any type of CMRS of other related technology.
- (67) **Cold Storage Locker**: Freezers used for the keeping of food in a frozen state.



- (68) **Colfax Overlay District/Zone**: An area defined on the zoning maps with a shaded pattern identifying properties that are along West Colfax Avenue. The development requirements for this overlay district are identified in article 19 of this Ordinance.
- (69) **College/University**: See School, College.
- (70) **Colorado Child Care Act**: See Article 6, Title 26, 1 C.R.S. (1997).
- (71) **Commercial Mobile Radio Service (CMRS) Telecommunications Site**: Any use of property for antennae, equipment, and equipment shelter(s) employed in the reception, switching, and/or transmission of wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio, personal communication services, microwave link antenna, cellular telephone, and other related technologies.
- (72) **Commercial Trade or Service**: See Business, Retail, Service.
- (73) **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.
- (74) **Commercial Vehicle**: See Vehicle, Commercial.
- (75) **Common Area/Commonly Owned land**: Land, or land and improvements held in common ownership by a group of people who individually own dwellings or businesses within the same development, and are responsible for the upkeep and maintenance of the commonly owned land and/or improvements. See also Common Facilities and Condominium.
- (76) **Common Facilities**: Land, facilities, or improvements such as open space, a clubhouse, tennis court or swimming pool, or roads, driveways, or parking areas which are located within a development and in which the owners of the development have an undivided interest and/or a common responsibility for maintenance and repair.
- (77) **Common Wall**: A wall or floor of a structure separating two independent or separate dwelling units.
- (78) **Communication Centers**: Facilities, including radio and television studios, transmitting centers, towers and accessory equipment, and telephone exchanges designed for the transmission or relay of various telecommunications media.
- (79) **Communication Towers**: A structure that is intended for transmitting or receiving television, radio, telephone or microwave communications, excluding those used exclusively for dispatch communications.

See antenna, CMRS freestanding telecommunications facility.

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

- (92) **Day Care Facility**: See Child Care Facility.
- (93) **Density, Net**: The number of dwelling units per acre of total lot area.
- (94) **Density, Gross**: The number of dwelling units per total land area, including unplatted streets and non-dedicated open space, but excluding adjoining streets and tracts.
- (95) **Department**: Department of Community Planning and Development for the City of Lakewood.
- (96) **Detention Area**: An area which is designed to capture stormwater and to gradually release it to reduce or avert flooding.
- (97) **Development**: All activities involving earth disturbance and requiring a building or grading permit, the placement, construction, erection, reconstruction, movement, and alteration of structures or buildings, construction of roads, driveways, and parking areas, placement of paved areas, construction of drainage improvements or alterations of the historic flow of drainage patterns and amounts, installation of utilities, division of a parcel of land into two or more parcels where the division is subject to subdivision regulations, any mining or excavation, and any use or extension of any use of land.
- (98) **Director**: Director of the Department of Community Planning and Development, City of Lakewood, or his designee.
- (99) **Display, Outdoor**: The placement and presentation of commodities, goods or products on the grounds of a business for view by the public to attract the attention of customers in order to sell the commodities, goods or products, but such display shall not violate the governing limitations of the sign code.
- (100) **Dormitories**: A building containing living and sleeping facilities for students of a college or university and which may contain study areas and/or shared kitchen/dining facilities.
- (101) **Drainage way**: A natural or artificial land depression, with or without perceptible bed and banks, to which surface run-off gravitates to form a continuous or intermittent flow of water in a definite direction.
- (102) **Drive-In**: A commercial activity where, prior to service, the patron customarily drives a motorized vehicle onto the premises, parks the vehicle in a defined parking space, and customarily turns off the engine. Thereafter, the patron is provided service in the vehicle by a carhop or other means which eliminates the need for the customer to exit the vehicle.
- (103) **Drive-Through**: A commercial facility where the patron customarily drives a motorized vehicle onto the premises and to a window or mechanical device through or by which the

customer is served without exiting the vehicle. Prior to service, the engine of the motorized vehicle customarily remains in operation.

- (104) **Driveway**: A thoroughfare for vehicles providing access from a public or private street or alley to a dwelling unit or to a parking area serving structures, facilities, or uses contained in a development project.
- (105) **Duplex**: A building designed for occupancy by two (2) households living in *two* (2) separate dwelling units attached by one or more common walls.
- (106) **Dwelling Unit - Single Family**:
- (a) A building designed for occupancy by not more than one (1) household, and containing one kitchen (one set of cooking facilities, excluding accessory cooking facilities, such as an outdoor grill).
  - (b) **Manufactured Home**: A one family dwelling unit which is partially or entirely manufactured in a factory, is not less than twenty-four (24) feet in width and thirty-six (36) feet in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 USC 5401, et seq.
  - (c) **Factory Built Home**: A one family dwelling unit which is partially or entirely manufactured in a factory and designed for long-term residential use; built in multiple sections, each on a chassis which enables it to be transported to its occupancy site; and is installed on a permanent foundation. Factory built homes must be constructed to the standards of the State of Colorado Factory Built Construction Code (8 CCR 1302-3) and bear a certification insignia in compliance with those standards.
- (107) **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. Said dwelling units may be stacked flats, one above the other, or side by side connected by one or more common walls. The land underneath the structure is not divided into separate lots. Multiple household dwelling units include structures commonly called garden apartments, apartments, stacked flats, and condominiums.
- (108) **Dwelling Unit - Attached Wall Townhouse**: A building designed for occupancy by three (3) or more households living in separate units attached by side wall or rear wall connection, which usually includes fee simple ownership of the land under the dwelling. Townhouses do not include motels, hotels, or stacked flats.

- (109) **Easement**: An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to transportation facilities, utilities, access, storm water drainage, signage, pedestrian uses and solar exposure.
- (110) **Electric Substation**: Structures or facilities designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity.
- (111) **Emergency Health Care Facility**: An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments, but not including overnight accommodations for patients or ambulance service facility.
- (112) **Emergency Shelter**: An accessory residential use providing eating, sleeping and other similar facilities for temporary shelter only during emergency situations.
- (113) **Entertainment Center**: A commercial business offering recreational and entertainment activities which must include a combination of amusement devices and amusement rides contained within a building and which must also include the sale and consumption of food within the same premises.
- (114) **Equipment - Heavy**: Non-motorized merchandise of six thousand (6,000) pounds or more empty weight, or motorized merchandise of six thousand (6,000) pounds or more empty weight, having motors of twenty (20) horsepower or more performance.
- (115) **Equipment - Light**: Non-motorized merchandise of less than six thousand (6,000) pounds empty weight, or motorized merchandise of less than six thousand (6,000) pounds empty weight, having motors less than twenty (20) horsepower.
- (116) **Extended Stay Motel/Hotel**: A building containing at least six (6) rooms designed and generally used as sleeping accommodations for transient occupancy, and intended for occupancy by patrons desiring accommodations for a week or more. See Motel, Hotel.
- (117) **Exercise Area**: An area of the property on which horses, cattle, sheep, and goats are enclosed containing a minimum area of 6,000 square feet per animal.
- (118) **Extraction, gravel and sand**: The removal of rock from natural or historical deposits through mechanical means and stockpiling of it for the purpose of crushing it into gravel or sand, but excluding any crushing operation.
- (119) **Fabrication**: The construction of a specific good through the assembly of premanufactured parts which require no processing modification. See Assembly.
- (120) **Facade**: Any face (as on a street or court) of a building given special architectural

treatment; a false, superficial or artificial appearance or effect.

- (121) **Fair**: A competitive exhibition, or festival with accompanying entertainment and amusements.
- (122) **Family**: Any number of individuals, who are related by blood, marriage, legal adoption, or unrelated individuals living together as a single housekeeping unit and doing their cooking on the premises, as distinguished from a group occupying a boarding or rooming house or hotel. See Also Household.
- (123) **Farmers Market**: The sale of breads, fruit, flowers, honey, preserves, vegetables or other products from the gardens and kitchens of the growers/producers, directly to the public from a temporary outdoor market set up for such sales.
- (124) **Fence**: A structure of commonly used building material or combination of materials that serves as an enclosure, screen, wall, or barrier. Also see Open Fence and Solid Fence.
- (125) **Fill**: A deposit of material by other than natural means, the purpose of which is to build up the ground level of property, which shall be imported in accordance with Lakewood City Code requirements.
- (126) **Financial Institution**: A business engaged in monetary transactions, including banks, savings and loans, thrift, and lending institutions. A financial institution may include a drive-through facility.
- (127) **Final Site Plan**: For the purpose of this Code reference to a final site plan shall mean those requirements set forth in Article 15 for a site development plan. A final site plan must conform to the approved conceptual site plan.
- (128) **Flea Market**: The sale of new or used personal goods or commodities by an individual, or group of individuals.
- (129) **Floor Area**: The area included within the surrounding exterior walls of a building or portion thereof. For purposes of this Code, floor area shall be categorized as follows:
  - a. **Floor Area, Gross**: The area within the exterior facade of a building, including all covered and enclosed space on all floor levels of a building, halls, corridors, lobbies, mezzanines, display areas, stairways, elevator shafts, escalators, utility cores, air conditioning and heating areas, and common facilities for use of all tenants, except that gross floor area shall not include any open exterior plazas which are eligible for inclusion in covered open space, partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use, loading areas, underground truck roads and service facilities.
  - b. **Floor Area, Gross Leasable**: The total floor area located with the exterior walls

of a building less the square footage in the following:

1. Areas used to house mechanical, electrical, telephone, heating, ventilating, air conditioning, and other similar building operating equipment.
  2. Stairwells, elevators, vertical shafts, and rated corridors.
  3. Atriums, lobbies and elevator lobbies.
- (130) **Floor Area Ratio (FAR)**: The ratio of gross leasable floor area permitted on a site to the net acreage contained within the site. See also Lot Coverage.
- (131) **Frontage**: Frontage is that side of a lot abutting on a public or private right-of-way, or tract designated for access to the subject lot. Primary frontage is the right-of-way from which the access to the lot is taken and the address of the lot is assigned. See also Lot Line.
- (132) **Garden Apartment**: An apartment which has its floor below the grade of the adjoining land surface, but has its windows above the grade of the adjoining land surface for light and ventilation.
- (133) **Garage, Private**: A building or portion of a building in which only motor vehicles used by tenants of the building or buildings on the premises are stored or kept. See also Structured Parking.
- (134) **Garage, Public**: Any garage other than a private garage.
- (135) **Garment work**: Work involving the design, sewing, alteration, tailoring, ironing, or repair of clothing.
- (136) **Golf Course**: A large tract of land developed for the game of golf which may include a clubhouse containing locker rooms, food and beverage services, and retail sale of clothing and sporting goods associated with golf.
- (137) **Golf Driving Range**: A tract of land used by golfers to practice their tee and long shots by hitting rented buckets of golf balls. Food and beverage services, and retail sale of clothing and sporting goods associated with golf may also be available.
- (138) **Government Facilities**: Facilities owned and/or operated by a government agency needed for the operation of government functions. Government facilities may include administrative offices, equipment yards, material storage, vehicle storage, repair, or impound yards. See also Community Buildings.
- (139) **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.
- (140) **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.
- (141) **Greenhouse**: A building whose roof and sides are made largely of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants. For the purposes of this Code, greenhouses are classified as follows:
- (a) Commercial: A greenhouse where plants are cultivated for subsequent sale to wholesalers, retailers or to the general public. See also Nursery.
  - (b) Non-Commercial: A greenhouse which is an accessory use where plants are cultivated for personal enjoyment or to enhance the interior aesthetics of a residence or a nonresidential facility, and are not for commercial sale.
- (142) **Grocery Store**: See Market.
- (143) **Gross Floor Area**: See Floor Area, Gross.
- (144) **Gross Land Area**: See Land Area, Gross.
- (145) **Gross Leasable Area**: See Floor Area, Gross Leasable.
- (146) **Ground Cover**: Any of a wide variety of living plants which lie close to and cover the ground to form a dense mat, preventing soil from being blown or washed away, and intended to prevent growth of unwanted plants. Ground cover typically does not exceed a height of twelve inches at maturity.
- (147) **Ground Sign**: See Sign, Ground.
- (148) **Group Home**: A one household dwelling or duplex in which unrelated individuals or related and unrelated individuals live, where physical assistance and/or supervision may



be provided by resident and/or nonresident professional support personnel as a continual benefit. A group home shall be defined according to its client population, as listed below. However, group home will not include a hotel, motel, rooming house, or facility housing juvenile or adult offenders or a facility as defined under Group Living Quarters. Group home shall also include state-licensed personal care boarding homes and alternative care boarding homes when such homes comply with all other applicable portions of this Ordinance. *(as amended by 0-99-6)*

- (a) Group home for elderly persons: A group home for elderly persons who do not require medical attention associated with a residential health care facility. Group homes for elderly must either be licensed by the State Department of Health or Social Services, or approved by Jefferson County as an Adult Foster Care Home.
  - (b) Group home for the handicapped: A group home for handicapped persons as such term is defined in Section 17-6-5 of the Lakewood Zoning Ordinance and which, if applicable, is licensed by the state.
  - (c) Group home for dependent, neglected children: A Colorado Department of Human Services licensed group home exclusively for the care of persons under the age of eighteen (18) years with emotional, behavioral, or social problems, who, under the terms of Title 19, Colorado Revised Statutes, are determined to be dependent or neglected.
  - (d) Group home for victims of domestic violence: A group home housing victims of domestic violence, which may have included physical, emotional, or mental abuse, for purposes of rehabilitation or special care.
  - (e) Group home for pregnant women and infants: A group home for care and counseling of pregnant women and infants up to the age of one (1) year.
- (149) Group Living Quarters: A structure other than a one-household dwelling unit, duplex, hotel, or motel designed and operated for the purpose of housing, or special care and housing, of unrelated individuals or related and unrelated individuals, where centralized provision of meals and services and individual or group sleeping accommodations are included. Group living quarters shall be limited to those group living quarters listed below. Any group living quarters that meets the definitions of correctional institution shall be regulated as a correctional institution. Any group living quarters that meets the definition of a group home or household shall be regulated as group living quarters rather than as a household or group home. *(as amended by 0-99-6)*
- (a) Group living quarters for elderly persons: A residential facility for elderly persons who do not require medical attention associated with a residential health care facility. Group living quarters for elderly shall be either (1) licensed as a personal care boarding home or alternative care boarding home by either the State Department of Health or Social Services, or (2) certified as an adult foster care

facility by Jefferson County Social Services.

- (b) Group living quarters for the handicapped: A facility for handicapped persons as such term is defined in Section 17-6-5 of the Lakewood Zoning Ordinance and which, if applicable, is licensed by the state.
  - (c) Group living quarters for dependent, neglected children: A Colorado Department of Human Services licensed facility exclusively for the care of persons under the age of eighteen (18) years with emotional, behavioral, or social problems, who under the terms of Title 19, Colorado Revised Statutes, are determined to be dependent or neglected.
  - (d) Group living quarters for adult or juvenile offenders: A facility licensed or certified by the State of Colorado, housing adult offenders or juvenile offenders who have been determined to be delinquent, who have been sentenced, referred or otherwise placed in the facility as a condition of their sentence or court-ordered supervision. This category shall not include facilities meeting the definition of a correctional institution.
  - (e) Group living quarters for the temporary shelter of homeless persons: A facility established and maintained to provide housing and personal care on a "temporary basis" for indigent or homeless persons. The "temporary" period shall be defined by the facility but shall not exceed thirty (30) consecutive days.
  - (f) Group living quarters for victims of domestic violence: A facility housing residents for the purposes of rehabilitation or special care for domestic violence victims of physical, emotional, or mental abuse. *(As amended by 0-88-67).*
- (150) **Habitable Structure**: A dwelling capable of being lived in by a human, meeting the safety requirements of the building code.
- (151) **Hair Care**: Businesses devoted to the cutting and grooming of their clients hair.
- (152) **Hazardous Substances**: Any substance or material that, by reason of its toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such material or substance and as defined by State and Federal regulations.
- (153) **Health Facilities**: See Hospital, Medical Clinics.
- (154) **Health Clubs, Spas**: Businesses providing aerobics, exercise, weight-lifting, and swimming.
- (155) **Height**: See Building Height.

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

(163) **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 bed and breakfast, motel, hotel, or dormitory.
- (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.
- (f) A house hold shall not include more than one individual who is required to register as a sex offender under the provisions of the Colorado Revised Statutes, 18-3-412.5, as amended.

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

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

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

(167) **Illumination, Concealed**: Lighting intended to illuminate a sign or building by directing a light source at a reflecting surface of the sign or building, either internally or shielded from public view and from the surrounding properties.

(168) **Illumination, Direct**: Lighting intended to illuminate a sign or building by directing a light source at a surface of the sign or building by means of an unshielded light source that is effectively visible as part of the sign or building, where light travels directly from the source to the viewer's eye.

(169) **Illumination, Indirect**: Lighting intended to illuminate a sign by directing a light source at a surface on the sign in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign

is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights, or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination.

- (170) **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, backlighting signage shall be considered internally illuminated.
- (171) **Illumination, Private Property**: Illumination used to light walks, buildings, parking areas, and landscaping, which shall be directed and controlled in such a manner so that no direct rays of light extend beyond the boundaries of the property from which it originates.
- (172) **Individual Letter Sign**: See Sign, Individual Letter.
- (173) **Industrial Use**: Businesses involved in the extraction and processing of raw materials, the invention, manufacture, fabrication, assembly, and construction of products, or the provision of services to commercial or manufacturing establishments where such services usually involve the use of machinery and equipment.
- (174) **Impound Yard**: A fenced area used for the storage of vehicles retrieved by a towing company or by police personnel until reclaimed by their owners, or disposed of as abandoned. See also Government Facilities, Storage.
- (175) **Infill**: Development that occurs on vacant properties scattered within areas that are already largely developed or urbanized. Generally, these sites are vacant because they were once considered of insufficient size for development, because an existing building located on the site was demolished, or because there were other, more desirable, or less costly sites for development.
- (176) **Inoperable Motor Vehicle**: See Vehicle, Inoperable.
- (177) **Integrated Access System**: A curb cut or access road connecting two (2) or more separate lots or buildings.
- (178) **Integrated Parking System**: A common parking area or a series of interconnected parking areas which are utilized by two or more building units and where any owner, occupant, patron, customer, employee or other person utilizing any of the building units served has the right to park a motor vehicle within any of the parking areas. Such common right shall be evidenced by a reciprocal parking easement recorded with the Clerk and Recorder of Jefferson County and shall run in perpetuity with the use of the land.
- (179) **Joint Access** See Integrated Access System.

- (180) **Joint Identification Sign**: See Sign, Joint Identification.
- (181) **Joint Use**: The sharing of a building, access drive, parking and/or sign by more than one business, tenant or lot owner.
- (182) **Junk**: Scrap metal, such as copper, iron, lead, tin, zinc and all other metals and their alloys; inoperable motor vehicles; and other manufactured goods that are so worn, or deteriorated as to make them unusable in their existing condition, including cloth, rope, rubber, glass, machinery, tools, appliances, fixtures, lumber, paper, cartons and containers, pipe and other similar goods.
- (183) **Junkyard**: Any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, including scrap metal processors, auto-wrecking yards, salvage and scrap yards, and temporary storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis.
- (184) **Kenel**: Any building, structure or open space used in whole or in part for the boarding or harboring of four (4) or more of any species of regulated household pets or six (6) or more regulated household pets, above the age of four (4) months, with or without compensation.
- (185) **Kiosk**: A small, free-standing one-story structure having a maximum floor area of 350 square feet, and used for commercial purposes, or the posting of temporary information, posters, notices and announcements. Kiosks located within a public right-of-way cannot be used for commercial purposes, except for announcements of, or directions to development projects.
- (186) **Kitchen**: A room or portion of a room devoted to the preparation or cooking of food which contains a sink, refrigerator, and a stove with an oven, requiring a 220 volt electric service or natural gas, referred to as cooking facilities. No more than one kitchen is permitted per dwelling unit.
- (187) **Laboratory - Medical, Dental or Optical**: A building or a portion of a building devoted to the use of providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors, opticians, or dentists, and where fabrication is conducted on the premises for the custom manufacture of dentures, grinding of optic lenses, and the custom fabrication of orthopedic limbs.
- (188) **Laboratory, Scientific**: A building or a portion of a building devoted to the experimental study in science or the testing and analysis of any product, animal, chemicals, drugs, explosives, minerals, and similar materials.
- (189) **Land Area, Gross**:

- (a) An area for a specific land use which includes the following:
  - (1) Horizontal lot area in designated use within the property lines, including all internal public and private streets; and
  - (2) One-half the area of any abutting alley or street right-of-way.
- (b) Gross land area does not include:
  - (1) Areas not beneficial to the designated use of land because of restrictions on development due to irregular shape, topography, location or character, as determined by the Planning Commission; and
  - (2) Land area already used predominantly for other use purposes.
- (190) **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.
- (191) **Lawn and Garden Center**: A business providing shrubs, trees, flowering plants, fertilizer and garden materials for the general public and contractors.
- (192) **Legal Use**: Any use of realty or improvements lawfully established in conformity with existing law and the City of Lakewood Zoning Ordinance in existence at the time of establishment of such use, and which is also presently lawful under applicable law and ordinance. Legal use shall include nonconforming uses lawfully established at the time of establishment, and lawfully maintained, principal uses permitted by the District Regulations for the zoning of the subject property, and any accessory use or uses incidental to and commonly associated with such lawfully established uses. As used herein, legal use sometimes refers to the person, firm, or corporation entitled to a legal use. See also Permitted Use.
- (193) **Library**: A facility, operated by a public or nonprofit organization, used to keep literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, for reading, reference, or borrowing.
- (194) **Limited Office and Personal Services**: Refers only to professional, business, medical, dental, optical offices, hair salons, tailor shops, shoe repair shops, and art and photographic studios, located on those arterial streets which are so designated in the Comprehensive Plan.
- (195) **Liquor Store**: A commercial establishment selling packaged alcohol beverages, with no on-site consumption permitted.

- (196) **Livestock**: See Animal, Livestock.
- (197) **Living Quarters**: See Dwelling Unit.
- (198) **Lot**: A unit or area of land within a subdivision, or created by a valid and recorded instrument of conveyance prior to January 22, 1975, or prior to annexation to the City of Lakewood, or legally subdivided by the City of Lakewood since January 22, 1975, or as otherwise permitted by law, to be used, developed, or built upon. The classification of lots are:
- a. **Corner**: A lot, of which at least two adjacent sides abut for their full length upon a public right-of-way other than an alley, and one side, abutting either another property or a another public right-of-way, is considered a rear lot line.
  - b. **Flag**: A lot having access to a street by means of a parcel of land included as part of the lot, having a depth greater than its frontage, and having a width less than the minimum required lot width.
  - c. **Interior**: A lot, other than a corner lot, abutting only one street, and generally having two sides abutting adjacent properties, and a rear lot line.
  - d. **Key**: A lot with a lone side that abuts the rear line of any one or more adjoining lots.
  - e. **Reverse Corner**: A corner lot, the rear of which abuts the side of another lot.
  - f. **Through**: An interior lot abutting on a street at both the front and rear lot line, or a corner lot abutting on a street on the front, one side, and the rear lot lines.
- (199) **Lot Area**: The area contained within the legal boundaries of a lot including any easements which restrict surface use of the property. The area of the lot extension for flag lots is not computed into the area of the lot.
- (200) **Lot Coverage**: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, and parking and drives, by the gross area of that lot. See also Density.
- (201) **Lot Depth**: The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line.
- (202) **Lot Frontage**: The portion of the lot contiguous to a public right-of-way or private street or tract created for access to the subject lot.



- (203) **Lot, Illegal**: A lot which did not comply with the provisions of the law or regulations in effect at the time it was created. See also Lot, Legal Non-Conforming.
- (204) **Lot, Legal Non-conforming**: A lot which was lawful when created but which does not comply with the provisions of law or regulations passed at a later date in that it fails to meet requirements regarding area, width, or other characteristics of the zoning district in which it is located.
- (205) **Lot - Minimum Area**: The minimum square footage that a lot is required to have under the zoning, as described in the District Regulations, in order to meet the requirements for issuance of a building permit. The area of the lot extension for flag lots is not computed into the area of the lot.
- (206) **Lot - Total Area**: The square footage of a lot contained within the lot lines of the property excluding street rights-of-way.
- (207) **Lot Width**: The shortest distance between any two (2) lot lines of a lot which are intersected by the front setback line, measured at a point of intersection parallel to the front property line.
- (208) **Lot Line - Front**: The boundary line of a lot which immediately abuts a public right-of-way (other than an alley) or private right-of-way, or tract designated for access to the subject lot. Front lot lines may be either primary front lot lines or non-primary (secondary, or tertiary) front lot lines.
- (a) Primary Front Lot Line: The front lot line closest to that face of the primary, principal or main building(s) on the lot which contains the primary entrance to the building(s), or, in the event the primary entrance does not face a front lot line, the front lot line which abuts the street used in the address assigned to the primary, principal or main building(s) on the lot.
- (b) Non-Primary (Secondary, or Tertiary) Front Lot Line: A front lot line which is not the primary front lot line.
- (209) **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.
- (210) **Lot Line - Side**: Any boundary line of a lot, other than a front lot line or rear lot line.
- (211) **Lot, Minimum Size/Area**: The smallest area measured in square feet which is required for any property within a specific zone district.
- (212) **Lowest Floor**: The lowest floor, including the basement, of a structure. Also see basement.

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

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

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

district which applies to the parcel.

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

- (1) Unused or leftover portions of a property which are capable of being developed and which are specifically used for storage or reserved for future expansion, or outdoor areas which are developed for use as a storage area; and
  - (2) Motor vehicle uses such as parking lots, open-air showrooms, roads, or service areas, at, above or below ground level.
- (257) **Open Space - Usable:** Land which, by its size, configuration and improvements, is deemed capable of providing passive and active use.
- (a) Usable open space includes:
    - (1) A landscaped area with a minimum dimension of twelve (12) feet, to be used for active and passive recreational activities.
    - (2) Common or "public" yards or areas.
    - (3) Private yards, patios, decks, or balconies, defined and/or screened by landscaping, fences, and/or building walls, except those areas of balconies and decks above the first level may not be counted toward the open space requirement.
    - (4) Club houses, swimming pools, tennis, or other courts (a club house is considered a recreational amenity and therefore may be counted as usable open space).
    - (5) Recreational areas with a minimum size determined by types of activities and by project density.
    - (6) Land areas with a slope steeper than 1 foot (vertical) in 5 feet (horizontal) and terraces between retaining walls shall not be allowed to be counted as usable open space.
  - (b) Usable open space may include ponds, drainage ways, and water areas, including flood plains and floodways which are developed as amenities and located so that they are either physically or visually accessible from the residential units. The Director of Community Planning & Development will decide whether to allow part or all of these areas to count toward the usable open space requirement depending on the quality of the amenity and the amount of usable open space provided in other parts of the development.
- (258) **Outdoor Civil Defense Public Warning Siren System:** Includes the siren system itself as well as the apparatus to which it is attached, installed by the City of Lakewood or a

contractor authorized by the City of Lakewood.

- (259) **Panel Antenna**: Any antenna with both a vertical and horizontal plane designed to receive, transmit, direct, or aim CMRS telecommunication signals. Panel antenna are commonly mounted to a building or other support structure for the transmission or reception of wireless communication signals.
- (260) **Parapet Wall**: A low wall or protective railing above the roof line or along the edge of a roof, balcony or terrace.
- (261) **Parcel**: A contiguous area of land except for intervening easements and rights-of-way with a continuous boundary established either by a subdivision plat recorded in the office of the County Clerk and Recorder, or by one of the following methods:
- a. an aliquot part of a section,
  - b. a metes and bounds description,
  - c. a book and page or reception number reference,
  - d. any so-called "assessor's tract", or
  - e. a description which calls only for the owner's or adjoiner's name.  
Also see lot.
- (262) **Park**: See 9.32.010 of the Lakewood Municipal Code.
- (263) **Park and Ride**: A parking lot located at a transit stop designed for storage of commuter's vehicles while utilizing bus or rapid transit vehicles which stop at the facility.
- (264) **Parking Area**: The total area encompassed by off-street parking spaces, which are available to customers, employees, residents, and visitors to the designated area, with or without time limits, as well as the total area encompassed within all access and egress routes designed for use by motor vehicles. Parking area includes emergency access lanes and loading area spaces. Parking areas and the access drives are required to be provided with an all weather surface capable of sustaining the weight of fire trucks and other emergency equipment. Parking areas shall meet the requirements of Article 9 of this Ordinance.
- (265) **Parking, Integrated System**: A common parking area, or a series of interconnected parking areas, which are utilized by two or more buildings, and where any owner, occupant, patron, customer, employee or other person utilizing any of the buildings served has the right to park a motor vehicle within any of the parking areas. Such common right

is customarily evidenced by a reciprocal parking easement called out on a plat of the property, or recorded separately with the Clerk and Recorder of Jefferson County, or contained within a lease running with in perpetuity with the use of the land.

- (266) **Pasture**: Land used for grazing animals.
- (267) **Perimeter Landscape Area**: That portion of the perimeter of a property which is adjacent to a public right-of-way (except an alley), the length of which portion is equal to the length of the adjacent portion of the public right-of-way and the width of which portion is equal to the distance between the flow line of the adjacent public right-of-way and the required depth within the property.
- (268) **Permitted Use**: Any use allowed in a land use zoning district by this Ordinance and subject to the provisions applicable to that district.
- (269) **Person**: Natural person, joint venture, joint stock company, partnership, association, club, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.
- (270) **Pharmacy**: A business which prepares, preserves, compounds and dispenses drugs generally prescribed by physicians.
- (271) **Planned Development**: A zone district which permits diversification of land uses as unified and integrated developments as specified in the Official Development Plan approved with the change in zoning. (See Planned Development District, Section 17-5-25.)
- (272) **Planted Area**: That part of the landscape area that contains living plant materials.
- (273) **Plat**: A plan of a subdivision of land creating building lots or tracts and showing all dimensions and other information essential to comply with the Subdivision regulations.
- (274) **Porch, Patio, or Deck**: A structure open to the atmosphere on at least two (2) sides and projecting from the front, side, or rear wall of a building. For the purposes of this Ordinance, only those porches, patios, and decks with a floor level greater than thirty (30) inches above grade or which have a roof shall be subject to required setbacks. Railings provided on decks for the safety of the uses are excluded from this measurement in height.
- (275) **Principal Use**: Land uses allowed in a given zone district as a use by right because they are considered compatible with the intent of the district. The buildings and structures which contain such uses, and the site development necessary for their establishment must meet the development regulations and plan review requirements established in this Ordinance.



- (276) **Printing Establishment**: A printing business especially for books, periodicals, or newspapers.
- (277) **Printing Facility**: A printing and photocopy business which typically operates at retail, and which does not normally require pick-ups and deliveries by large trucks.
- (278) **Private Improvements**: Any improvement required by this Code on private property, or as a part of the conditional approval of a subdivision or special use permit, which is provided by the developer and not maintained by the City or quasi-public entity.
- (279) **Private Nonprofit Recreational Facilities**: Recreational facilities open to use by the public, which may include, as a Secondary Use, amusement centers.
- (280) **Processing**: The manufacture of goods and pieces by means of subjecting raw materials or preprocessed material to a special treatment involving synthesis or artificial modification. See also see Industrial Use and Manufacturing.
- (281) **Projecting Sign**: See Sign, Projecting.
- (282) **Projection**: Minor architectural features of a building such as building eaves, overhangs, chimneys, and standpipes.
- (283) **Property Lines**: The boundaries of a tract of land established either by a recorded subdivision plat, or by a written recorded conveyance prior to January 22, 1975. Includes lot and parcel lines.
- (284) **Property Owner**: A person or persons holding legal fee title to a parcel of property; includes landowner.
- (285) **Public Improvement**: Those rights-of-way, easements, access rights, and physical improvements which, upon formal acceptance by the City, shall become the responsibility of the City for ownership and/or maintenance and repair, unless otherwise provided, and shall include, but not by way of limitation, curb and gutter, asphalt pavement, concrete pavement, streets of all types, survey monuments, pavement stripping, sidewalks, pedestrian/bike paths, traffic signals, street lights, highways, freeways, rights-of-way, easements, access rights, construction plans, medians, bridges, acceleration and deceleration lanes, culverts, storm drainage facilities including necessary structures, channels, water lines, sanitary sewer lines, and all other improvements, which upon acceptance by the City, are intended to be for the use and enjoyment of the public.
- (286) **Public and Private Stables/Riding Academies**: See Stable.
- (287) **Public Recreational Facilities**: Recreational facilities open to the public, which may

include, as a Secondary Use, amusement centers.

- (288) **Public Transportation Facilities**: A structure or facility for use by the public to connect with, or use public transportation. Examples include bus benches, bus benches within a shelter from weather, transfer facilities, and light rail facilities. See also Park and Ride.
- (289) **Quasi-Public Agency**: An institution constituted with a governing board and obtaining more than 51 percent of its funds from tax revenue.
- (290) **Racetrack**: Facilities used for competitive racing or entertainment by dogs, horses or vehicles, which may include spectator stands and accessory uses, such as food and beverage sales.
- (291) **Radio Antenna**: A device that is used for transmitting and receiving electro-magnetic waves.
- (292) **Radio Studio**: A structure used as offices, broadcasting booths, and the recording and/or transmission of programs.
- (293) **Radio Tower**: A structure that supports an antenna. See also Communication Towers.
- (294) **Recreational Facilities**: Land, buildings, structures or equipment used in recreational activities. For purposes of this Code, recreation facilities are classified as follows:
  - a. Commercial:
    - 1. Indoor: A commercial business offering amusements, recreational or entertainment activities such as a bowling alley, pool hall and amusement rides where such activities are contained within a building. Also see amusement arcade and amusement center.
    - 2. Outdoor: A commercial business offering amusement, recreational or entertainment activities such as batting cages, miniature golf, grand prix miniature race cars, water slide and amusement rides where part or all of such activities are outdoors.
  - b. Non-Commercial: Recreation facilities owned or operated by a government agency, nonprofit entity, a homeowner's association or membership association which are open to the general public and where fees charged are intended to cover the cost of operation and not to provide financial gain to the operator. Recreation facilities accessory to a dwelling unit for use by the property owner or tenant residing on the property, family members or guests.
- (295) **Recreational Vehicle Park**: See Campground.

- (296) **Recycling Collection Facility**: An accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable resources. No processing of such items is permitted.
- (297) **Recycling Plant**: A facility that is not a junkyard and in which recoverable resources, such as newspapers, magazines, books, and other paper products, glass; metal cans; plastics and other products, are recovered, reused, reprocessed, and treated to return such products to a condition in which they may again be used for production.
- (298) **Redevelopment**: The process of removing existing structures and building new ones with or without land aggregation, or adding buildings to a developed site.
- (299) **Remodel, Substantial**: See Substantial Remodel, Alteration.
- (300) **Rental Center**: A retail establishment that rents machinery or tools, such as air compressors, chain saws, concrete mixers, ladders and scaffolding, power tools, trailers, trucks, welders, etc. For the purposes of this Code, equipment is classified as heavy or light. See Equipment- Heavy and Equipment- Light.
- (301) **Residence Inn**: A hotel with rooms that have complete kitchen and bathroom facilities intended for semi-transient, longer-term occupancy, also referred to as extended stay facilities. See also Bed and Breakfast, Hotel, Motel.
- (302) **Residential Health Care Facility**: A residential facility designed with a combination of residential living units, with or without individual kitchen facilities and group living facilities such as common kitchen, eating area, patio and/or recreational area as well as parking. The intended use is for the care of the infirm or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual or intermittent benefit. See also Clinic, Hospital, Group Home, Group Living.
- (303) **Restaurant**: A commercial establishment where meals are prepared and served to the public, which may or may not include seating facilities and a bar or lounge.
- (304) **Retail Sales**: See Business, Retail.
- (305) **Retaining Wall**: A structure composed of concrete, block, rock or wood designed to act as a support barrier between a drop or rise in the grade of the land on either side of the structure. A wall of 30 inches or more in height requires certification by a registered engineer as to the structural strength of the wall.
- (306) **Retirement Home**: A facility which provides living quarters for elderly persons with common dining and cooking facilities and/or individual kitchens in each living unit. A

retirement home may include limited nursing care, but is not intended to be a convalescent or nursing home. Also see Residential Health Care Facility, Group Home, and Group Living Quarters.

- (307) **Right-Of-Way**: An area or strip of land dedicated to the public for the use of the general public.
- (308) **Roadside Stands**: The placement of a structure for the sale of farm products produced or made on the premises. Such stand shall not be permitted to remain in operation for not more than six (6) months in each year.
- (309) **Roof Line**: The highest point on any building where an exterior wall encloses usable floor area.
- (310) **Room**: A building or portion of a building which is arranged, occupied, or intended to be occupied as living or sleeping quarters, but not including toilet or cooking facilities.
- (311) **Salvage Yard**: A business involved in the extraction of valuable commodities from wrecked or junked items.
- (312) **Satellite Dish Antenna**: A parabolic antenna intended to receive signals from orbiting satellites and other sources. Non-commercial dish antennas are defined as being less than four meters in diameter, while commercial dish antennas are usually those larger than four meters and typically used by broadcasting stations.
- (313) **School**: An institution for instruction. For purposes of this Code, schools are classified by the type of instruction provided and by student grade level.
  - a. College/University: A school providing higher education beyond grade 12, which offers either a two year or four year degree in specific disciplines.
  - b. K-12: A school, public or private, which meets State standards for providing instruction for students in kindergarten and grades 1-12.
  - c. Professional, Trade or Vocational: A school providing instruction in specialized skills, such as drafting or a craft such as welding, carpentry, or auto repair to prepare students for a specific occupation.
- (314) **Screen**: A solid visual barrier.
- (315) **Screening**: The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berm, or other features.

- (316) **Seating Capacity**: The actual seating capacity of an area based upon the number of seats or one seat per 18 inches of bench or pew length. For other areas where seats are not fixed, the seating capacity shall be determined by the Building Code.
- (317) **Secondary Uses**: See Accessory Uses.
- (318) **Self-propelled Motor Home**: See Recreational Vehicle.
- (319) **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.
- (320) **Servant Animal**: See Animal, servant.
- (321) **Service Station**: A retail establishment at which vehicles are serviced with fuel, oil, air and water, and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. The extent of the type of repair permitted to be performed is determined by the zone district. Associated retail sale of products and convenience food goods may also be available. See Motor Fuel Filling and Service Station.
- (322) **Setback**: An open space of fixed width within a parcel along the front, side, or rear property line which shall remain free of any development, except as allowed in this Code. The minimum distance which shall be maintained between a parcels' boundaries and any structure built within the parcel. For purposes of this Code, setbacks are classified as follows:
- a. **Front**: An area extending the full width of a parcel, located parallel to the front property line, and any property line adjacent to a street, and having a depth measure perpendicular to the front property line which meets the minimum requirement for the front setback as specified in this Code for the Zone District in which the property is located.
  - b. **Side**: An area located along any side property line, having a depth measured perpendicular to the side property line which meets the minimum requirement for the side setback as specified in this Code. Side setbacks shall extend from the front setback line to the rear setback line, or, where a parcel is formed by more than four sides, to the point of intersection with an adjacent side setback line.
  - c. **Rear**: An area extending the full width of a parcel, located along the rear property line, and having a depth measured perpendicular to the rear property line which meets the minimum requirement for the rear setback as specified in this Code.

(323) **Shared Access** See Integrated Access System.

(324) **Shared Parking** See Integrated Parking System.

(325) **Shooting Range**: A facility designed to provide practice in the use of firearms under controlled conditions so public health and safety are protected. Shooting ranges may include the sale of firearms, associated equipment or supplies, food, and sanitary facilities. For purposes of this Code, shooting ranges are classified as follows:

- a. Public: A shooting range which is open to the general public, or to public safety personnel, and where a fee may or may not be charged for its use.
  1. Indoor: A shooting range which is contained within an enclosed building such that noise caused by shooting activity is not detectable from outside the building, and materials used to construct the building are capable of preventing the escape of any bullets.
  2. Outdoor: A shooting range where part or all of the area used for firing practice is located outdoors.
- b. Private: A shooting range which is for the personal use of the property owner or guests, or members of an organization paying fees or dues for the use of the shooting range.

(326) **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.

(327) **Short-Term Advertising Signs**: See Sign, Short-Term Advertising.

(328) **Sight Triangle Area**: The corner of a lot that is adjacent to two intersecting right-of-way frontages. The two legs of the sight triangle are measured from the intersecting point of the flow lines extended or, in the event there is no curb and gutter, the intersection of the edges of the travel lanes extended, a distance of fifty-five (55) feet along each of the flow lines or travel lanes. The hypotenuse of the sight triangle is the line which connects the end point of the two legs as measured above.

(329) **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.

- (330) **Sign, Abandoned**: A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product or activity conducted or products available on the premises where such sign is displayed.
- (331) **Sign, Animated**: Any sign or any part thereof, which changes physical position or message by any movement or rotation, except time and temperature signs.
- (332) **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.
- (333) **Sign, Banner**: Any sign hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.
- (334) **Sign, Directional**: Any sign on private property that directs the movement of pedestrian or vehicular traffic, with or without reference to the name of a product sold or service performed, to a property or a building, structure, or business enterprise.
- (335) **Sign, Display Surface**: The area made available by a sign structure for the purpose of displaying the advertising message.
- (336) **Sign, Distance of Projection**: The distance from the exterior wall surface of the building or from the farthest horizontal point on a mansard roof, to the display face of a wall sign.
- (337) **Sign, Election**: A sign providing information regarding elections, candidates, or issues concerning such elections.
- (338) **Sign, Flashing**: Any directly or indirectly illuminated sign, either stationary or animate, which exhibits changing natural or artificial light or color effects by any means whatsoever.
- (339) **Sign, Ground**: A sign structure supported by poles, uprights or braces extending from or anchored into the ground, but not attached to any part of the building.
- (340) **Sign, Ideological**: A sign which expresses a religious, political, social or other philosophical position.
- (341) **Sign, Illuminated**: A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.
- (342) **Sign, Individual Letters**: Letters or figures individually fashioned from metal or other

materials and attached to the wall of a building or other surface; but not including a sign painted on a wall or other surface.

- (343) **Sign, Joint Identification**: A sign which serves as a common or collective identification for two or more business or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof, or may serve as a general identification for such developments as shopping centers, industrial parks and the like.
- (344) **Sign, Mansard Roof**: A sign attached to the side of a mansard roof.
- (345) **Sign, Marquee**: Any sign attached to a marquee.
- (346) **Sign, Monument**: Also known as low-profile. A ground sign which is integrated into the sign support, usually a pedestal, relatively low in height, and has an appearance of a continuous mass, similar to a structure.
- (347) **Sign, Non-Conforming**: 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.
- (348) **Sign, Off-Premise**: A sign advertising a business, product or service, or religious, charitable or nonprofit organization, not located upon or available on the premises whereon the sign is located. Off-premises sign does not include directional or informational signs erected by any governmental institution or agency. See Sign, Directional.
- (349) **Sign, Permanent**: A sign constructed of durable material and affixed or attached to a non-moveable, non-portable supporting structure including a building.
- (350) **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.
- (351) **Sign, Pole**: A sign which is affixed to, or mounted on a freestanding wood or metal pole, and anchored in the ground.



- (352) **Sign, Portable**: Any sign which is not permanently affixed to a building, structure, or the ground, except signs painted on or magnetically attached to any licensed vehicles and temporary signs as allowed under Article 10.
- (353) **Sign, Projecting**: A sign other than a wall sign which projects from and is supported by a wall.
- (354) **Sign, Roof**: A sign erected upon or above the parapet, or above the eave of a roof, or upon or above the roof of a building or structure.
- (355) **Sign Setback**: The distance between the property line and the edge of a sign closest to the property line.
- (356) **Sign, Short-Term Advertising**: Signs which advertise the sale of products, services, or special event on a short-term basis. See also Sign, Banner, Sign, Temporary.
- (357) **Sign Structure**: A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, and framework designed to contain a sign message. Sign structure is not meant to include the sign face, containing the message conveyed by the sign.
- (358) **Sign, Suspended**: A sign suspended from the ceiling of an arcade or marquee.
- (359) **Sign, Temporary**: Includes, but is not limited to, any exterior sign, banner, pennant, valance, or advertising display which is:
- (a) Constructed of cardboard, paper, cloth, canvas, fabric, plywood, lightweight plastic or other lightweight material, with or without frame; and
  - (b) Designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, non-moveable, non-portable, supporting structure. "Temporary Signs" shall include signs placed in the open bed of a vehicle, or printed, affixed, lettered, placed upon or attached to a vehicle; but, however,
  - (c) Temporary signs shall not include signs printed, painted upon or attached to motor vehicles used primarily for the delivery of products, passengers, or services, or for business purposes other than as a sign.
- (360) **Sign, Third Party**: A sign relating to products or services not on the same marquee.
- (361) **Sign, Time and Temperature**: Signs consisting of devices which provide time or temperature information.

- (362) **Sign, Wall**: A sign attached to, painted on, or erected against a building, structure or fence.
- (363) **Sign, Wind**: Any sign set in motion by wind or breeze, such as banners, flags, pennants, or other objects or material. Flags of nations, states, or municipalities shall not be classified as wind signs.
- (364) **Sign, Window**: A sign which is applied to, or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from a public right-of-way.
- (365) **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.
- (366) **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.
- (367) **Single Household Dwelling**: See Dwelling Unit- Single Family.
- (368) **Site**: A parcel or combination of parcels of land for which a project proposal is submitted.
- (369) **Site Plan**: A document or group of documents containing sketches, text, drawings, maps, photographs, and other material intended to present and explain certain elements of a proposed development, including physical design, siting of buildings and structures, interior vehicular and pedestrian access, the provision of improvements and the interrelationship of these elements.
- (370) **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, 3 C.R.S. (1997), as amended, and no vested property right shall be created thereby.
- (371) **Solid Fence**: A solid fence is a fence or wall with fifty (50) percent or less open space in the fabric or material of its vertical surface.
- (372) **Specialty Food Service**: A business which prepares food for by previous arrangement for banquets, parties, weddings, or other special occasions.
- (373) **Special Use Permit**: A permit allowing a discretionary use which may be granted under

the provisions of this Ordinance, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the use.

- (374) **Stable**: A facility where horses and other equine are kept either within a building or corrals, which may also include an indoor or outdoor exercise area, and storage for tack, grooming supplies, hay and feed. For the purposes of this Code, stables are classified as follows:
- a. **Commercial(boarding/instruction/rental)**: A stable where space is offered for keeping of horses and other equine for payment of a fee, and where the general public may receive riding instruction and/or may rent horses for riding on an hourly, daily or weekly basis. Commercial stables may also have training facilities for schooling horses stabled at or trailered to the facility.
  - b. **Non-Commercial**: A stable where space is provided for the keeping of horses owned by or under the care of the owner or occupant of the property where the stable is located, and where the number of horses owned by people other than the owner or occupant of the property does not equal or exceed the number owned by the owner or occupant.
- (375) **Stacked Flats**: An apartment on one floor of a building, which is more than one story in height.
- (376) **Storage Area, Open/Outside**: An outdoor area, permitted in 5-C (Large Lot Commercial) and IN (Industrial) zone districts, used for keeping of possessions, belongings, goods, materials or other items where the items are screened from view in accordance with this Ordinance.
- (377) **Storage Shed or Structure**: A structure designed to be used solely for the storage and use of personal equipment and possessions of the occupants of the residence, or operators of a business, and not designed or intended for transport.
- (378) **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.
- (379) **Story**: The height between the successive floors of a building or from the top floor to the roof. For the purpose of this Ordinance, the average height for a story shall be defined as 12 feet.
- (380) **Street**: A public or private thoroughfare for vehicular traffic other than an alley or driveway.  
Also see Alley, Driveway.

- (381) **Street - Arterial, Collector, Local**: Classification for these basic streets shall be as set forth in the City of Lakewood's Major Street Plan.
- (382) **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.
- (383) **Street Frontage - Major**: That portion of a site's street frontage lying along a major collector or arterial roadway as determined by the City of Lakewood's Major Street Plan.
- (384) **Street Frontage - Primary Major**: That portion of a site's major street frontage which has been designated by the property owner as the primary frontage for his site on a sign system plan. A site shall have only one primary major street frontage.
- (385) **Street Furniture**: Items exclusive of building elements that are part of the streetscape; such as benches, planters, newspaper stands, informational kiosks, trash receptacles, and street lighting fixtures.
- (386) **Street scape**: The scene taken as a whole, that may be observed along a street. It includes both natural and man-made elements.
- (387) **Street Trees**: Trees planted in a lineal fashion in the boulevard of the street right-of-way or outside of the right-of-way, which are part of the street scape.
- (388) **Structure**: Anything built or constructed and located on or in the ground or attached to something on or in the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.
- (389) **Structure or Use, Illegal**: A structure or use which did not comply with the provisions of law or regulations in effect at the time it was constructed or established. Also See Structure or Use, Legal Nonconforming.
- (390) **Structure or Use, Legal Nonconforming**: A structure or use which was lawful when established but which does not comply with the provisions of law or regulations passed at a later date.
- (391) **Structure, Principal**: The main structure or structure containing the principal use of land as distinguished from an accessory structure. See also Accessory, Structure or Use.
- (392) **Structural Alteration**: Any change in the supporting member of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.
- (393) **Structured Parking**: A parking area within or beneath a principal or main building, a multi-level parking garage, or an underground parking structure.

- (394) **Studio**: A commercial or service establishment for purposes of tutoring, lessons, or production of creative or artistic goods.
- (395) **Subdivision**: The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels, including resubdivisions of previously subdivided land.
- (396) **Substantial Alteration**: An increase in the gross floor area of a building or structure, or an increase in the size of a parking area or loading area, by an amount equal to or greater than twenty (20) percent of the gross area as it existed on the effective date of this Ordinance.
- (397) **Substantial Remodel**: Any store or tenant except office tenants, which remodels its space at a value equal to or greater than Ten Dollars (\$10.00) per square foot (excluding building maintenance items such as re-roof, HVAC, etc.), or expands the existing square footage of a tenant space or building by twenty percent (20%) or more, or any business whose remodel will necessarily include compliance with Article 15 of the Lakewood Zoning Ordinance.
- (398) **Suburban Zone**: The area within the West Colfax Overlay Zone District, between Iris Street and Youngfield Street, characterized by buildings with deeper setbacks and greater building separations.
- (399) **Supermarket**: See Market.
- (400) **Synagogue**: See Church.
- (401) **Tavern**: See Bar.
- (402) **Telephone Exchanges**: Equipment and/or apparatus designed to provide switching for the transmission of telephone services.
- (403) **Television Studio**: A structure used as offices, broadcasting facilities, performance stages, and the recording and/or transmission of programs.
- (404) **Temple**: See Church.
- (405) **Theater**: A building, room, or outdoor area for the presentation of plays, motion pictures, or other dramatic performances. For the purposes of this Ordinance, theaters are classified as follows:
- a. Indoor: A theater entirely contained within a building.
  - b. Outdoor: A theater located partially or entirely outdoors, within a roofed structure

having sides open to the outdoors, or within a tent.

- (406) **Trade School**: See School, Professional, Trade or Vocational.
- (407) **Trade and Technical Services**: Fabrication, assembly, packaging, wholesaling, indoor storage, repair, rental, or servicing of any commodity, and the sale of which is permitted within the specific zone district in which the use is located.
- (408) **Traffic Sight Triangle**: See Sight Triangle Area.
- (409) **Trailer**: Any wheeled vehicle, without motive power, that is designed to be drawn by a motorized vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways.
- (410) **Transit Right-Of-Way**: A right-of-way or easement for exclusive use by Light-Rail or bus public transportation.
- (411) **Transition Zone**: That area, within the West Colfax Overlay Zone District, between Simms Street and Carr Street, which contains characteristics of both the urban and suburban zone.
- (412) **Travel Trailer**: A portable structure, mounted on wheels, designed to be towed by a motorized vehicle and which is of a length equal to or less than thirty-five (35) feet and containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.
- (413) **Travel Trailer Campground**: Land or property utilized for, or intended for the rental of temporary occupancy space to transient users of travel trailers; mounted camper units, motor homes, or tents.
- (414) **Tree Service**: A business providing tree trimming and removal services to their customers.
- (415) **Truck Tractor**: Any motorized vehicle that is generally and commonly designed and used to draw a semi-trailer and its cargo load over the public highways.
- (416) **Unnamed Use**: Uses not specifically named as permitted within a specific zone district, as either a principal, accessory, or special use. Such uses may be permitted within a specific zone district by the Director of Community Planning and Development, upon making a determination of similar and compatible uses.
- (417) **Urban Zone**: That area, within the West Colfax Overlay Zone District, between Iris

Street and Sheridan Boulevard characterized by buildings constructed close to the street, more intense development, and more extensive use of hardscape elements (i.e., walls, paved areas, etc.)

- (418) **Usable Open Space**: See Open Space, Useable.
- (419) **Use**: The purpose or activity for which a parcel of land, a building or structure is designed, arranged, or intended, or for which it is occupied or maintained.
- (420) **Use, Principal**: The principal use of land or structures as distinguished from an accessory use. See also Accessory Use.
- (421) **Use By Right**: The principal uses permitted on a parcel of land within a specific zone district. See Legal Use.
- (422) **Utility Facilities**:
  - a. Major: Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, and transmission or reception stations with more than two dish antennas in one location.
  - b. Minor: Water, sewer and gas mains; cable, electric and telephone distribution lines, substations, and/or switching facilities; gas regulator stations; public lift or pumping stations for domestic water and sewer service; solar arrays, or wind powered electric generators; transmission or reception stations with no more than two dish antennas in one location with the diameter of any dish antenna limited to ten feet or less. These facilities shall be either in underground vaults, small pedestal service boxes, or structures that blend architecturally with surrounding structures.
- (423) **Utility, Public**: A utility regulated by the Colorado Public Utilities Commission.
- (424) **Utility Trailer**: A trailer generally used to transport motorcycles, snowmobiles, water sport equipment, or other commodities or items.
- (425) **Variance**: A discretionary relaxation by the Board of Adjustment of the dimensional regulations of this Ordinance.
- (426) **Vehicle, Automobile**: A self-propelled wheeled vehicle designed for the transportation of either passengers or cargo and weighing less than 6,000 pounds empty weight, to include any passenger vehicles, pick-ups, passenger vans and/or cargo vans.

(427) **Vehicle, Commercial**: Any truck tractor, dump truck, bus, semi-trailer, commercial trailer, tow truck, or vehicle equipped to provide towing services, with an empty weight of 6,000 pounds or greater or any vehicle regardless of weight, which:

- a. Is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or
- b. Is used "for hire"; or
- c. Displays advertising thereon. Identification of the vehicle's manufacturer, model or dealer shall not be considered as advertising. See also Commercial Trailer.

(428) **Vehicle, Recreational**: A motorized vehicle designed or used as a conveyance upon streets and highways, and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one or more persons and may include boats.

(429) **Vehicle Repair**:

- a. Major: General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles and commercial vehicles, wrecker/tow service; collision services including body, frame or fender straightening or repair, customizing, painting; vehicle steam cleaning; undercoating and rust proofing; and including those uses listed under minor auto repair or any other similar use. At times, it may be necessary for overnight storage while waiting for replacement parts, etc. to complete the repair work. No storage of vehicles shall exceed ten (10) days, and any stored vehicle shall be required to be screened from view from adjacent properties and public rights-of-way.
- b. Minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as changing grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass inspection; normal servicing of air conditioning systems; and other such similar minor services for automobiles, but not including any operations or uses listed under major auto repair or any other similar use. For the purpose of minor repair, there shall be no outdoor overnight storage of vehicles. Any vehicles kept overnight shall be parked in a parking stall inside the building used by the business.

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



storage of metals, inoperable motor vehicles, tools, equipment and any other miscellaneous junk or rubbish.

- (431) **Vehicle Storage**: The storage of motorized vehicles on a lot or tract for the use of holding such vehicles for sale, distribution or storage.
- (432) **Vested Property Right**: The right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan approved pursuant to requirements of this Zoning Ordinance.
- (433) **Veterinary Hospital**: See Animal Hospital.
- (434) **Veterinary Clinic - Small Animal**: See Animal Hospital.
- (435) **View Triangle/Vision Area**: See Sight Triangle Area.
- (436) **Vocational School**: See School, Professional, Trade or Vocational.
- (437) **Walkway**: An all-weather surface designed to accommodate pedestrian movements.
- (438) **Warehousing and Distribution**: A use engaged in storage, sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable, explosive, that create hazardous or commonly recognized offensive conditions.
- (439) **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.
- (440) **Water Treatment Plant**: A facility for the treatment of water to ensure health standards are met prior to water distribution for human use or consumption. Said facility is to comply with all applicable State and Federal standards.
- (441) **West Colfax Overlay District**: That area along West Colfax Avenue identified on the zoning maps with a shaded pattern to which these standards and regulations are applicable. Also referred to in this Ordinance as the "Colfax Overlay District".
- (442) **Wetland**: An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. To the degree this definition differs from that used in the Federal Clean Water Act and implementing regulations, the more strict regulations shall control.

- (443) **Whip Antenna**: Any antenna cylindrical in shape that emits signals in a 360 degree horizontal plane for the transmission or reception of wireless communication signals.
- (444) **Wholesale Sales**: Sales of goods in large quantities for resale by retailers.
- (445) **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.
- (446) **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.
- (447) **Workshop**: A room or structure used while building, constructing, painting, or repairing commodities, crafts or hobbies.
- (448) **Yard**: An open space which is located on the same lot as a building and which is unoccupied and unobstructed by a structure over a height of thirty (30) inches.
- (449) **Yard - Front**: That portion of yard lying between the front lot line and the closest wall of the principal structure or front setback line of such lot, if vacant. A corner lot shall have at least two (2) front yards.
- (450) **Yard - Non-Primary Front**: Those front yards which do not have the main entrance of the principal building oriented toward them.
- (451) **Yard - Primary Front**: The front yard abutting a public right-of-way where the main entrance of the principal building is oriented.
- (452) **Yard - Rear**: That portion of a yard lying between the rear lot line and the rear wall of the principal structure or rear setback line of the lot, if vacant.
- (453) **Yard - Side**: That portion of a yard lying between a front yard and a rear yard, and including all open portions of the lot between the front and rear yards.
- (454) **Zero Lot Line**: The location of a structure on a lot in such a manner that one or more of the structures sides rests directly on a lot line.
- (455) **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.
- (456) **Zoning District**: A classification assigned to a particular area or areas of the City of Lakewood, within which zoning regulations are uniform.

- (457) **Zoning District Map**: The official map upon which the zoning districts of the City are delineated.

## ARTICLE 3: DISTRICTS AND MAPS

**17-3-1. CREATION OF DISTRICTS.** In order to carry out the purposes of this Ordinance, the City of Lakewood shall be divided into the following zone districts: *(As amended by 0-97-09.)*

- R1A Residential One Acre District
- RR Rural Residential District
- 1-R Large Lot Residential District
- 2-R Small Lot Residential District
- 3-R Duplex and Small Lot Residential District
- 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 District
- 6-R Mobile Home Residential District
- OF Office District
- 1-C Convenience Commercial District
- 2-C Neighborhood Commercial District
- 3-C Community Commercial District
- 4-C Regional Commercial District
- 5-C Large Lot Commercial District
- IN Industrial District
- PD Planned Development Zone District

### **17-3-2. ZONING DISTRICT MAP**

- (1) The location of land placed within specified zone districts prior to the effective date of this Ordinance is shown on the maps entitled Official Zoning District Map of the City of Lakewood, hereby designated as the official City of Lakewood zoning district maps. These maps are made a part of this Ordinance by this reference, and the districts set forth and shown therein are hereby approved. The official maps shall be filed in the Office of the City Clerk of the City of Lakewood and with the City Planning Commission.
- (2) When land is initially zoned or rezoned pursuant to this Ordinance, such changes shall be made on the Official Zoning District Map of the City of Lakewood within forty-five (45) days after the ordinance embodying the zoning or rezoning is adopted by the City Council.
- (3) In the event that the Official Zoning District Map becomes damaged, destroyed, lost or difficult in interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning District Map, which shall supersede the prior Official Zoning District Map. The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereto.

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

- (1) In subdivided areas, unless otherwise shown on the maps, the district boundaries are either streets, alleys or record lot lines, and where a district boundary line is approximately along a street, alley or record lot line, said street, alley or lot line shall be construed to be the boundary.
- (2) In unsubdivided areas, the district boundaries, unless otherwise shown on the maps, are streets, highways or land survey lines. Where a portion of any district is indicated upon the district map as a strip paralleling a street or highway, the width of the strip, unless given in figures, shall be determined by the use of the scale of the map.

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

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

## ARTICLE 4: ADMINISTRATION, VARIANCES AND APPEALS

### 17-4-1. BUILDING PERMITS.

- (1) In addition to the requirements of the Building Code, no building permit shall be issued unless:
  - (a) Issuance of the permit is authorized by the Director; and
  - (b) The plans for the proposed construction, enlargement, alteration, repair, improvement or conversion, and the use of the building or structure conforms to all requirements of this Zoning Ordinance.
- (2) The application for each building permit, in addition to any other required information, shall give a description of the lot or land involved, the location and intended use of the proposed building or buildings, the number of housekeeping units the building is designed to accommodate, if any, and such other information as may be required by this Ordinance. All applications for permits and copies of permits issued shall be kept for ready public reference by the Department of Community Planning and Development. *(As amended by 0-91-59.)*
- (3) For all new buildings, before footing inspections and approval thereof, the owner, lessee, builder or contractor shall locate the property boundaries by placing at the property corner of the building site stakes or other monuments to establish said boundaries.

### 17-4-2. DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT. *(As amended by 0-91-59.)*

- (1) It shall be the duty of the Director of Community Planning and Development to enforce the provisions of this Ordinance and the regulations contained herein.
- (2) The Director of Community Planning and Development may delegate to any employee of the Department of Community Planning and Development any of the responsibilities assigned to the Director by this Ordinance. 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 Community Planning and Development and such persons as he may designate in writing shall be considered peace officers within the meaning of the Lakewood Municipal Code Section 1.04.010(10) solely for the purposes of enforcing the provisions of this Ordinance. *(As amended by 0-91-59.)*
- (4) No oversight or dereliction or error on the part of the Director or any employee of the Department of Community Planning and Development or on the part of any other official or employee of the City of Lakewood shall legalize, authorize, or excuse the violation of any of the provisions of this Ordinance.

### **17-4-3. BOARD OF ADJUSTMENT VARIANCES.**

- (1) In passing upon appeals, the Board of Adjustment may vary the application of the regulations set forth in this Zoning Ordinance only if the Board finds that: *(As amended by 0-93-11.)*
  - (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property on the date this section takes effect or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of the regulation would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the owner of the property;
  - (b) The variance, if granted, will observe the spirit of this Ordinance, secure the public safety and welfare, and achieve substantial justice;
  - (c) The variance, if granted, will not adversely affect the adjacent property or the neighborhood;
  - (d) The variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property;
  - (e) The variance, if granted, is the minimum variance that will afford relief with the least modification possible of this Ordinance; and,
- (2) In deciding variance applications, the Board may consider whether the alleged difficulty or hardship was self-imposed.
- (3) The Board of Adjustment may not grant any variance relating to the use of property. *(As amended by 0-93-11.)*
- (4) The Board of Adjustment shall conduct a public hearing on each variance application, with prior notice thereof pursuant to its rules and regulations.
- (5) No variance shall be granted by the Board of Adjustment until a variance fee has been paid by the applicant. The amount of the fee shall be established by the City Council, and shall vary according to whether the variance is deemed major or minor. *(As amended by 0-85-125.)*

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

- (1) Upon application, the Director may grant a variance from the application of standards relating to setback, lot area, lot width, and the minimum number of required parking spaces, for a particular use on a specific piece of property only if:
  - (a) The variance, if granted, does not deviate more than twenty (20) percent from the requirement, independent of variances granted for other requirements; provided, however, the Director may not grant variances of lot area more than ten (10) percent of the minimum lot area, and may not grant variances of lot width more

than ten (10) percent of the minimum lot width, independent of variances granted for other requirements. The Director may grant variances to the number of required parking spaces up to ten (10) percent or five (5) parking spaces, whichever is less. The intent of this provision is to provide for variances with certain percentage limitations, and further to clarify that any variance is considered to be independent of any other variance and is not to be considered cumulative. The Director shall have no authority to grant a variance for the purpose of qualifying any property for rezoning consideration. *(As amended by 0-94-81.)*

- (b) The Director finds that the proposed variance meets each of the standards set forth in Section 17-4-3(1)(a) through (e).
  - (c) The applicant pays a variance fee in an amount established by City Council Resolution.
- (2) In deciding variance applications, the Director may consider whether the alleged difficulty or hardship was self-imposed.
- (3) Written notice shall be provided at the applicant's expense, on forms provided by the Department of Community Planning and Development, to all owners of property adjacent to the applicant's property, that a variance application is pending, describing the variance requested, indicating where written or oral objections to the variance may be presented, and stating that no hearing on the variance application will be held unless objections to the variance and a request for a hearing are filed, in writing, with a specified person in the Department of Community Planning and Development, within a time set forth in the notice, but not earlier than ten (10) days after mailing of the notice. On the same day that written notice is provided to owners of adjacent property, notice that the variance application is pending shall also be posted by the applicant on the applicant's property for at least ten (10) days and shall state where additional information on the variance may be obtained. The posted notice shall be in such form and contain such additional information as the Director may require. *(As amended by 0-91-59.)*

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

**17-4-6. APPEALS TO THE BOARD OF ADJUSTMENT.**

- (1) Unless otherwise stated in this Ordinance, the Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee in the enforcement of this Ordinance. *(As amended by 0-94-81.)*
- (2) Appeals of an order, requirement, decision, or determination may be made by the owner or lessee of the property to which the Director's or employee's action pertains. An order, requirement, decision, or determination by the Director or any employee shall be made



in writing and sent by regular mail to the address furnished by the owner or lessee. Appeals by the owner or lessee to the Board of Adjustment must be filed in writing with the Director no later than 15 days from the date of the Director's or employee's action. Any appeal shall be accompanied by a Board of Adjustment appeal fee in an amount established by City Council Resolution. *(As amended by O-94-81)*

**17-4-7. ADDITIONAL POWERS OF THE BOARD OF ADJUSTMENT.**

- (1) Upon application, the Board of Adjustment may reduce the total number of off-street parking spaces required pursuant to Section 17-9-1(3) if the Board finds that the parking demand engendered by different uses included in any integrated parking and access system occurs at such different times of day that successive, rather than simultaneous, demands for use will be placed on the parking spaces within the system. The total number of spaces required, although reduced, shall remain sufficient to reasonably serve the demand created by all uses included in the system.
- (2) Upon application, the Board of Adjustment may reduce the number of off-street parking spaces required for any particular use if the Board finds that, because of the unique and peculiar nature of a proposed use of property, the total number of parking spaces required by this Ordinance for the use is unnecessary or would create practical difficulties or unnecessary hardship. The number of spaces required for such use, although reduced, shall remain sufficient to reasonably serve the demand created by the use.
- (3) Upon application, the Board of Adjustment may reduce the structural parking requirements of Section 17-9-2(3)(b) for multi-family structures upon evidence that the parking required by Section 17-9-2(3)(a) and the open space required by Section 17-5-12(5) for such multi-family structures is provided on the site. *(As amended by O-82-71.)*
- (4) All applications for parking variances to the Board of Adjustment must be supported by technical documentation to justify the variance request. Typically, parking accumulation studies for uses similar to the one for which a variance is being requested will suffice. *(As amended by O-85-125 and O-90-39.)*
- (5) Any application for a parking variance, as provided in subsections (1) through (3) above, shall be accompanied by an application fee in an amount established by City Council Resolution. *(As amended by O-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 O-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 *(as amended by O-98-58)***

### **17-5-1 GENERAL**

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

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

(1) **PERMITTED USES** Any use allowed in a land use zoning district by this Ordinance, subject to the provisions applicable to that district contained within this Ordinance.

(2) **PRINCIPAL USES** Land uses allowed in a given zone district as a use by right because they are considered compatible with the intent of the district. The buildings and structures which contain such uses, and the site development necessary for their establishment must meet the development regulations and plan review requirements established in this Ordinance.

(3) **ACCESSORY USES** Uses which are considered subordinate to, and serve the main building or principal use; contribute to the comfort, convenience, or necessity of the occupants of the main building or principal use served; are subordinate in area, extent, and purpose to the main building or principal use served; and are located within or external to the main building or principal use, but on the same lot.

(4) **SPECIAL USES** A discretionary entitlement which may be granted under the provisions of this Ordinance, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the entitlement.

(5) Any change in the principal use of a property, or within the buildings or structures located on a property, shall be required to be reviewed by the Director of Community Planning and Development for compliance with the District Regulations set forth for the zoning of said property, prior to the occurrence of the proposed change in use.

### **17-5-3 FENCES, WALLS, AND OBSTRUCTIONS TO VIEW**

All fences herein after constructed or reconstructed within the City shall require a building permit. For Performance Standards see Article 8 of this Ordinance.

### **17-5-4 PARKING REQUIREMENTS**

For Performance Standards see Article 9 of this Ordinance.

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

(1) Unless specifically excluded, any building or structure including any accessory building or structure located within a zone district, shall conform to the setback requirements applicable to that zone district as set forth in the district regulations. No structures may be constructed, placed, or erected within any easements unless otherwise approved by the City. Street classifications set forth in this Article are as designated in the Major Street Plan.

(2) Setbacks shall be measured from the applicable front, rear, or side lot line to the applicable front, rear, or side setback line, including any intervening common area for developments with commonly owned land.

(3) Exclusions: The following are allowed in any required setback, except as noted below, but shall not obstruct a motorist's vision at access points and shall not encroach into the required sight triangle (see Section 17-8-1):

- (a) Driveways.
- (b) Eaves, if they encroach no more than two (2) feet into the minimum required setback.
- (c) Mailboxes and newspaper racks.
- (d) Planters, if no greater than thirty (30) inches in height.
- (e) Porches, patios, and decks, if uncovered and no greater than thirty (30) inches in height.
- (f) Porches, as defined in Section 17-2-2, which project no more than eight (8) feet into the required front yard setback.
- (g) Retaining walls.
- (h) Walkways.
- (i) Walls and fences, if in compliance with Article 8 of the Lakewood Zoning Ordinance, and with an approved fence permit.
- (j) Utility facilities.
- (k) Buildings and structures as provided elsewhere in this Ordinance.

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

- (1) Upon application therefor, the Director of the Department of Community Planning and Development may determine whether a proposed use which is not specifically named within any zone district created by this Ordinance, and is not an accessory use, is similar to and compatible with uses otherwise allowed within a specific zone district and may, upon making a determination of similar and compatible uses, allow the proposed use within that district.
- (2) In making the determination of similarity and compatibility, the Director shall consider, among other relevant matters, traffic generation, density of population, and hours of operation of the proposed use in comparison to specifically named uses within the zone district in question, with named uses permitted in other zone districts in the City, and the location of use criteria set forth in the Comprehensive Plan.

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

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

(1) Purpose

The R1A district is intended to protect and enhance existing rural character, uses, densities and standards while providing for low intensity use of natural resources, limited residential and recreational development, and other compatible uses. Residential densities are limited to no more than one dwelling unit per one acre lot.

- (2) Permitted Uses No building or land within the R1A District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

(a) Principal uses

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

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

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

(c) Accessory uses

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

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

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

- (a) Airports, commercial radio and television studios, commercial radio and television towers.
- (b) Bed and breakfast.
- (c) Campground for travel trailers, mounted camper units, motor homes, and tents.
- (d) Golf driving ranges.
- (e) Government office building.
- (f) Greenhouses and nurseries, including landscaping materials, both wholesale and retail.
- (g) Group homes.
- (h) Higher education classrooms and offices.
- (i) Historical buildings, structures and sites.

- (j) Keeping of emus and ostriches.
- (k) Mineral resource extraction.
- (l) Private golf course, country club, or other private club operated for the benefit of members only and not monetary gain or profit.
- (m) Racetracks.
- (n) Roadside stands.
- (o) Sanitary landfills.
- (p) Tree service.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR R1A
MINIMUM LOT SIZE	(a) Newly platted lots must have a minimum size of 43,560 square feet (one acre).
MINIMUM LOT WIDTH	(a) For lots platted after January 22, 1975, 140' wide. (b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975, historical width.
MAXIMUM BUILDING HEIGHT	35': dwelling unit and accessory buildings 60': wind powered generators
MAXIMUM BUILDING COVERAGE	20% of square footage of the lot including dwelling unit and accessory buildings

ITEM	STANDARDS FOR R1A
<p><b>SETBACKS</b></p> <p>front (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt. A front setback also applies to other streets on the side or rear of a lot.)</p> <p>side (Measured from the property line.)</p> <p>rear (Measured from the property line.)</p>	<p>For a habitable structure: 25' from local streets; 35' from collector streets; 45' from arterial streets. Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <hr/> <p>15': dwelling unit, riding ring, corral, or other buildings for the keeping of livestock or animals 10': other detached accessory buildings or structures</p> <hr/> <p>15': dwelling unit, riding ring, corral, or other buildings for the keeping of livestock or animals 10': other detached accessory buildings or structures</p>
<p><b>FENCES <sup>1</sup></b></p> <p>front, primary</p> <p>side, rear, non-primary front</p>	<p>Type of fence: open Maximum height: 42" Minimum setback: property line</p> <hr/> <p>Type of fence: Open, solid, topped with barbed wire, electrified (with adequate warning signs provided). Maximum Height: 72"plus 12" barbed wire on property line Additional Requirements: When property in the R1A district abuts property in any other zone district, the fence along the common boundary line between the districts shall only be that fence allowed in the other zone district.</p>

<sup>1</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.



ITEM	STANDARDS FOR R1A
<b>PARKING <sup>2</sup></b> Dwelling unit, single family	2 off-street spaces/dwelling unit Driveways shall be a minimum of 20' from structure to back of sidewalk or right-of-way
<b>SIGNAGE <sup>3</sup></b> Home occupation Subdivision identification Business identification	1.5 sq. ft. wall sign 50 sq. ft. monument sign 100 sq. ft. wall sign, and 100 sq. ft. freestanding or monument sign 25 feet max. height.

(a) Lots:

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

(2) Every main building or single household dwelling hereafter constructed in the R1A zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

(5) For any Special Use as contained within Subsection 17-5-7(3), there shall be a minimum lot area of three (3) acres; except the following special uses: Bed and Breakfast, Group Homes, and the Keeping of Emus and Ostriches.

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<sup>2</sup> Additional parking standards for all uses permitted in the R1A Zone District may be found in Article 9 of this Ordinance.

<sup>3</sup> Sign standards for all other signs permitted in the R1A Zone District may be found in Article 10 of this Ordinance.

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

(b) Performance Standards:

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

(a) All horses, cattle, sheep, goats, and llamas shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit or the garage, shall be nine thousand (9,000) square feet for the first such animal, and six thousand (6,000) square feet for each additional such animal. A minimum containment area of 300 square feet shall be provided and used for each animal, however, the animals must be permitted access to an exercise area containing a minimum of six thousand (6,000) square feet per animal on a daily basis. Any previously constructed containment area that does not meet the minimum area requirement must be brought into conformance.

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

(c) No accessory building or structure for the keeping of livestock or animals, riding ring, or corral shall be located such that the front setback is less than that observed by the dwelling unit or that the side or rear setback is less than fifteen (15) feet.

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

(e) Any fence that serves to contain livestock and fowl shall be constructed of permanent materials, well maintained and of sufficient strength and height to confine any animal located on the property.

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

(2) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of non-commercial public recreation facilities.

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

(4) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(5) Roadside stands are for operation during not more than six (6) months in each year for sale of farm products produced or made on the premises.

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

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

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

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

(7) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

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

(1) Purpose. The intent of this residential district is to protect the existing rural character of an area and to establish a rural pattern of development, which allows for low density single family residences and agricultural uses suitable for a residential area.

(2) Permitted Uses. No building or land within the RR District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

**(a) Principal uses**

- (1) Agricultural uses.
- (2) Churches.\*
- (3) Community building.\*
- (4) Dwelling unit, single family.
- (5) Emergency health care facilities, other than ambulance service facilities.\*
- (6) Irrigation ditches.
- (7) Keeping of livestock
- (8) Outdoor civil defense public warning siren system.
- (9) Private nonprofit recreational facilities.\*
- (10) Public fire and police stations.\*
- (11) Public parks.
- (12) Public recreational facilities.\*
- (13) Public transportation structures and facilities.\*

- (14) Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage.
- (15) Schools, public, parochial, and private.\*
- (16) Transit rights-of-way, including passenger stations.\*
- (17) Utility facility.

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

(b) Accessory uses

- (1) Agricultural buildings
- (2) Amateur radio towers and antennae.
- (3) Amusement centers in public or non-profit recreational facilities.\*
- (4) Church parish house.
- (5) Emergency shelters.\*
- (6) Home occupation.
- (7) Keeping of fowl excluding emus and ostriches.
- (8) Keeping of household pets (see performance standards).
- (9) Off-street parking areas.
- (10) Private garage.
- (11) Private, noncommercial greenhouses.
- (12) Private, noncommercial swimming pools.
- (13) Private stables and barns.
- (14) Residence for caretaker of public park or public recreation area.
- (15) Satellite dish antennas. See 17-12-2(2).
- (16) Storage sheds.
- (17) Workshops.

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

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

- (a) Bed and breakfast.
- (b) Group homes.
- (c) Higher education classrooms and offices.
- (d) Keeping of emus and ostriches.
- (d) Roadside stands for operation during not more than six (6) months in each year for the sale of farm products produced or made on the subject property, provided such stands are set back at least thirty (30) feet from the front lot line.
- (e) Wind-powered electric generators.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR RR
MINIMUM LOT SIZE	(a) Newly platted lots must have an average size of 30,000 square feet and a minimum lot size of one half acre (21,780 square feet). (b) Parcels subdivided into three or more lots must average a minimum of 30,000 square feet; parcels rezoned and/or subdivided into two lots must be at least one half acre (21,780 square feet).
MINIMUM LOT WIDTH	(a) For lots platted after December 16, 1985, 100' wide. (b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to December 16, 1985, historical width.
MAXIMUM BUILDING HEIGHT	35': dwelling unit and barns 20': other accessory buildings (not to exceed one story) 10': accessory buildings located within side and rear setbacks (must be no more than 120 square feet in size) 60': wind powered generators
MAXIMUM BUILDING COVERAGE	25% of square footage of the lot including dwelling unit and accessory buildings

ITEM	STANDARDS FOR RR
<p><b>SETBACKS</b></p> <p>front (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt. A front setback also applies to other streets on the side or rear of a lot.)</p> <p>side (Measured from the property line.)</p> <p>rear (Measured from the property line.)</p>	<p>For a habitable structure: 25' from local streets; 35' from collector streets; 45' from arterial streets. Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <hr/> <p>15': dwelling unit, riding ring, corral, or other buildings for the keeping of livestock or animals 10': other detached accessory buildings or structures</p> <hr/> <p>15': dwelling unit, riding ring, corral, or other buildings for the keeping of livestock or animals 10': other detached accessory buildings or structures</p>
<p><b>FENCES<sup>4</sup></b></p>	<p>(a) 72" on property line; front, side and rear (b) 50% open surface in front yard (c) open, solid surface on side, rear Electrified permitted on side and rear only if placed at least 5' inside another security fence and warning is posted. No barbed wire permitted.</p>
<p><b>PARKING<sup>5</sup></b> Dwelling unit, single family</p>	<p>2 off-street spaces/dwelling unit</p>

<sup>4</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>5</sup> Additional parking standards for all uses permitted in the RR Zone District may be found in Article 9 of this Ordinance.

ITEM	STANDARDS FOR RR
SIGNAGE <sup>6</sup>	
Home occupation	1.5 sq. ft. wall sign
Subdivision identification	50 sq. ft. monument sign

(a) Lots:

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

(2) Every main building or single household dwelling hereafter constructed in the RR zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

(b) Performance Standards:

(1) In conjunction with an occupied single-family dwelling, accessory buildings including garages, private stables and barns which together with all on-site principal buildings are not to exceed 25% of the total lot area for the keeping of only the following animals: horses, llamas, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas.

(a) All horses, llamas, 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, however, the animals must be permitted access to an exercise area containing a minimum of six thousand (6,000) square feet per animal on a daily basis. Any previously constructed containment area that does not meet the minimum area requirement must be brought into conformance.

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<sup>6</sup> Sign standards for all other signs permitted in the RR Zone District may be found in Article 10 of this Ordinance:



(b) No accessory building or structure for the keeping of livestock or animals, riding ring, or corral shall be located such that the front setback is less than that observed by the dwelling unit or that the side or rear setback is less than fifteen (15) feet.

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

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

(e) Any fence that serves to contain livestock and fowl shall be constructed of permanent materials, well maintained and of sufficient strength and height to confine any animal located on the property.

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

(2) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(4) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(5) Private garages, storage sheds, private noncommercial recreation facilities, workshops, and clubhouses. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of twelve hundred (1,200) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures shall be one story with a maximum height of twenty (20) feet.

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

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

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

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

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

(7) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

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

(1) Purpose

The 1-R district is intended to provide for large-lot, suburban, one-family residential development. This zone district permits the keeping of livestock and other assorted animals.

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

(a) Principal uses

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

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

(b) Accessory uses

- (1) Agricultural buildings
- (2) Amateur radio towers and antennae.
- (3) Amusement centers in public or non-profit recreational facilities.\*
- (4) Church parish house.
- (5) Clubhouses serving a Planned Development or Neighborhood Organization.\*
- (6) Emergency shelters.\*
- (7) Home occupation.
- (8) Keeping of livestock and fowl excluding emus and ostriches.
- (9) Keeping of household pets (see performance standards).
- (10) Off-street parking areas.
- (11) Private garage.
- (12) Private, noncommercial greenhouses.
- (13) Private noncommercial recreation facilities.\*
- (14) Private, noncommercial swimming pools.
- (15) Private stables and barns.
- (16) Residence for caretaker of public park or public recreation area if located in such park or area.
- (17) Satellite dish antennas. See 17-12-2(2).
- (18) Storage sheds.
- (19) Workshops.

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

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

- (a) Bed and breakfast.
- (b) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- (c) Group homes.
- (d) Higher education classrooms and offices.
- (e) Historical buildings, structures and sites.
- (f) Keeping of emus and ostriches.
- (g) Limited office and personal services, including only professional, business, medical, dental, optical offices, hair care salons, tailor shops, shoe repair shops, and art and photographic studios, located on those arterial streets which are so designated in the Major Street Plan.
- (h) Wind-powered electric generators.

(4) Unnamed Use

See Section 17-5-6.

ITEM	STANDARDS FOR 1-R
<p><b>SETBACKS</b></p> <p><b>front</b> (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt. A front setback also applies to other streets on the side or rear of a lot.)</p> <p><b>side</b> (Measured from the property line.)</p> <p><b>rear</b> (Measured from the property line.)</p>	<p>For a habitable structure: 25' from local streets; 35' from collector streets; 45' from arterial streets. Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <hr/> <p>15': dwelling unit, riding ring, corral, or other buildings for the keeping of livestock or animals 10': other detached accessory buildings or structures</p> <hr/> <p>15': dwelling unit, riding ring, corral, or other buildings for the keeping of livestock or animals 10': other detached accessory buildings or structures</p>
<p><b>FENCES<sup>7</sup></b></p> <p><b>front, primary</b></p> <p><b>side, rear, non-primary front</b></p>	<p>Type of fence: open Maximum height: 42" Minimum setback: property line</p> <hr/> <p>Type of fence: open, solid Maximum height: 72" Minimum setback: property line</p>

<sup>7</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

ITEM	STANDARDS FOR 1-R
<b>PARKING<sup>8</sup></b> Dwelling unit, single family	2 off-street spaces/dwelling unit Driveways shall be a minimum of 20' from structure to back of sidewalk or right-of-way
<b>SIGNAGE<sup>9</sup></b> Home occupation Neighborhood or Subdivision identification	1.5 sq. ft. wall sign 50 sq. ft. monument sign

(a) Lots:

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

(2) Every main building or single household dwelling hereafter constructed in the 1-R zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

(b) Performance Standards:

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

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<sup>8</sup> Additional parking standards for all uses permitted in the 1-R Zone District may be found in Article 9 of this Ordinance.

<sup>9</sup> Sign standards for all other signs permitted in the 1-R Zone District may be found in Article 10 of this Ordinance

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

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

(c) No accessory building or structure for the keeping of livestock or animals, riding ring, or corral shall be located such that the front setback is less than that observed by the dwelling unit or that the side or rear setback is less than fifteen (15) feet.

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

(e) Any fence that serves to contain livestock and fowl shall be constructed of permanent materials, well maintained and of sufficient strength and height to confine any animal located on the property.

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

(2) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(4) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(5) Private garages, storage sheds, private noncommercial recreation facilities, workshops, and clubhouses. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of twelve hundred (1,200) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures shall be one story with a maximum height of twenty (20) feet.

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

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

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



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

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

(7) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

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

##### **(1) Purpose**

The 2-R district is intended to provide for small-lot, suburban, one-family residential development.

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

##### **(a) Principal uses**

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

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

(b) Accessory uses

- (1) Amateur radio towers and antennae.
- (2) Amusement centers in public or non-profit recreational facilities.\*
- (3) Church parish house.
- (4) Clubhouses serving a Planned Development or Neighborhood Organization.\*
- (5) Emergency shelters.\*
- (6) Home occupation.
- (7) Keeping of household pets (see performance standards).
- (8) Off-street parking areas.
- (9) Private garage.
- (10) Private, noncommercial greenhouses.
- (11) Private noncommercial recreation facilities.\*
- (12) Private, noncommercial swimming pools.
- (13) Residence for caretaker of public park or public recreation area if located in such park or area.
- (14) Satellite dish antennas. See 17-12-2(2).
- (15) Storage sheds.
- (16) Workshops.

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

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

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

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 2-R
MINIMUM LOT SIZE	(a) Newly platted lots must have a minimum size of 6,000 square feet.
MINIMUM LOT WIDTH	(a) For lots platted after January 22, 1975, 60' wide. (b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975, historical width.
MAXIMUM BUILDING HEIGHT	35': dwelling unit 20': detached accessory structures (not to exceed one story) 60': wind powered generators
MAXIMUM BUILDING COVERAGE	45% of square footage of the lot including dwelling unit and accessory buildings
<p><b>SETBACKS</b></p> <p>front (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt. A front setback also applies to other streets on the side or rear of a lot.)</p> <p>side (Measured from the property line.)</p> <p>rear (Measured from the property line.)</p>	<p>For a habitable structure: 25' from local streets; 35' from collector streets; 45' from arterial streets. Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <hr/> <p>5': dwelling unit 5': detached accessory buildings or structures</p> <hr/> <p>20': dwelling unit 5': detached accessory buildings or structures</p>

ITEM	STANDARDS FOR 2-R
FENCES <sup>10</sup> front, primary	Type of fence: open Maximum height: 42" Minimum setback: property line
side, rear, non-primary front	Type of fence: open, solid Maximum height: 72" Minimum setback: property line
PARKING <sup>11</sup> Dwelling unit, single family	2 off-street spaces/dwelling unit
SIGNAGE <sup>12</sup> Home occupation Subdivision identification	1.5 sq. ft. wall sign 50 sq. ft. monument sign

(a) Lots:

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

(2) Every main building or single household dwelling hereafter constructed in the 2-R zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

<sup>10</sup> Other requirements of performance standards may be found in Article 8 of this Ordinance.

<sup>11</sup> Additional parking standards for all uses permitted in the 2-R Zone District may be found in Article 9 of this Ordinance.

<sup>12</sup> Sign standards for all other signs permitted in the 2-R Zone District may be found in Article 10 of this Ordinance

(5) The minimum lot area of any other main building constructed or altered, shall be not less than six thousand (6,000) square feet.

(b) Performance Standards:

(1) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(3) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(4) Private garages, storage sheds, private noncommercial recreation facilities, workshops, and clubhouses. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of twelve hundred (1,200) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures shall be one story with a maximum height of twenty (20) feet.

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

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

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

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

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

(6) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

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

##### **(1) Purpose**

The 3-R district is intended to provide for small-lot, suburban, one-family and two-family residential development.

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

##### **(a) Principal uses**

- (1) Churches.\*
- (2) Community buildings.\*
- (3) Duplex.
- (4) Duplex with one (1) side zero lot line, located at the common wall, located on a lot which is subdivided after the effective date of this Ordinance.
- (5) Dwelling unit, single family.
- (6) Emergency health care facilities, other than ambulance service facilities.\*
- (7) Emergency, noncommercial, helipad.\*
- (8) Irrigation ditches.
- (9) Outdoor civil defense public warning siren system.
- (10) Public fire and police stations.\*

- (11) Private nonprofit recreational facilities.\*
- (12) Public parks.
- (13) Public recreational facilities.\*
- (14) Public transportation structures and facilities.\*
- (15) Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage.
- (16) Schools, public, parochial, and private.\*
- (17) Transit rights-of-way, including passenger stations.\*
- (18) Utility facilities.

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

(b) Accessory uses

- (1) Amateur radio towers and antennae.
- (2) Amusement centers in public or non-profit recreational facilities.\*
- (3) Church parish house.
- (4) Clubhouses serving a Planned Development or Neighborhood Organization.\*
- (5) Emergency shelters.\*
- (6) Home occupation.
- (7) Keeping of household pets (see performance standards).
- (8) Off-street parking areas.
- (9) Private garage.
- (10) Private, noncommercial greenhouses.
- (11) Private noncommercial recreation facilities
- (12) Private, noncommercial swimming pools.
- (13) Residence for caretaker of public park or public recreation area.
- (14) Satellite dish antennas. See 17-12-2(2).
- (15) Storage sheds.
- (16) Workshops.

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

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

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

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 3-R
MINIMUM LOT SIZE	(a) Newly platted lots must have a minimum size of 6,000 square feet for a single family dwelling and 12,000 square feet for a duplex. Each individual duplex dwelling unit shall have a minimum lot size of 6,000 square feet.
MINIMUM LOT WIDTH	(a) For single family lots platted after January 22, 1975, 60' wide, and for duplex lots, 90' wide or 45' for each unit. (b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975, historical width.
MAXIMUM BUILDING HEIGHT	35': dwelling unit 20': detached accessory structures (not to exceed one story)
MAXIMUM BUILDING COVERAGE	45% of square footage of the lot including dwelling unit and accessory buildings



ITEM	STANDARDS FOR 3-R
<p><b>SETBACKS</b>  front  (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt.  A front setback also applies to other streets on the side or rear of a lot.)</p> <p>side  (Measured from the property line.)</p> <p>rear  (Measured from the property line.)</p>	<p>For a habitable structure:  25' from local streets;  35' from collector streets;  45' from arterial streets.  Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <hr/> <p>5': dwelling unit  5': detached accessory buildings or structures  0': at common wall for subdivided duplexes</p> <hr/> <p>20': dwelling unit  5': detached accessory buildings or structures</p>
<p><b>FENCES<sup>13</sup></b>  front, primary</p> <p>side, rear, non-primary front</p>	<p>Type of fence: open  Maximum height: 42"  Minimum setback: property line</p> <hr/> <p>Type of fence: open, solid  Maximum height: 72"  Minimum setback: property line</p>
<p><b>PARKING<sup>14</sup></b>  Dwelling unit</p>	<p>2 off-street spaces/dwelling unit</p>

<sup>13</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>14</sup> Additional parking standards for all uses permitted in the 3-R Zone District may be found in Article 9 of this Ordinance.

ITEM	STANDARDS FOR 3-R
SIGNAGE <sup>15</sup> Home occupation Subdivision identification	1.5 sq. ft. wall sign 50 sq. ft. monument sign

(a) Lots:

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

(2) Every main building or single household dwelling hereafter constructed in the 3-R zone district which is not part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

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<sup>15</sup> Sign standards for all other signs permitted in the 3-R Zone District may be found in Article 10 of this Ordinance

(3) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest point of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(4) Private garages, storage sheds, private noncommercial recreation facilities, workshops, and clubhouses. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of twelve hundred (1,200) square feet. A private garage constructed as an integral part of the main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building and the garage door openings are in compliance with the standards for garages as set forth in Article 15 of this Ordinance. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure. All accessory structures shall be one story with a maximum height of twenty (20) feet.

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

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

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

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

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

(6) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

**17-5-12. 3-RA: HIGH DENSITY DETACHED/LOW DENSITY ATTACHED RESIDENTIAL DISTRICT.**

**(1) Purpose**

The intent of this residential district is to provide for a variety of housing types including both attached and detached units. Detached housing would include such unit types as small lot detached homes, and patio homes. Attached housing would include duplexes, triplexes, fourplexes, and attached wall townhouses.

**(2) Permitted Uses** 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) Principal uses**

- (1) Churches.\*
- (2) Community buildings.\*
- (3) Duplex dwellings.
- (4) Duplex with one (1) side zero lot line, located at the common wall, located on a lot which is subdivided after the effective date of this Ordinance.
- (5) Dwelling unit, single family.
- (6) Emergency health care facilities, other than ambulance service facilities.\*
- (7) Emergency, noncommercial, helipad.\*
- (8) Irrigation ditches.
- (9) Outdoor civil defense public warning siren system.
- (10) Private nonprofit recreational facilities open to use by the public, which may include, as a Accessory Use, amusement centers.\*
- (11) Public fire and police stations.\*
- (12) Public parks.
- (13) Public recreational facilities, which may include, as a Secondary Use, amusement centers.\*
- (14) Public transportation structures and facilities.\*
- (15) Schools, public, parochial, and private.\*
- (16) Transit rights-of-way, including passenger stations.\*
- (17) Triplexes, fourplexes, and attached wall townhouse dwellings.\*
- (18) Utility facilities.

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

**(b) Accessory uses**

- (1) Amateur radio towers and antennae.
- (2) Amusement centers in public or non-profit recreational facilities.\*
- (3) Church parish house.

- (4) Clubhouses serving a Planned Development or Neighborhood Homeowners Association.\*
- (5) Emergency shelters.\*
- (6) Home occupation.
- (7) Keeping of household pets (see performance standards).
- (8) Off-street parking areas.
- (9) Private garage.
- (10) Private, noncommercial greenhouses.
- (11) Private noncommercial recreation facilities.\*
- (12) Private, noncommercial swimming pools.
- (13) Residence for caretaker of public park or public recreation area if located in such park or area.
- (14) Satellite dish antennas. See 17-12-2(2).
- (15) Storage sheds.
- (16) Workshops.

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

(3) Special Uses The following use is permitted as a Special Use subject to approval of a Special Use Permit as provided in 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.
- (b) Group homes.
- (c) Higher education classrooms and offices.
- (d) Historical buildings, structures and sites.

(4) Unnamed Use

See Section 17-5-6

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

ITEM	STANDARDS FOR 3-RA
MINIMUM LOT SIZE	<p>(a) Newly platted lots for a single family dwelling which is not a part of a larger development that includes common facilities must have a minimum size of 5,450 square feet.</p> <p>(b) Newly platted lots for a duplex that is not a part of a larger development which includes common facilities must have a minimum size of 10,900 square feet.</p> <p>(c) The minimum lot area for any other dwelling unit or combination of dwelling units shall be 5,450 square feet per dwelling unit. This area may be divided in any proportion between the individual lots and common area, provided the total area of the property being developed is not less than 12,000 square feet.</p> <p>(d) The minimum lot area for any other main building constructed or substantially altered shall not be less than 12,000 square feet.</p>
MINIMUM LOT WIDTH	<p>(a) For a single family dwelling, not part of a larger development, 50' wide.</p> <p>(b) For single family dwellings part of a larger development including common facilities, 36' wide.</p> <p>(c) For a duplex, not part of a larger development, 75' wide.</p> <p>(d) For duplexes part of a larger development including common facilities, 70' wide.</p> <p>(e) For attached wall townhouse dwellings, 18' wide, however, the combination of lots, including open space, shall not be less than 100' wide.</p> <p>(f) The minimum lot width for other main buildings shall be 100' wide.</p>
MAXIMUM BUILDING HEIGHT	<p>35': principal structure</p> <p>20': detached accessory structures (not to exceed one story)</p>
MAXIMUM BUILDING COVERAGE	<p>(a) For single family, duplexes, triplexes, fourplexes, and attached wall townhouses not part of a larger development with common facilities, 45% of square footage of the lot area, including principal and accessory buildings.</p> <p>(b) For single family, duplexes, triplexes, fourplexes, and attached wall townhouses as a part of developments that include common facilities, a maximum of 95% of individual lots, however, the maximum build able area, including principal and accessory buildings may comprise no more than 45% of the total land area in the development.</p>

ITEM	STANDARDS FOR 3-RA
<p><b>MINIMUM OPEN SPACE</b></p>	<p>An open space area for all attached wall townhouse developments and all other developments that include common facilities shall be provided in an amount equal to at least 55% of the total lot area. However, an area equal to 35% of the lot area shall be provided as usable open space.</p>
<p><b>SETBACKS</b></p> <p><b>front</b> (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt. A front setback also applies to other streets on the side or rear of a lot.)</p> <p><b>side</b> (Measured from the property line.)</p> <p><b>rear</b> (Measured from the property line.)</p>	<p>For a habitable structure: 25' from local streets; 35' from collector streets; 45' from arterial streets. Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <hr/> <p>5': dwelling unit to lot line without common area; or to perimeter property line with intervening common area. 5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area. 0': at common wall for subdivided duplexes, triplexes, fourplexes, attached wall townhouses, or adjacent to commonly owned areas.</p> <hr/> <p>20': dwelling unit to lot line without common area, or to perimeter property line for dwelling units in developments with intervening common area. 5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area.</p>

ITEM	STANDARDS FOR 3-RA
<b>FENCES<sup>16</sup></b> front, primary    side, rear, non-primary front	Type of fence: open Maximum height: 42" Minimum setback: property line  <hr/> Type of fence: open, solid Maximum height: 72" Minimum setback: property line
<b>PARKING<sup>17</sup></b> Dwelling unit	2 off-street spaces/dwelling unit Driveways shall be a minimum of 20' from structure to back of sidewalk or right-of-way
<b>SIGNAGE<sup>18</sup></b> Home occupation Subdivision identification	1.5 sq. ft. wall sign 50 sq. ft. monument sign

(a) Lots:

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

(2) Every single household dwelling or duplex, and every main building hereafter 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 there may be more than one main building per lot provided the following conditions are satisfied:

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<sup>16</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>17</sup> Additional parking standards for all uses permitted in the 3-RA Zone District may be found in Article 9 of this Ordinance.

<sup>18</sup> Sign standards for all other signs permitted in the 3-RA Zone District may be found in Article 10 of this Ordinance.



a) all buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;

b) all buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(3) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(4) Private garages, storage sheds, private noncommercial recreation facilities, workshops, and clubhouses. No such structure or combination of structures shall exceed ten (10) percent of the lot area, up to a maximum of twelve hundred (1,200) square feet. A private garage constructed as an integral part of the main building shall

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

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

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

(6) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

#### **17-5-14. 4-RA: HIGH DENSITY ATTACHED RESIDENTIAL DISTRICT**

##### **(1) Purpose**

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.

(2) Permitted Uses 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) Primary uses**

- (1) Child care facilities.
- (2) Churches.
- (3) Community buildings.
- (4) Condominium, attached wall townhouse, apartments, stacked flats, garden apartments.
- (5) Duplex.
- (6) Duplex with one (1) side zero lot line, located at the common wall, located on a lot which is subdivided after the effective date of this Ordinance.
- (7) Dwelling unit, single family.
- (8) Emergency health care facilities, other than ambulance service facilities.
- (9) Emergency, noncommercial, helipad.
- (10) Irrigation ditches.
- (11) Multiple household dwelling units.
- (12) Outdoor civil defense public warning siren system.
- (13) Private nonprofit recreational facilities.
- (14) Public fire and police stations.

- (15) Public parks.
- (16) Public recreational facilities.
- (17) Public transportation structures and facilities.
- (18) Residential health care facility.
- (19) Public, parochial, and private schools.
- (20) Transit rights-of-way, including passenger stations.
- (21) Utility facilities.

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

(b) Accessory Uses

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

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

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

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

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 4-RA
MINIMUM LOT SIZE	<p>(a) Newly platted lots must have a minimum lot area of 2,430 square feet per dwelling unit, except that no such lot or combination of lots shall be less than 12,500 square feet in area.</p> <p>(b) For townhouse developments, the 2,430 square foot lot area may be divided in any proportion between the lot and the common area.</p> <p>(c) Newly platted lots for a single family dwelling must have a minimum size of 5,450 square feet.</p> <p>(d) Newly platted lots for a duplex must have a minimum size of 10,900 square feet.</p> <p>(e) For any building other than a dwelling unit, the minimum lot size shall be 12,500 square feet.</p>
MINIMUM LOT WIDTH	<p>(a) For lots platted after January 22, 1975, the following standards shall apply:</p> <ol style="list-style-type: none"> <li>(1) For a single family dwelling, not part of a larger development, 50' wide.</li> <li>(2) For a duplex, not part of a larger development, 75' wide or 36' wide for a half of a duplex.</li> <li>(3) For a multiple family attached wall townhouse dwellings, 18' wide; however, the combination of lots, including open space, shall not be less than 100' wide.</li> <li>(4) For any other principal building the minimum lot width shall be 100' wide.</li> </ol> <p>(b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975, historical width.</p>
MAXIMUM BUILDING HEIGHT	<p>35': dwelling unit</p> <p>20': detached accessory structures (not to exceed one story)</p>

ITEM	STANDARDS FOR 4-RA
MAXIMUM BUILDING COVERAGE	45% of the total lot area, including dwelling units, accessory buildings, drive aisles, and parking areas.
MINIMUM OPEN SPACE	An open space area for all attached wall townhouse developments and all other multifamily developments that include common area shall be provided in an amount equal to at least 55% of the total lot area and 35% of that lot area shall be provided as usable open space.
<p><b>SETBACKS</b>  (a) Single family and duplex</p> <p style="padding-left: 40px;">front  (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt.  A front setback also applies to other streets on the side or rear of a lot.)</p> <p style="padding-left: 40px;">side  (Measured from the property line.)</p>	<p>For a habitable structure:  25' from local streets;  35' from collector streets;  45' from arterial streets.  Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <p>5': dwelling unit to lot line without common area; or to perimeter property line with intervening common area.  5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area.  0': at common wall for subdivided duplexes, triplexes, fourplexes, attached wall townhouses, or adjacent to commonly owned areas.</p>

ITEM	STANDARDS FOR 4-RA																
rear (Measured from the property line.)	20': dwelling unit to lot line without common area, or to perimeter property line for dwelling units in developments with intervening common area. 5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area.																
(b) Multiple household dwelling units																	
front (Measured from the property line.)	<table><tr><td></td><td>1 Story</td><td>2 Stories</td><td>3 Stories</td></tr><tr><td>Local streets<sup>23</sup></td><td>20'</td><td>35'</td><td>45'</td></tr><tr><td>Collector streets</td><td>30'</td><td>45'</td><td>55'</td></tr><tr><td>Arterial streets</td><td>40'</td><td>55'</td><td>60'</td></tr></table> Private garages and other accessory buildings: shall be setback from the property line equal to or greater than the principal structure on the property.		1 Story	2 Stories	3 Stories	Local streets <sup>23</sup>	20'	35'	45'	Collector streets	30'	45'	55'	Arterial streets	40'	55'	60'
	1 Story	2 Stories	3 Stories														
Local streets <sup>23</sup>	20'	35'	45'														
Collector streets	30'	45'	55'														
Arterial streets	40'	55'	60'														
side (Measured from the property line.)	1 Story: 20' 2 Story: 25' 3 Story: 35' 10': detached accessory buildings																
rear (Measured from the property line.)	1 Story: 30' 2 Story: 35' 3 Story: 45' 15': detached accessory buildings																
FENCES <sup>24</sup>																	
front, primary	Type of fence: open Maximum height: 42" Minimum setback: property line																
side, rear, non-primary front	Type of fence: open, solid Maximum height: 72" Minimum setback: property line																

<sup>23</sup> Local streets includes private streets or private drives serving as streets.

<sup>24</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

ITEM	STANDARDS FOR 4-RA
<b>PARKING<sup>25</sup></b>	
multi-family	studio and 1-bedroom: 1.0 space plus guest 2-bedroom: 1.5 spaces plus guest 3-bedroom or greater: 2.0 spaces plus guest guest: 0.5 space per dwelling unit
elderly low/ moderate income	0.75 spaces per dwelling unit
residential health care	0.3 spaces per bed
group living	0.5 spaces per bed plus 1 space per facility vehicle
child care facility	3 spaces per 1,000 square feet plus 1 space per facility vehicle
<b>SIGNAGE<sup>26</sup></b>	
Building identification	8 sq. ft. wall or monument sign
Project identification	50 sq. ft. wall or monument sign

(a) Lot requirements:

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

(2) Every single family dwelling that is constructed in the 4-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 4-RA district where common facilities are provided there may be more than one main building per lot provided the following conditions are satisfied:

<sup>25</sup> Additional parking standards for all uses permitted in the 4-RA Zone District may be found in Article 9 of this Ordinance.

<sup>26</sup> Sign standards for all other signs permitted in the 4-RA Zone District may be found in Article 10 of this Ordinance.



a) All buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;

b) All buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(3) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(4) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the gross floor area of the main building, except as otherwise specifically allowed in this Article.

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

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

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

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

(6) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

**17-5-15. 5-R: HIGHER DENSITY RESIDENTIAL DISTRICT.**

**(1) Purpose**

The intent of this residential district is to provide for a mixture of the high density housing types including, but not limited to, condominium, stacked flats, garden apartments, and apartments.

**(2) Permitted Uses**

**(a) Principal Uses**

- (1) Child care facilities.
- (2) Churches.
- (3) Community buildings.
- (4) Condominium, attached wall townhouse, apartments, stacked flats, garden apartments.
- (5) Duplex.
- (6) Duplex with one (1) side zero lot line, located at the common wall, located on a lot which is subdivided after the effective date of this Ordinance.
- (7) Dwelling unit, single family.
- (8) Emergency health care facilities, other than ambulance service facilities.
- (9) Emergency, noncommercial, helipad.
- (10) Group living quarters for elderly persons and group living quarters for victims of domestic violence.

- (11) Irrigation ditches.
- (12) Multiple household dwelling units.
- (13) Outdoor civil defense public warning siren system.
- (14) Private nonprofit recreational facilities.
- (15) Public fire and police stations.
- (16) Public parks.
- (17) Public recreational facilities.
- (18) Public transportation structures and facilities.
- (19) Residential health care facilities.
- (20) Public, parochial, and private schools.
- (21) Transit rights-of-way, including passenger stations.
- (22) Utility facilities.

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

(b) Accessory Uses

- (1) Amateur radio towers and antennae.
- (2) Amusement centers in public or non-profit recreational facilities.\*
- (3) Any use permitted within the OF District or the 1-C District.\*
- (4) Church parish house.
- (5) Clubhouses serving a Planned Development or Neighborhood Homeowners Association.\*
- (6) Emergency shelters.\*
- (7) Home occupation.
- (8) Keeping of household pets (see performance standards).
- (9) Off-street parking areas.
- (10) Private garage.
- (11) Private noncommercial athletic or recreational facilities operated for the benefit of members only and not for economic gain.
- (12) Private, noncommercial greenhouses.
- (13) Private, noncommercial swimming pools.
- (14) Residence for caretaker of public park or public recreation area.
- (15) Satellite dish antennas. See 17-12-2(2).
- (16) Storage sheds.
- (17) Workshops.

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

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

- (a) Density bonus of up to 15% over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.
- (b) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.

- (c) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent/neglected children, and temporary shelter of homeless persons.
- (d) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- (e) Higher education classrooms and offices.
- (f) Historical buildings, structures and sites.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 5-R
MINIMUM LOT SIZE	<p>(a) Newly platted multi-family lots must have a minimum lot area of 1,750 square feet per dwelling unit. For any such multiple household dwelling unit, the one thousand seven hundred and fifty (1,750) square feet for each dwelling unit may be divided in any proportion between the lot and the common area. (b) For a child care facility, the minimum lot size shall be 21,780 square feet.</p> <p>(c) Newly platted lots for a single family dwelling unit must have a minimum size of 5,450 square feet.</p> <p>(d) Newly platted lots for a duplex must have a minimum size of 10,900 square feet.</p>
MINIMUM LOT WIDTH	<p>(a) For lots platted after January 22, 1975, the following standards shall apply:</p> <ul style="list-style-type: none"> <li>(1) For a single family dwelling, not part of a larger development, 50' wide.</li> <li>(2) For a duplex, not part of a larger development, 75' wide or 36' wide for a half of a duplex.</li> <li>(3) For a multiple family attached wall townhouse dwellings, 18' wide; however, the combination of lots, including open space, shall not be less than 100' wide.</li> <li>(4) For any other principal building the minimum lot width shall be 100' wide.</li> </ul> <p>(b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975, historical width.</p>

ITEM	STANDARDS FOR 5-R
MAXIMUM BUILDING HEIGHT	50': dwelling unit 20': detached accessory structures (not to exceed one story)
MAXIMUM BUILDING COVERAGE	45% of the total lot area, including dwelling unit, accessory buildings, drive aisles, and parking areas.
MINIMUM OPEN SPACE	An open space area shall be provided in an amount equal to at least 55% of the total lot area and 35% of that lot area shall be provided as usable open space. <sup>27</sup>
<p><b>SETBACKS</b> (a) Single family and duplex</p> <p>front (All front setbacks are measured from the back of curb. If a curb does not exist, add three (3) feet to the setback value listed to the right and measure the setback from the edge of the asphalt. A front setback also applies to other streets on the side or rear of a lot.)</p> <p>side (Measured from the property line.)</p>	<p>For a habitable structure: 25' from local streets; 35' from collector streets; 45' from arterial streets. Garages must be set back a minimum of eighteen (18) feet from the back of a detached sidewalk, or twenty-three (23) feet from the back of an attached sidewalk, or twenty-nine (29) feet from the edge of the asphalt when no sidewalk is existing. All other accessory buildings must be behind the front edge of the principal structure.</p> <p>5': dwelling unit to lot line without common area; or to perimeter property line with intervening common area. 5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area. 0': at common wall for subdivided duplexes, triplexes, fourplexes, attached wall townhouses, or adjacent to commonly owned areas.</p>

<sup>27</sup> The required amount of on-site open space area for higher density multi-family development in activity centers and along the Colfax Corridor will be calculated according to the recommendations of the Urban Design Plan for these areas. Until such time as specific Urban Design Plans are adopted by the City, the above listed requirements shall apply.

ITEM	STANDARDS FOR 5-R																
rear (Measured from the property line.)	20': dwelling unit to lot line without common area, or to perimeter property line for principal structures in developments with intervening common area. 5': detached accessory buildings on lots without common area; or on individual lots in developments with common area; or accessory buildings to perimeter property line or individual dwelling lot lines on common area.																
(b) multiple household dwelling units front (Measured from the property line.)	<table><tr><td></td><td>1 Story</td><td>2 Stories</td><td>3 Stories</td></tr><tr><td>Local streets<sup>28</sup></td><td>20'</td><td>35'</td><td>45'</td></tr><tr><td>Collector streets</td><td>30'</td><td>45'</td><td>55'</td></tr><tr><td>Arterial streets</td><td>40'</td><td>55'</td><td>60'</td></tr></table> Private garages and other accessory buildings: shall be setback from the property line equal to or greater than the principal structure on the property.		1 Story	2 Stories	3 Stories	Local streets <sup>28</sup>	20'	35'	45'	Collector streets	30'	45'	55'	Arterial streets	40'	55'	60'
	1 Story	2 Stories	3 Stories														
Local streets <sup>28</sup>	20'	35'	45'														
Collector streets	30'	45'	55'														
Arterial streets	40'	55'	60'														
side (Measured from the property line.)  rear (Measured from the property line.)	1 Story: 20' 2 Story: 25' 3 Story: 35' 10': detached accessory buildings <hr/> 1 Story: 30' 2 Story: 35' 3 Story: 45' 15': detached accessory buildings																
FENCES <sup>29</sup> front, primary  side, rear, non-primary front	Type of fence: open Maximum height: 42" Minimum setback: property line <hr/> Type of fence: open, solid Maximum height: 72" Minimum setback: property line																

<sup>28</sup> Local streets includes private streets or private drives serving as streets.

<sup>29</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

ITEM	STANDARDS FOR 5-R
<b>PARKING<sup>30</sup></b>	
multi-family	studio and 1-bedroom: 1.0 space plus guest 2-bedroom: 1.5 spaces plus guest 3-bedroom or greater: 2.0 spaces plus guest guest: 0.5 space per dwelling unit
elderly low/ moderate income	0.75 spaces per dwelling unit
residential health care	0.3 spaces per bed
group living	0.5 spaces per bed plus 1 space per facility vehicle
child care facility	3 spaces per 1,000 square feet plus 1 space per facility vehicle
<b>SIGNAGE<sup>31</sup></b>	
Building identification	8 sq. ft. wall or monument sign
Project identification	50 sq. ft. wall or monument sign

(a) Lot requirements:

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

(2) Every main building hereafter constructed in the 5-R zone district and every single household dwelling unit or duplex that is constructed in the 5-R zone district which is not a part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot. In the 5-R district where common facilities are provided there may be more than one main building per lot provided the following conditions are satisfied:

- a) All buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;

<sup>30</sup> Additional parking standards for all uses permitted in the 5-R Zone District may be found in Article 9 of this Ordinance.

<sup>31</sup> Sign standards for all other signs permitted in the 5-R Zone District may be found in Article 10 of this Ordinance

b) All buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(3) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(4) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the gross floor area of the main building, except as otherwise specifically allowed in this Article.

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

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

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



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

(6) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

**17-5-16.      5-RA: UNLIMITED DENSITY RESIDENTIAL.**

**(1) Purpose**

The intent of this residential district is to provide for a mixture of the highest density housing types including, but not limited to, condominium and apartments in appropriate locations within activity centers and other special locations as designated in the Comprehensive Plan.

(2) Permitted Uses 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) Principal Uses**

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

(20) Utility facilities.

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

(b) Accessory Uses

- (1) Amateur radio towers and antennae.
- (2) Amusement centers in public or non-profit recreational facilities.\*
- (3) Any use permitted within the OF District or the 1-C District.\*
- (4) Church parish house.
- (5) Clubhouses serving a Planned Development or Neighborhood Homeowners Association.\*
- (6) Emergency shelters.\*
- (7) Keeping of household pets (see performance standards).
- (8) Off-street parking areas.\*
- (9) Private garage.
- (10) Private noncommercial recreational facilities.\*
- (11) Private, noncommercial greenhouses.
- (12) Private, noncommercial swimming pools.
- (13) Residence for caretaker of public park or public recreation area.
- (14) Satellite dish antennas. See 17-12-2(2).
- (15) Storage sheds.
- (16) Workshops.

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

(3) Special Uses The following uses are permitted as special uses subject to approval of a Special Use Permit as provided for within 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.
- (b) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent/neglected children, and temporary shelter of homeless persons.
- (c) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- (d) Higher education classrooms and offices.
- (e) Historical buildings, structures and sites.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 5-RA
MINIMUM LOT SIZE	<p>(a) Newly platted lots must have a minimum lot area of 43,560 square feet.</p> <p>(b) There is no minimum area per dwelling unit as there is no maximum density, however the minimum density is 25 units per acre.</p> <p>(c) For a child care facility, the minimum lot area shall be 21,780 square feet.</p>
MINIMUM LOT WIDTH	150' wide.
MAXIMUM BUILDING HEIGHT	<p>None: dwelling unit</p> <p>20': detached accessory structures (not to exceed one story)</p>
MAXIMUM BUILDING COVERAGE	(a) 45% of the total lot area, including dwelling units, accessory buildings, drive aisles, and parking areas.
MINIMUM OPEN SPACE	An open space area shall be provided in an amount equal to at least 55% of the total lot area. However, an area equal to 35% of the lot area shall be provided as usable open space. <sup>32</sup>

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<sup>32</sup> The required amount of on-site open space area for unlimited density multi-family development in activity centers 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.

ITEM	STANDARDS FOR 5-RA
<b>SETBACKS</b> front (Measured from the property line.)	<div> 1 Story    2 Stories    3 Stories or greater. </div> <div> Local streets<sup>33</sup>    20'    35'    45' </div> <div> Collector streets    30'    45'    55' </div> <div> Arterial streets    40'    55'    60' </div> <div> Private garages and other accessory buildings: shall be setback from the property line equal to or greater than the principal structure on the property. </div> <hr/> <div> side  (Measured from the property line.) </div> <div> 1 Story: 20' </div> <div> 2 Story: 25' </div> <div> 3 Story: 35' </div> <div> 10': detached accessory buildings </div> <hr/> <div> rear  (Measured from the property line.) </div> <div> 1 Story: 30' </div> <div> 2 Story: 35' </div> <div> 3 Story: 45' </div> <div> 15': detached accessory buildings </div>
<b>FENCES<sup>34</sup></b> front, primary	<div> Type of fence: open </div> <div> Maximum height: 42" </div> <div> Minimum setback: property line </div> <hr/> <div> side, rear, non-primary front </div> <div> Type of fence: open, solid </div> <div> Maximum height: 72" </div> <div> Minimum setback: property line </div>

<sup>33</sup> Local streets includes private streets or private drives serving as streets.

<sup>34</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

ITEM	STANDARDS FOR 5-RA
<b>PARKING<sup>35</sup></b>	
multi-family	studio and 1-bedroom: 1.0 space plus guest 2-bedroom: 1.5 spaces plus guest 3-bedroom or greater: 2.0 spaces plus guest guest: 0.5 space per dwelling unit
elderly low/ moderate income	0.75 spaces per dwelling unit
residential health care	0.3 spaces per bed
group living	0.5 spaces per bed plus 1 space per facility vehicle
child care facility	3 spaces per 1,000 square feet plus 1 space per facility vehicle
<b>SIGNAGE<sup>36</sup></b>	
Building identification	8 sq. ft. wall or monument sign
Project identification	50 sq. ft. wall or monument sign

(a) Lots:

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

(2) Every main building hereafter constructed in the 5-RA zone district and every single household dwelling unit or duplex that is constructed in the 5-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 5-RA district where common facilities are provided there may be more than one main building per lot provided the following conditions are satisfied:

<sup>35</sup> Additional parking standards for all uses permitted in the 5-RA Zone District may be found in Article 9 of this Ordinance.

<sup>36</sup> Sign standards for all other signs permitted in the 5-RA Zone District may be found in Article 10 of this Ordinance.

a) All buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;

b) All buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance.

(3) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(4) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(3) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(4) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the gross floor area of the main building, except as otherwise specifically allowed in this Article. The entrance to any such Accessory Use shall be from inside the main building and no sign advertising said use shall be visible from outside the building.

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

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

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

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

(6) The property owner for any proposed development in this Zone District which proposes to create two (2) or more residential lots shall submit with the subdivision, design controls and standards which comply with Article 15 of the Zoning Ordinance. Said design controls and standards shall be adhered to as approved or may be amended in accordance with Article 15.

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

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

##### **(1) Purpose**

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

(2) Permitted Uses No building, structure, mobile home, or land within the 6-R District shall be used and no building, structure, or mobile home shall be hereafter constructed or altered except for one or more of the following uses:

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

- (1) Churches.
- (2) Community buildings.
- (3) Emergency health care facilities, other than ambulance service facilities.
- (4) Emergency, noncommercial, helipad.
- (5) Irrigation ditches.
- (6) Mobile homes.
- (7) Office facilities for management of park.
- (8) Outdoor civil defense public warning siren system.
- (9) Private nonprofit recreational facilities.
- (10) Public fire and police stations.
- (11) Public parks.

- (12) Public recreational facilities.
- (13) Public transportation structures and facilities.
- (14) Schools, public, parochial, and private.
- (15) Single household dwelling for park manager.
- (16) Structures which contain a mobile home and provide additional living area.
- (17) Transit rights-of-way, including passenger stations.
- (18) Utility facilities.

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

(b) Accessory Uses

- (1) Accessory structures, including carports or other off-street parking, storage structures, patios, patio covers, and other appurtenances.
- (2) Amateur radio towers and antennae.
- (3) Amusement centers in public or non-profit recreational facilities.\*
- (4) Church parish house.
- (5) Clubhouses serving a Planned Development or Neighborhood Homeowners Association.\*
- (6) Common facilities such as laundry rooms, toilet rooms, shower and bath houses, and indoor or outdoor recreation facilities.
- (7) Emergency shelters.\*
- (8) Keeping of household pets (see performance standards).
- (9) Off-street parking areas.
- (10) Private garage.
- (11) Private, noncommercial greenhouses.
- (12) Private noncommercial recreation facilities.\*
- (13) Private, noncommercial swimming pools.
- (14) Residence for caretaker of public park or public recreation area.
- (15) Satellite dish antennas. See 17-12-2(2).
- (16) Storage sheds.
- (17) Workshops.

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

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

- (a) 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.
- (b) Higher education classrooms and offices.
- (c) Historical buildings, structures and sites.

(4) Unnamed Use

See Section 17-5-6.



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

ITEM	STANDARDS FOR 6-R
MINIMUM LOT SIZE	<p>(a) There shall be a minimum parcel size of 5 acres.</p> <p>(b) Newly platted lots for single wide dwellings must have a minimum size of 2,400 square feet.</p> <p>(c) Newly platted lots for double wide dwellings must have a minimum size of 3,600 square feet.</p>
MINIMUM LOT WIDTH	<p>(a) For single wide lots platted after January 22, 1975, 35' wide.</p> <p>(b) For double wide lots platted after January 22, 1975, 40' wide.</p> <p>(b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to January 22, 1975, historical width.</p>
MAXIMUM BUILDING HEIGHT	<p>35': dwelling unit</p> <p>10': detached accessory structures (not to exceed one story)</p>
MINIMUM OPEN SPACE	Any new mobile home parks, or a 20% expansion of gross land area of an existing mobile home park shall require the provision of at least 8% of the gross land area as recreational facilities in a central location, separate from the mobile home spaces. This area is in addition to the buffer area required by Article 15 of this Ordinance.

ITEM	STANDARDS FOR 6-R
<b>SETBACKS</b> (applicable to each mobile home park) front     side     rear     front (individual spaces)     side     rear	30': local streets 40': collector streets 50': arterial streets Accessory buildings: shall be setback from the property line equal to or greater than the principal structure(s) on the property. <hr/> 30': dwelling unit 15': detached accessory buildings <hr/> 30': dwelling unit 15': detached accessory buildings <hr/> 5' <hr/> 15': entry side 4': side opposite entry <hr/> 5'
<b>FENCES<sup>37</sup></b> front, primary     side, rear, non-primary front	Type of fence: open Maximum height: 42" Minimum setback: property line  Type of fence: open, solid Maximum height: 72" Minimum setback: property line
<b>PARKING<sup>38</sup></b> mobile home	2 off-street spaces/mobile home

<sup>37</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>38</sup> Additional parking standards for all uses permitted in the 6-R Zone District may be found in Article 9 of this Ordinance.

ITEM	STANDARDS FOR 6-R
SIGNAGE <sup>39</sup> Project identification	50 sq. ft. wall or monument sign

(a) Lots:

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

(2) Every main building hereafter constructed in the 6-R zone districts and every single household dwelling unit that is placed in the 6-R zone district which is not a part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot. In the 6-R district where common facilities are provided there may be more than one main building per lot provided the following conditions are satisfied:

a) All buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses;

b) All buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood subdivision Ordinance.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) All uses in the 6-R District shall conform to the following:

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<sup>39</sup> Sign standards for all other signs permitted in the 6-R Zone District may be found in Article 10 of this Ordinance

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

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

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

(d) All internal streets or drives shall be maintained with a travel lane of 24 feet in width to provide adequate emergency vehicle access.

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

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

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

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

(3) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be set back a distance from the property line equal to, or exceeding the height of the pole. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(5) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines.

Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(6) Accessory Uses. A maximum of 120 square feet per dwelling unit.

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

#### **17-5-18. OF: OFFICE DISTRICT**

##### **(1) Purpose**

The OF district is intended to provide for a variety of office developments including professional, financial, medical, and similar services to local residents, and corporate offices for regional and national operations.

(2) Permitted Uses No building or land within the OF District shall be used and no building shall be hereafter constructed or altered, except for one or more of the following uses:

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

- (1) Art gallery (public and private non-profit), art studio.
- (2) Banks, savings and loans, and other financial institutions.
- (3) Business and professional offices.
- (4) Child and adult day care facilities.
- (5) Churches.
- (6) Colleges, universities, vocational, trade or professional schools, and schools for the developmentally disabled.
- (7) Community buildings.
- (8) Dance studio.
- (9) Dental clinic, laboratory.
- (10) Emergency health care facilities, other than ambulance service facilities.
- (11) Emergency, noncommercial, helipad.
- (12) General office uses, includes both public and private office uses.
- (13) Group living for elderly, and victims of domestic violence.
- (14) Hair care facilities.
- (15) Hospitals.
- (16) Irrigation ditches.
- (17) Medical clinics and medical laboratories.
- (18) Mortuaries, including cremation facilities.
- (19) Municipal buildings.
- (20) Museum (public and private non-profit).
- (21) Music, radio and television studios, excluding towers and antennae.
- (22) Newspaper offices.
- (23) Optical clinics and optical laboratories.
- (24) Outdoor civil defense public warning siren system.

- (25) Parking for automobiles of the clients, patients, patrons or customers of the occupants of adjacent commercial zone districts.
- (26) Pharmacies.
- (27) Post office, including drive-through facilities.
- (28) Printing facilities.
- (29) Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
- (30) Private nonprofit recreational facilities.
- (31) Professional health facilities.
- (32) Public fire and police stations.
- (33) Public health clinics.
- (34) Public library.
- (35) Public parks.
- (36) Public recreational facilities.
- (37) Public transportation structures and facilities.
- (38) Public use facilities.
- (39) Residential health care facility.
- (40) Schools, public, parochial, and private.
- (41) Transit rights-of-way, including passenger stations.
- (42) Utility facilities.
- (43) Veterinary clinics for small animals.

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

(b) Accessory Uses

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

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

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

- (a) Automobile rental/leasing.
- (b) Correctional institutions.

- (c) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- (d) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent, neglected children, temporary shelter of homeless persons, and adult or juvenile offenders.
- (e) Historical buildings, structures and sites.
- (f) Trade and technical services.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR OF
MAXIMUM BUILDING HEIGHT	60': principal structure
MAXIMUM BUILDING COVERAGE	75% of square footage of the lot including principal and accessory buildings, parking, and drive aisles.
MINIMUM OPEN SPACE	25% of square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters





ITEM	STANDARDS FOR OF
PARKING <sup>41</sup> general and medical office	4 spaces per 1,000 square feet gross floor area.

(a) Lots:

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

(2) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

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

(2) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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<sup>41</sup> Additional parking standards for all uses permitted in the OF Zone District may be found in Article 9 of this Ordinance.

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

(4) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the total gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.

(5) A mobile home or other structure may be used temporarily for office purposes during construction or remodeling activities connected with a use permitted on a lot; provided that:

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

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

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

(6) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

#### **17-5-19. 1-C: CONVENIENCE COMMERCIAL DISTRICT .**

##### **(1) Purpose**

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

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

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

- (1) Art gallery, art studio.
- (2) Banks, savings and loans, and other financial institutions.
- (3) Child and adult day care facilities.
- (4) Churches.
- (5) Cold storage lockers, but not including slaughtering on the premises.
- (6) Colleges, universities, vocational, trade or professional schools, and schools for the developmentally disabled.

- (7) Community Buildings.
- (8) Dance studio.
- (9) Dental clinic, laboratory.
- (10) Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
- (11) Drive-through car wash.
- (12) Emergency health care facilities, other than ambulance service facilities.
- (13) Emergency, noncommercial, helipad.
- (14) Garment work.
- (15) General office uses, includes both public and private office uses.
- (16) General retail uses except those listed in other specific zone districts.
- (17) Group living for elderly, and victims of domestic violence.
- (18) Hair care facilities.
- (19) Home service and appliance repair outlets.
- (20) Hospitals.
- (21) Irrigation ditches.
- (22) Market, including convenience and supermarkets.
- (23) Medical clinics and laboratories.
- (24) Mortuaries, including cremation facilities.
- (25) Motels.
- (26) Motor fuel filling and service stations, including those associated with food stores.
- (27) Municipal buildings.
- (28) Museum.
- (29) Music, radio and television studios.
- (30) Newspaper offices.
- (31) Optical clinics and laboratories.
- (32) Outdoor civil defense public warning siren system.
- (33) Package liquor stores, fermented malt beverage stores or outlets, and taverns.
- (34) Pharmacies.
- (35) Post office, including drive-through facilities.
- (36) Printing establishment.
- (37) Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
- (38) Professional health facilities.
- (39) Public fire and police stations.
- (40) Public health clinics.
- (41) Public library.
- (42) Public and private museum.
- (43) Public parks.
- (44) Public recreational facilities.
- (45) Public transportation structures and facilities.
- (46) Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower. See 5-C (Large Lot Commercial).
- (47) Residential health care facility.
- (48) Restaurant, specialty food service, and other outlets for sale of prepared foods, without facilities.
- (49) Schools, public, parochial, and private.
- (50) 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.

- (51) Transit rights-of-way, including passenger stations.
- (52) Utility facilities.
- (53) Vehicle repair, minor.
- (54) Watch and jewelry sales and repair shops.

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

(b) Accessory Uses

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

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

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

- (a) Automobile rental/leasing.
- (b) Correctional institutions.
- (c) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- (d) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent, neglected children, temporary shelter of homeless persons, and adult or juvenile offenders.
- (e) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- (f) Historical buildings, structures and sites.
- (g) Trade and technical services.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 1-C
MAXIMUM BUILDING HEIGHT	60': office structure 35': all other structures, except that canopies for motor fuel filling stations shall not exceed twenty (20) feet in height.
MAXIMUM BUILDING COVERAGE	75% of square footage of the lot including principal and accessory buildings, parking, and drive aisles.
MINIMUM OPEN SPACE	25% of square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters



ITEM	STANDARDS FOR 1-C
<b>FENCES<sup>42</sup></b>	
front yard, primary	Minimum setback: front face of existing building Type of fence: open Maximum height: 72"
front, non-primary	Minimum setback: front face of existing building Type of fence: open Maximum height: 72"
side, rear	Minimum setback: property line Type of fence: open, solid Maximum height: 72"
<b>PARKING<sup>43</sup></b>	
general retail	4.0 spaces/1,000 sq. ft. of gross floor area

(a) Lots:

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

(2) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) No outdoor storage of materials, products, or goods of any kind is permitted within this Zone District. Enclosed accessory storage sheds or structures meeting the Design Controls of the City are permitted with an approved site plan and building permits,

<sup>42</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>43</sup> Additional parking standards for all uses permitted in the 1-C Zone District may be found in Article 9 of this Ordinance.

which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures.

(2) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(4) Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.

(5) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than ten (10) percent of the total gross floor area on the property. No sign advertising said Accessory Uses shall be visible from outside the building.

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

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

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

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

(7) Except where specifically permitted, uses listed in this Section shall not be designated or operated as drive-through facilities.



(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

**17-5-20. 2-C: NEIGHBORHOOD COMMERCIAL DISTRICT.**

**(1) Purpose**

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

**(2) Permitted Uses** No building or land within the 2-C District shall be used and no building shall be hereafter constructed or altered except for any of the following uses:

**(a) Principal Uses**

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

- (30) Newspaper offices.
- (31) Optical clinics and laboratories.
- (32) Outdoor civil defense public warning siren system.
- (33) Package liquor stores, fermented malt beverage stores or outlets, and taverns.\*
- (34) Pharmacies.
- (35) Post office, including drive-through facilities.
- (36) Printing establishment.
- (37) Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
- (38) Professional health facilities.
- (39) Public fire and police stations.
- (40) Public health clinics.
- (41) Public library.
- (42) Public and private museum.
- (43) Public parks.
- (44) Public recreational facilities.
- (45) Public transportation structures and facilities.
- (46) Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower. See 5-C (Large Lot Commercial).
- (47) Residential health care facility.
- (48) Restaurant, specialty food service, and other outlets for sale of prepared foods, without facilities.
- (49) Schools, public, parochial, and private.
- (50) Store for retail trade not specifically provided for within other zone districts.
- (51) 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.
- (52) Transit rights-of-way, including passenger stations.
- (53) Utility facilities.
- (54) Vehicle repair, minor.
- (55) Watch and jewelry sales and repair shops.

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

(b) Accessory Uses

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

(12) Satellite Dish Antennas. See 17-12-2(2).

(13) Storage sheds that are architecturally compatible with the principal building(s). \*

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

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

(a) Automobile rental/leasing.

(b) Correctional institutions.

(c) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.

(d) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent, neglected children, temporary shelter of homeless persons, and adult or juvenile offenders.

(e) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.

(f) Historical buildings, structures and sites.

(g) Trade and technical services.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 2-C
MAXIMUM BUILDING HEIGHT	60': office structure 45': all other structures, except that canopies for motor fuel filling stations shall not exceed twenty (20) feet in height.
MAXIMUM BUILDING COVERAGE	75% of square footage of the lot including principal and accessory buildings, parking, and drive aisles.
MINIMUM OPEN SPACE	25% of square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.



ITEM	STANDARDS FOR 2-C
FENCES <sup>44</sup>	
front, primary	Minimum setback: front face of existing building Type of fence: open Maximum height: 72"
front, non-primary	Minimum setback: face of existing building Type of fence: open Maximum height: 72"
side, rear	Minimum setback: property line Type of fence: open, solid Maximum height: 72"
PARKING <sup>45</sup>	
general retail	4.0 spaces/1,000 sq. ft. of gross floor area

(a) Lots:

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

(2) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

<sup>44</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>45</sup> Additional parking standards for all uses permitted in the 2-C Zone District may be found in Article 9 of this Ordinance.

(b) Performance Standards:

(1) For every main building hereafter constructed or substantially altered, the building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provisions of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

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

(3) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(5) Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.

(6) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than fifteen (15) percent of the total gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.

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

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

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

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

(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

**17-5-21. 3-C: COMMUNITY COMMERCIAL DISTRICT.**

(1) Purpose

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

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

(a) Principal Uses

- (1) Adult businesses, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
- (2) Ambulance service facilities.
- (3) Amusement centers, if otherwise in conformance with the City of Lakewood Municipal Code.
- (4) Art gallery, art studio.
- (5) Banks, savings and loans, and other financial institutions.
- (6) Bowling centers.
- (7) Child and adult day care facilities.
- (8) Churches.
- (9) Cold storage lockers, but not including slaughtering on the premises.
- (10) Colleges, universities, vocational, trade or professional schools, and schools for the developmentally disabled.
- (11) Community Buildings.
- (12) Dance halls, studios.
- (13) Dental clinic, laboratory.
- (14) Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
- (15) Drive-through car wash.
- (16) Emergency health care facilities.
- (17) Emergency, noncommercial, helipad.
- (18) Farmers market, with outdoor display.
- (19) Garment work.
- (20) General office uses, includes both public and private office uses.
- (21) General retail uses except those listed in other specific zone districts.
- (22) Group living for elderly, and victims of domestic violence.
- (23) Hair care facilities.
- (24) Home improvement centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.

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



- (66) Utility facilities.
- (67) Vehicle repair, minor.
- (68) Watch and jewelry sales and repair shops.

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

(b) Accessory Uses

- (1) Amusement center in public or non-profit recreational facilities.\*
- (2) Buildings housing personnel employed on the grounds of a hospital.
- (3) Carnivals and fairs, but only if located further than five hundred (500) feet from any residential district, and only if operated for a period of time not to exceed fourteen (14) days in each year.\*
- (4) Church parish house.
- (5) Dwelling unit for one household in an office or retail commercial building for occupancy by the owner or operator of the office or commercial use.
- (6) Emergency shelters.\*
- (7) Keeping of household pets (see performance standards).
- (8) Off-street parking areas.
- (9) Private, noncommercial greenhouses.
- (10) Private, noncommercial swimming pools.
- (11) Residence for caretaker of public park or public recreation area.
- (12) Satellite dish antennas. See 17-12-2(2).
- (13) Storage sheds that are architecturally compatible with the principal building(s).\*

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

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

- (a) Automobile rental/leasing.
- (b) Correctional institutions.
- (c) Entertainment center (minimum of 10,000 square feet).
- (d) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- (e) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent, neglected children, temporary shelter of homeless persons, and adult or juvenile offenders.
- (f) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- (g) Historical buildings, structures and sites.
- (h) Trade and technical services.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 3-C
MAXIMUM BUILDING HEIGHT	60': principal structure, except that canopies for motor fuel filling stations shall not exceed twenty (20) feet in height.
MAXIMUM BUILDING COVERAGE	80% of square footage of the lot including principal and accessory buildings, parking, and drive aisles.
MINIMUM OPEN SPACE	20% of square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.
SETBACKS front, any	<p>For buildings with footprints which do not exceed 10,000 square feet in area, the front of the building shall be neither less than twenty (20) feet nor more than fifty (50) feet from the back of curb of an adjoining street. For buildings with footprints larger than 10,000 square feet in area, the front of the building shall not be less than forty (40) feet from the back of curb of an adjoining street.</p> <p>A motor fuel filling station pump canopy shall not be located less than twenty-five (25) feet from the back of curb of any street.</p>
side	<p>0': if building code rated firewall, or  5': if non-rated firewall  5': accessory buildings and structures  5': loading dock, with approved screen wall  20': required buffer for all structures and uses if adjacent to a residential zone district</p>
rear	<p>0': if building code rated firewall, or  5': if non-rated firewall  5': accessory buildings and structures  5': loading dock, with approved screen wall  20': required buffer for all structures and uses if adjacent to a residential zone district.</p>

ITEM	STANDARDS FOR 3-C
FENCES <sup>46</sup>	
front, primary	Minimum setback: front face of existing building Type of fence: open Maximum height: 72"
front, non-primary	Minimum setback: face of existing building Type of fence: open Maximum height: 72"
side, rear	Minimum setback: property line Type of fence: open, solid Maximum height: 72"
PARKING <sup>47</sup>	
general retail	4.0 spaces/1,000 sq. ft. of gross floor area

(a) Lots:

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

(2) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

<sup>46</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>47</sup> Additional parking standards for all uses permitted in the 3-C Zone District may be found in Article 9 of this Ordinance.

(b) Performance Standards:

(1) For every main building hereafter constructed or substantially altered, the building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provisions of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

(2) No outdoor storage of materials, products, or goods of any kind is permitted within this Zone District. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures. Outdoor storage of living flora and packaged fertilizer, compost, and mulch materials within screened fenced enclosures is permitted for Home improvement centers, Lawn and garden centers, and Landscape material centers.

(3) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(5) Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.

(6) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than twenty-five (25) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.

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

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

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

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

(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

#### **17-5-22. 4-C: REGIONAL COMMERCIAL DISTRICT.**

(1) Purpose

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

(a) Principal Uses

- (1) Adult businesses, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
- (2) Ambulance service facilities.
- (3) Amusement arcades, amusement centers, entertainment centers if otherwise in conformance with the City of Lakewood Municipal Code.
- (4) Art gallery art studio.
- (5) Assembly, convention, or exposition halls.
- (6) Banks, savings and loans, and other financial institutions.
- (7) Bowling centers.
- (8) Child and adult day care facilities.
- (9) Churches.
- (10) Cold storage lockers, but not including slaughtering on the premises.
- (11) Colleges, universities, vocational, trade or professional schools, and schools for the developmentally disabled.
- (12) Community Buildings.
- (13) Dance halls, studios.
- (14) Dental clinic, laboratory.
- (15) Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
- (16) Drive-through car wash.
- (17) Emergency health care facilities.
- (18) Emergency, noncommercial, helipad.
- (19) Farmers market, with outdoor display.
- (20) Garment work.
- (21) General office uses, includes both public and private office uses.
- (22) General retail uses except those listed in other specific zone districts.
- (23) Group living for elderly, and victims of domestic violence.
- (24) Hair care facilities.

- (25) Home improvement centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
- (26) Home service and appliance repair outlets.
- (27) Hospitals.
- (28) Hotels.
- (29) Ice or roller skating rinks.
- (30) Indoor archery ranges.
- (31) Indoor firing ranges.
- (32) Irrigation ditches.
- (33) Lawn and garden centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
- (34) Landscape material centers, with outdoor storage of living flora, and packaged fertilizer, compost, and mulch materials.
- (35) Market, including convenience and supermarkets.
- (36) Massage parlors, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
- (37) Medical clinics and laboratories.
- (38) Mortuaries, including cremation facilities.
- (39) Motels.
- (40) Motor fuel filling and service stations, including those associated with food stores.
- (41) Municipal buildings.
- (42) Museum.
- (43) Music, radio and television studios.
- (44) Newspaper offices.
- (45) Optical clinics and laboratories.
- (46) Outdoor civil defense public warning siren system.
- (47) Package liquor stores, fermented malt beverage stores or outlets, and taverns.
- (48) Pharmacies.
- (49) Pool or billiard centers.
- (50) Postal sub-stations.
- (51) Printing establishment.
- (52) Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
- (53) Professional health facilities.
- (54) Public fire and police stations.
- (55) Public health clinics.
- (56) Public library.
- (57) Public and private museum.
- (58) Public parks.
- (59) Public recreational facilities.
- (60) Public transportation structures and facilities.
- (61) Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower. See 5-C (Large Lot Commercial).
- (62) Residential health care facility.
- (63) Restaurant, specialty food service, and other outlets for sale of prepared foods, including those with drive-through facilities.
- (64) Schools, public, parochial, and private.

- (65) Studio for custom work or for making articles to be sold at retail on the premises, provided all work areas and storage facilities are enclosed as part of the main building.
- (66) Theaters.
- (67) Transit rights-of-way, including passenger stations.
- (68) Utility facilities.
- (69) Vehicle repair, minor.
- (70) Watch and jewelry sales and repair shops.

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

(b) Accessory Uses

- (1) Amusement center in public or non-profit recreational facilities.\*
- (2) Buildings housing personnel employed on the grounds of a hospital.
- (3) Carnivals and fairs, but only if located further than five hundred (500) feet from any residential district, and only if operated for a period of time not to exceed fourteen (14) days in each year.\*
- (4) Church parish house.
- (5) Dwelling unit for one household in an office or retail commercial building for occupancy by the owner or operator of the office or commercial use.
- (6) Emergency shelters.\*
- (7) Keeping of household pets (see performance standards).
- (8) Off-street parking areas.
- (9) Private, noncommercial greenhouses.
- (10) Private, noncommercial swimming pools.
- (11) Residence for caretaker of public park or public recreation area.
- (12) Satellite Dish Antennas. See 17-12-2(2).
- (13) Storage sheds that are architecturally compatible with the principal building(s).\*

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

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

- (a) Automobile rental/leasing.
- (b) Correctional institutions.
- (c) Entertainment center (minimum of 10,000 square feet).
- (d) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- (e) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent, neglected children, temporary shelter of homeless persons, and adult or juvenile offenders.
- (f) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- (g) Historical buildings, structures and sites.

(h) Trade and technical services.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 4-C
MAXIMUM BUILDING HEIGHT	60': principal structure, except that canopies for motor fuel filling stations shall not exceed twenty (20) feet in height.
MAXIMUM BUILDING COVERAGE	80% of square footage of the lot including principal and accessory buildings, parking, and drive aisles.
MINIMUM OPEN SPACE	20% of square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.





ITEM	STANDARDS FOR 4-C
FENCES <sup>48</sup>	
front, primary	Minimum setback: front face of existing building Type of fence: open Maximum height: 72"
front, non-primary	Minimum setback: face of existing building Type of fence: open Maximum height: 72"
side, rear	Minimum setback: property line Type of fence: open, solid Maximum height: 72"
PARKING <sup>49</sup>	
general retail	4.0 spaces/1,000 sq. ft. of gross floor area

(a) Lots:

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

(2) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) For every main building hereafter constructed or substantially altered, the building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provisions of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

<sup>48</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>49</sup> Additional parking standards for all uses permitted in the 4-C Zone District may be found in Article 9 of this Ordinance.

(2) No outdoor storage of materials, products, or goods of any kind is permitted within this Zone District, except as permitted for specific principal uses. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures. Outdoor storage of living flora and packaged fertilizer, compost, and mulch materials within screened fenced enclosures is permitted for Home improvement centers, Lawn and garden centers, and Landscape material centers.

(3) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(5) Outdoor display of merchandise sold within the business building is permitted as restricted by this section. Any products displayed outdoors on premise must be kept within ten feet of the front of the structure, either on the sidewalk, without blocking pedestrian access, or within no more than two parking spaces within this display area. Goods cannot be located within twenty feet of the front property line. No displayed goods are permitted in any sight triangle area, or within the public right-of-way. Outdoor display of merchandise may only occur during times of business operation.

(6) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than thirty-five (35) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.

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

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

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

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

(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

**17-5-23. 5-C: LARGE LOT COMMERCIAL DISTRICT.**

(1) Purpose

(2) Permitted Uses No building or land within the 5-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

(a) Principal Uses

- (1) Adult businesses, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
- (2) Ambulance service facilities.
- (3) Amusement arcades, amusement centers, entertainment centers if otherwise in conformance with the City of Lakewood Municipal Code.
- (4) Amusement parks.
- (5) Art gallery, art studio.
- (6) Assembly, convention, or exposition halls.
- (7) Auction houses, except for the auctioning of live animals.
- (8) Banks, savings and loans, and other financial institutions.
- (9) Bowling centers.
- (10) Child and adult day care.
- (11) Churches.
- (12) Cold storage lockers, but not including slaughtering on the premises.
- (13) Colleges, universities, vocational, trade or professional schools, and schools for the developmentally disabled.
- (14) Community Buildings.
- (15) Contractor shops and building trades supplies storage.
- (16) Dance halls, studios.
- (17) Dental clinic, laboratory.
- (18) Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
- (19) 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.
- (20) Drive-in movie theaters.
- (21) Drive-through car wash.
- (22) Emergency health care facilities.
- (23) Emergency, noncommercial, helipad.
- (24) Farmers market.
- (25) Flea markets.

- (26) Garment work.
- (27) General office use, includes both public and private office uses.
- (28) General retail use except those listed in other specific zone districts.
- (29) Golf driving ranges.
- (30) Group living for elderly, and victims of domestic violence.
- (31) Hair care facilities.
- (32) Home improvement centers, with outside storage of inventory.
- (33) Home service and appliance repair outlets.
- (34) Hospitals.
- (35) Hotels.
- (36) Ice or roller skating rinks.
- (37) Indoor archery ranges.
- (38) Indoor firing ranges.
- (39) Irrigation ditches.
- (40) Kennels.
- (41) Lawn and garden centers, with outside storage of inventory.
- (42) Landscaped material centers, with outside storage of inventory.
- (43) Lumber yard.
- (44) Market, convenience and supermarkets.
- (45) Massage parlors, subject to the spacing, definition and licensing requirements established in the Lakewood Municipal Code.
- (46) Medical clinics and laboratories.
- (47) Miniature golf or putting ranges.
- (48) Mini-warehouses.
- (49) Mortuaries, including cremation facilities.
- (50) Motels.
- (51) Motor fuel filling and service stations, including those associated with food stores.
- (52) Municipal buildings.
- (53) Museum.
- (54) Music, radio and television studios.
- (55) Newspaper offices.
- (56) Optical clinics and laboratories.
- (57) Outdoor civil defense public warning siren system.
- (58) Package liquor stores, fermented malt beverage stores or outlets, and taverns.
- (59) Parking on premises of motor vehicles to serve permitted uses on adjacent property.
- (60) Pharmacies.
- (61) Pool or billiard centers.
- (62) Postal sub-stations.
- (63) Printing establishment.
- (64) Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
- (65) Professional health facilities.
- (66) Public fire and police stations.
- (67) Public health clinics.
- (68) Public library.
- (69) Public and private museum.

- (70) Public parks.
- (71) Public recreational facilities.
- (72) Public transportation structures and facilities.
- (73) Racetracks, go-cart tracks.
- (74) Rental agencies for automobiles, campers, trailers, motor homes, light and heavy equipment, and related service facilities.
- (75) Residential health care facility.
- (76) Restaurant, specialty food service, and other outlets for sale of prepared foods, including those with drive-through facilities.
- (77) Sale at retail of any commodity warehoused on the premises and not intended for distribution as a wholesale product.
- (78) Schools, public, parochial, and private.
- (79) 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.
- (80) Theaters.
- (81) Transit rights-of-way, including passenger stations.
- (82) Utility facilities.
- (83) Vehicle repair, major and minor.
- (84) Watch and jewelry sales and repair shops.

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

(b) Accessory Uses

- (1) Administrative office serving the principal use not exceeding fifty (50) percent of the gross floor area of the main building.
- (2) Amusement center in public or non-profit recreational facilities.\*
- (3) Buildings housing personnel employed on the grounds of a hospital.
- (4) Carnivals and fairs, but only if located further than five hundred (500) feet from any residential district, and only if operated for a period of time not to exceed fourteen (14) days in each year.\*
- (5) Church parish house.
- (6) Dwelling unit for one household within a commercial or office building for occupancy by the owner or caretaker.
- (7) Emergency shelters.\*
- (8) Keeping of household pets (see performance standards).
- (9) Off-street parking areas.
- (10) Private, noncommercial greenhouses.
- (11) Private, noncommercial swimming pools.
- (12) Residence for caretaker of public park or public recreation area.
- (13) Satellite Dish Antennas. See 17-12-2(2).
- (14) Storage sheds that are architecturally compatible with the principal building(s).\*

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

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

- (a) Correctional institutions.
- (b) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- (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.
- (d) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- (e) Historical buildings, structures and sites.
- (f) Trade and technical services.
- (g) Tree service.

(4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR 5-C
MINIMUM LOT SIZE	There shall be a minimum parcel size of 0.5 acre for every building or structure hereafter constructed or altered.
MAXIMUM BUILDING HEIGHT	60': principal structure, except that canopies for motor fuel filling stations shall not exceed twenty (20) feet in height.
MAXIMUM BUILDING COVERAGE	80% of square footage of the lot including principal and accessory buildings, parking, and drive aisles.
MINIMUM OPEN SPACE	20% of square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.





ITEM	STANDARDS FOR 5-C
FENCES <sup>50</sup>	
front, primary	Minimum setback: front face of exiting building Type of fence: open Maximum height: 72"
front, non-primary	Minimum setback: face of exiting building Type of fence: open Maximum height: 72"  Minimum setback: 10' from property line with approved landscaping Type of fence: open, topped with barbed wire Maximum height: 120"
side, rear	Minimum setback: property line Type of fence: open, solid Maximum height: 72"  Minimum setback: 10' from property line with approved landscaping Type of fence: open, topped with barbed wire Maximum height: 120"
PARKING <sup>51</sup>	
general retail	4.0 spaces/1,000 sq. ft. of gross floor area

(a) Lots:

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

(2) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

<sup>50</sup> Other requirements or performance standards may be found in Article 8 of this Ordinance.

<sup>51</sup> Additional parking standards for all uses permitted in the 5-C Zone District may be found in Article 9 of this Ordinance.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) For every main building hereafter constructed or substantially altered: the building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provisions of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

(2) Outdoor storage of commodities, materials, products, or goods not intended for display is permitted within this Zone District. Such materials shall be screened from view from adjacent streets and adjoining property, and kept free of weeds and debris, and must comply with Section 9.80 of the Nuisance Ordinance. In no case shall outdoor storage items extend beyond a height of six (6) feet as measured from the finished grade adjacent to the stored items. Enclosed accessory storage sheds or structures are permitted with an approved site plan and building permits, which may be utilized for such storage. No vehicles, trailers, or shipping containers shall be used as storage sheds or structures.

(3) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(5) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than forty (40) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.

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

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

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

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

(7) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

#### **17-5-24. IN: INDUSTRIAL DISTRICT.**

(1) Purpose

The IN district is intended to retain, enhance, and intensify existing industrial uses, and provide for the new development of lighter industrial uses along major vehicular and rail transportation routes serving the community.

(2) Permitted Uses. No building or land within the IN District shall be used, and no building shall be hereafter constructed or substantially altered, except for one of the following uses:

(a) Principal Uses

- (1) Ambulance service facilities.
- (2) Amusement parks.
- (3) Art gallery, art studio.
- (4) Assembly, convention, or exposition halls.
- (5) Auction houses, except for the auctioning of live animals.
- (6) Banks, savings and loans, and other financial institutions.
- (7) Bowling centers.
- (8) Child and adult day care.
- (9) Churches.
- (10) Cold storage lockers, but not including slaughtering on the premises.
- (11) Colleges, universities, vocational, trade or professional schools, and schools for the developmentally disabled.
- (12) Community Buildings.
- (13) Communication centers, including transmitting centers, towers and accessory equipment.
- (14) Contractor shops and building trades supplies storage.
- (15) Dental clinic, laboratory.
- (16) Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
- (17) 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.

- (18) Drive-in movie theaters.
- (19) Drive-through car wash.
- (20) Emergency health care facilities, other than ambulance service facilities.
- (21) Emergency, noncommercial, helipad.
- (22) Farmers market.
- (23) Flea Markets.
- (24) Garment work.
- (25) General Office use, includes both public and private office uses.
- (26) General retail use except those listed in other specific zone districts.
- (27) Go-cart tracks.
- (28) Golf driving ranges.
- (29) Hair care facilities.
- (30) Home improvement centers, with outside storage of inventory.
- (31) Home service and appliance repair outlets.
- (32) Hospitals.
- (33) Hotels.
- (34) Indoor archery ranges.
- (35) Indoor firing ranges.
- (36) Irrigation ditches.
- (37) Kennels.
- (38) Laboratories.
- (39) Landscape material centers, with outside storage of inventory.
- (40) Lawn and garden centers, with outside storage of inventory.
- (41) Lumber yard.
- (42) Manufacturing, processing, fabrication, assembly, packaging, warehousing, storage, wholesaling, retailing, repair, rental, or servicing of any commodity, but only if totally enclosed in a structure.
- (43) Market, convenience and supermarkets.
- (44) Medical clinics and laboratories.
- (45) Miniature golf or putting ranges.
- (46) Mini-warehouses.
- (47) Mortuaries, including cremation facilities.
- (48) Motels.
- (49) Motor fuel filling stations, including those associated with food stores.
- (50) Motor vehicle service and repair facilities.
- (51) Municipal buildings.
- (52) Museum.
- (53) Music, radio and television studios.
- (54) Newspaper offices.
- (55) Optical clinics and laboratories.
- (56) Outdoor civil defense public warning siren system.
- (57) Package liquor stores, fermented malt beverage stores or outlets, and taverns.
- (58) Parking on premises of motor vehicles to serve permitted uses on adjacent property.
- (59) Pharmacies.
- (60) Postal sub-stations.
- (61) Printing establishments.

- (62) Private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
- (63) Private nonprofit recreational facilities.
- (64) Professional health facilities.
- (65) Public fire and police stations.
- (66) Public health clinics.
- (67) Public library.
- (68) Public parks.
- (69) Public recreational facilities.
- (70) Public transportation structures and facilities.
- (71) Public wastewater facilities.
- (72) Radio and television studios.
- (73) Rental agencies for automobiles, campers, trailers, motor homes, light and heavy equipment, and related service facilities.
- (74) Sale at retail of any commodity warehoused on the premises and not intended for distribution as a wholesale product.
- (75) Schools, public, parochial, and private.
- (76) 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.
- (77) Theaters.
- (78) Transport facilities, including passenger stations.
- (79) Transit rights-of-way.
- (80) Utility facilities.
- (81) Vehicle repair, major and minor.
- (82) Watch and jewelry sales and repair shops.

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

(b) Accessory Uses

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

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

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

- (a) Auction houses, including live animals.
- (b) Cement and asphalt batch plants.
- (c) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District.
- (d) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building.
- (e) Historical buildings, structures and sites.
- (f) Junkyards, automobile wrecking and processing yards, salvage yards, including the retail sales of used parts, and the outdoor storage of any commodity, including operable or inoperable machinery or motor vehicles.
- (g) Railroad facilities, including shops, freight yards, passenger stations, and storage.

- (4) Unnamed Use

See Section 17-5-6.

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

ITEM	STANDARDS FOR IN
MINIMUM LOT SIZE	There shall be a minimum parcel size of 0.5 acre.
MAXIMUM BUILDING HEIGHT	60': principal structure, except that canopies for motor fuel-filling stations shall not exceed twenty (20) feet in height.
MAXIMUM BUILDING COVERAGE	80% of square footage of the lot including principal and accessory buildings, parking, and drive aisles.
MINIMUM OPEN SPACE	20% of square footage of the lot as landscaped open space, or 40% for any residential health care facility, or group living quarters.



ITEM	STANDARDS FOR IN
PARKING <sup>53</sup> office warehouse	4.0 spaces/1,000 sq. ft. of gross floor area 1.0 spaces/1,000 sq. ft. of gross floor area

(a) Lots:

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

(2) A corner lot shall have a minimum of at least two (2) front yards, and a rear yard.

(3) Street Frontage - Cul-de-sac Lot. A cul-de-sac lot will have at least thirty (30) feet of street frontage.

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

(b) Performance Standards:

(1) For every main building hereafter constructed or substantially altered: the building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provisions of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

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

(3) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed, screened and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates, and the bulbs producing such light cannot be seen from adjacent properties or rights-of-way. The poles used to support outdoor lighting fixtures shall be required to have a set back

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<sup>53</sup> Additional parking standards for all uses permitted in the IN Zone District may be found in Article 9 of this Ordinance.



from adjacent property lines a distance equal to, or exceeding the height of the pole however, no setback is required from the property line which abuts a public right-of-way. It is not the intent of this Section to regulate illumination of public non-commercial recreation facilities.

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

(5) Amateur Radio Towers and Antennas. The maximum height for amateur radio towers and antennae shall be seventy (70) feet. The height shall be measured at the highest member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. No setback from a property line shall be less than the height of the tower. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when extended. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves.

(6) Accessory Uses. The sum total of gross floor area utilized by all Accessory Uses shall not exceed more than forty (40) percent of the gross floor area on the property. No sign advertising said Accessory Use shall be visible from outside the building.

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

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

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

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

(8) The keeping of household pets defined as regulated species shall not exceed a total of five (5) per household, except that no more than three (3) of any species shall be allowed. Servant animals shall be allowed in addition to household pets.

## 17-5-25. PD: PLANNED DEVELOPMENT ZONE DISTRICT.

### (1) Purpose

The Planned Development Zone District is intended to permit the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The PD Zone district is intended to provide a means of accomplishing the following objectives:

- (a) To provide for development concepts not otherwise permitted within standard zone districts.
- (b) To provide flexibility, unity and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type design and layout of housing and other buildings; and appropriate relationships of open spaces to intended uses and structures.
- (c) To encourage innovations in residential, commercial, and industrial development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space ancillary to said buildings.
- (d) To encourage a more efficient use of land and of public services, or private services in lieu thereof, and to reflect changes in the technology of land development so that resulting economies may enure to the benefit of those who need homes.
- (e) To lessen the burden of traffic on streets and highways.
- (f) To provide a procedure which can relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the site's natural characteristics.

### (2) Permitted Uses

Land uses within a Planned Development Zone District development may be multiple in nature and may include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies and standards contained within the Comprehensive Plan and other appropriate adopted and approved plans, including but not limited to location criteria within that Comprehensive Plan. Planned Developments of single uses approved under Ordinance O-70-104, as amended, are deemed to be conforming uses.

### (3) Application

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

- (a) The application for a zoning amendment to establish a Planned Development Zone District shall comply with all procedures for rezoning set forth in Article 17 of this Ordinance.
- (b) In addition to the following rezoning procedures, the developer shall submit with the rezoning application an Official Development Plan (ODP) containing written stipulations or graphic representations addressing the following plan elements. In phased planned development developments, the Director of Community Planning and Development, may allow one or more of the following plan elements to be submitted on or with the site plan for that phase in conformance with Section 17-5-25(6) below.
- (1) Type and location of all intended uses.
  - (2) Expected gross land areas of all intended uses including Open Space.
  - (3) Gross floor area or residential unit size and number for all buildings or structures, including a statement pertaining to the appropriateness of the density and intensity of the suggested uses relative to policies and standards contained within the Comprehensive Plan.
  - (4) Statement of the height limitations applicable pursuant to the requirements of Subsection (7)(b) below.
  - (5) Statement of type and format of signage and fencing if different than provided for within Article 10 and Article 8 of this Ordinance.
  - (6) Transportation, access and circulation patterns including vehicle, bicycle, pedestrian, and transit circulation patterns.
  - (7) Schedule of order of development and delineation of sub-areas if construction is to be in stages.
  - (8) Improvement and continuing maintenance and management of any private streets or ways or common open space not offered and accepted for dedication for general public use.
  - (9) The name of the Official Development Plan which is to be different from any other previously recorded in Jefferson County.
  - (10) Certification blocks for Planning Commission, City Council, County Clerk and Recorder, and land owner(s) signatures.
  - (11) A survey and legal description of the property.
  - (12) Design Controls, describing the general design and architecture of the buildings, and building elevations.
  - (13) Lighting detail.

- (c) Review and final approval or disapproval of the rezoning and Official Development Plan shall be in accordance with procedures set forth in Article 17 of this Ordinance and shall be completed within 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 Planning and Development, and the Official Development Plan is recorded in the Office of the Clerk and Recorder of Jefferson County.
  - (e) All construction shall be in accordance with the approved and recorded Official Development Plan and amendments or modifications thereto as provided in Subsection (6) below.
- (4) No application for a Planned Development Zone District shall be approved unless:
- (a) The proposed development conforms with policies and standards contained within this Ordinance, as amended, and within the Comprehensive Plan;
  - (b) All requirements of this Article, Article 15 and Article 17 are met; and
  - (c) All landowners whose property is included within the Planned Development have given their written consent to the Planned Development; provided however, when the City annexes property which has been previously zoned PD or a comparable zoning in the jurisdiction from which it is being annexed (provided that said PD or comparable zoning is harmonious with the City Planned Development criteria), the written consent of all landowners is not required.

(5) Modifications

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

- (a) If such modification, removal, or release involves an increase of the gross floor area by an amount of ten percent (10%) or more of the original measurement of the gross floor area or residential density as set forth on the Official Development Plan, or if it involves a specific change in use or uses within the Planned Development Zone District, which would not be allowed within the applicable standard zoning district, the applicant shall be required to submit a new application for rezoning the parcel as provided for within Article 17 of this Ordinance.
- (b) If such modification, removal or release involves a change to the development, including but not limited to, building setback, height or architectural design, landscaping, fencing, or a specific change in use or uses permitted in accordance with Section 17-5-25(5)(a), the Director of Community Planning and Development shall review the application with respect to the criteria included in Section 17-5-25(5)(d). Written notice of the application shall be provided at the applicant's expense to all owners of property adjacent to the site, disregarding public rights-of-way. If a written objection to the application is filed with the Director within ten (10) days of notification, the application

shall be referred to the Planning Commission in accordance with Section 17-5-25(5)(e). If no objection is filed, and the application is found to be consistent with the criteria in Section 17-5-25(5)(d), the Director may approve the application.

- (c) If such modification, removal, or release involves only a change in the site plan, the applicant shall be required to submit a new site plan indicating such changes in conformance with Article 15 of this Ordinance for review and action by the Director of the Department of Community Planning and Development.
- (d) Modification not covered in Subsection (a) or (b) above may be granted by the Director of the Department of Community Planning and Development if it is determined that the modification meets the following criteria:
  - (1) Is consistent with the efficient development and preservation of the entire Planned Development;
  - (2) Does not affect in a substantially adverse manner the enjoyment of land abutting or across the street from the Planned Development;
  - (3) Does not affect in a substantially adverse manner the public interest;
  - (4) Is not granted solely to confer special benefit upon any person;
  - (5) Application for such administrative review is accompanied by a review fee in an amount established by City Council Resolution.
- (e) The Director may, at his discretion, refer a modification to the Planning Commission for consideration. The Planning Commission may also hear applicant's appeals from administrative decisions. The applicant must file a notice of appeal with the Secretary to the Planning Commission within thirty (30) days of the decision of the Director. A public hearing before the Planning Commission shall be held with prior notice thereof published, mailed, and posted as provided in Subsections 17-17-4(1). Any action by the Planning Commission shall require payment of an additional review fee in an amount to be established by City Council Resolution.

An appeal from a Planning Commission decision may be made to the City Council. The appellant must file a notice of appeal with the City Clerk within thirty (30) days of the decision of the Planning Commission. The City shall determine the hearing date. A public hearing before City Council shall be held with prior notice thereof published, mailed and posted as provided in Subsections 17-17-4(1); except that the City Clerk or her designee shall perform the functions of the Secretary to the Planning Commission when the hearing is before City Council. Any action by City Council shall require payment of an additional review fee in an amount to be established by City Council Resolution.

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

- (f) Regardless of the type of modification applied for, all modifications to an approved Official Development Plan for the Planned Development Zone District shall be reviewed by the City Engineer in accordance with the applicable provisions of Chapter 14.13 of

(7) Development Standards Any omissions of development standards in the Official Development Plan for a specific property will defer to the standards and requirements of the Zoning Ordinance as it pertains to the zone district where the closest similar use is first permitted.

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

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

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

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

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

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

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

(7) Notwithstanding Subsection (b) below, the height of the billboard shall conform to the height restrictions as stated in Section 17-10-8.

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

(c) When regulations governing setbacks, secondary and accessory uses, off-street parking, fences, walls and obstructions to view, open space, signage, and site elements

included in, but not limited to, Article 15 are not specifically mentioned in the stipulations of the approved Official Development Plan, the Director of Community Planning and Development shall have the following options:

- (1) Require the application of regulations as set forth in the most similar zone category for any or all of the site elements listed above.
- (2) Require the applicant to develop standards, prior to site plan submittal, which are in keeping with the intent of the Planned Development Zone District as stated in Section 17-5-25(1). Such standards must be recorded as an amendment to the Official Development Plan.
- (3) For either option, the Director may use the site plan criteria listed in Section 17-15-3(2) to evaluate the effects of the proposed regulations.
- (8) Those Official Development Plans previously approved by City Council which reference the MU Mixed Use and MU Mixed or Single Use Zone District shall remain in full force and effect and all references to MU Mixed Use and MU Mixed or Single Use Zone District in said Official Development Plans shall be deemed to reference the PD Planned Development Zone District.

## ARTICLE 6: SPECIAL USE PERMITS

**17-6-1. APPLICABILITY.** The requirements of this Article 6 shall apply to all uses listed as special uses within Article 5 of this Ordinance. Special uses are uses which are appropriate for the applicable zone district only upon site specific review according to the standards established by Section 17-6-4 of this Ordinance 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.)*

**17-6-2. APPLICATION FORM AND REVIEW PROCEDURE.** *(As amended by 0-88-67.)*

- (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 Planning and Development. No application for Special Use Permit shall be accepted until after the pre-application review is completed and the Department's written conclusions are received by the applicant. *(As amended by 0-91-59.)*
  - (b) In addition to a pre-application review with the Department of Community Planning and Development, the City Engineer shall review the information submitted with the pre-application request to determine if public improvements may be necessitated upon issuance of a Special Use Permit. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, and these requirements will be listed in the Department of Community Planning and Development written response. *(As amended by 0-91-59.)*
- (3) To commence the pre-application review, the applicant shall submit the following:
  - (a) Site plan depicting the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 ½) inches by eleven (11) inches in size, or may be in final form on sheets twenty-four (24) inches by thirty-six (36) inches in size.
  - (b) Letter stating: The proposed uses of the parcel; the approximate gross floor area of any existing or intended buildings or structures and the number and size of residential dwellings to be included; and the gross land area of the parcel, including public rights-of-way contained within the parcel. *(As amended by 0-98-58.)*
  - (c) For Special Use Permits for group homes or group living quarters, the following information shall also be submitted:
    - (1) A description of the client population, including the proposed number of residents and staffing levels.



- (2) The state or county agency responsible for licensing the facility, and the names of at least two (2) contact persons at that agency familiar with the applicant's licensing status.
  - (3) The type and level of services to be provided.
  - (4) A statement establishing that the proposed facility conforms with the standards set forth in Section 17-6-4 of this Ordinance.
- (4) Within fourteen (14) days after the date of the pre-application review, the Department of Community Planning and Development shall notify the applicant in writing of its conclusions regarding the requested use with respect to the following items: *(As amended by O-91-59.)*
  - (a) Appropriateness of the change with respect to the standards set forth in Section 17-6-4 of this Ordinance.
  - (b) Need, if any, to plat the subject parcel pursuant to the City of Lakewood Subdivision Ordinance.
  - (c) Any required site plan considerations.
  - (d) General concerns relating to the anticipated impact upon public rights-of-way and public improvements, as well as appropriate measures to address the impact.
- (5) Each applicant shall meet with residents and persons owning property in the vicinity of the site in a neighborhood meeting held prior to filing a formal application. Notification for said meeting shall be as provided in Subsection 17-17-4(1)(b) and (c) of this Ordinance). *(As amended by O-96-74.)*
- (6) Formal applications shall be submitted on forms provided by the Department of Community Planning and Development and shall contain the following:
  - (a) Name and address of the applicant;
  - (b) A survey and a legal description of the property;
  - (c) The names and addresses of all persons, firms or corporations who, or which hold fee title to the property for which the Special Use application is made, as shown by the records of the Clerk and Recorder of Jefferson County as of the date of the application, and a copy of the warranty deed to the property;
  - (d) The location of the property with reference to street and address if such are present;
  - (e) Present zoning of the property;
  - (f) Proposed Special Use; and
  - (g) A written statement that all development standards applicable to the specific use have been and will continue to be met.

- (h) A site plan depicting any changes or improvements to be made to the property. *(As amended by 0-88-58.)*
- (7) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the fee schedule adopted by City Council resolution to cover necessary costs related to this application. There shall be no refund of any fee which accompanies an application. An application shall not be considered accepted until all required information is submitted. *(As amended by 0-85-125.)*
- (8) The Department of Community Planning and Development shall study the application and shall, within forty-five (45) days after acceptance of a complete application, make a written report to the Planning Commission of its findings. In addition to the application review by the Department of Community Planning and Development, the City Engineer shall review the Special Use Permit application within the same forty-five (45) day period in accordance with the applicable provisions of Chapter 14.13 of the Lakewood Municipal Code to determine if the application necessitates the dedication and/or construction of public improvements by the applicant. *(As amended by 0-98-58.)*
- (9) Action of the Planning Commission on the application shall be as follows:
- (a) The Secretary to the Planning Commission shall schedule a public hearing on the application on the agenda of a meeting of the Commission within forty-five (45) days of the acceptance of the formal application, unless continued by the applicant or Planning Commission. Notice of the hearing shall be provided in the same manner and to the same persons and entities as provided in Section 17-17-4(1)(a), (b), (c), (d), (f), and (g) except that no publication of the notice shall be required. *(As amended by 0-98-58.)*
- (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(7)(j). *(As amended by 0-91-12.)*
- (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.
- (10) (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 Planning and 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 Planning and Development shall study the application according to the requirements of this Article 6, and shall, within twenty-five (25) days after acceptance of the application, make a written report to the applicant of its findings. If the Department of Community Planning and Development finds that the standards in this Article 6 for group homes are not met, the report will specify the deficiencies or areas of non-compliance. If the Department of Community Planning and Development finds that the application meets all applicable criteria of this Article 6, or that noted deficiencies have been corrected, the report will so state and the Director shall issue a Special Use Permit for the requested group home special use, indicating that all conditions and revocation procedures listed in this Article shall be in full force and effect.
- (c) If the Department of Community Planning and Development finds that the application does not comply with the criteria in Article 6, and the applicant does not correct all previously noted deficiencies, the applicant shall have the right to appeal to Planning Commission according to the notification and scheduling procedures listed in Subsection 17-6-2(10) of this Article 6.

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

- (1) All stipulations submitted as part of the Special Use Permit and all conditions imposed by the Planning Commission shall be maintained in perpetuity with the special use. If at any time the stipulations are not met or are found to have been altered in scope, application or design, the use shall be in violation of the Special Use Permit. *(As amended by O-91-12.)*
- (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 Section 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.)*

**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:

(a) No building or structure shall exceed any given height limit as required by the Federal Aviation Administration.

(b) All facilities shall meet the requirements of Article 15 of this Ordinance. *(As amended by 0-98-58.)*

(2) Automobile Rental/Leasing:

(a) Repair or servicing of vehicles shall be limited to repairs usually conducted at an auto service station and shall not include body work, painting, customizing, undercoating or rustproofing, vehicle steam cleaning, or repair or reconditioning of engines, air conditioning systems or transmissions.

(b) All operations must be conducted entirely within a building or structure, except as provided in (c) below.

(c) A maximum of twelve (12) licensed and operable automobiles at any one time may be stored on site for lease to customers. The number of vehicles permitted to be stored may be reduced from the maximum by the Planning Commission in approving a Special Use Permit depending on whether or not the parking lot available to the rental or leasing businesses is also used by other businesses.

(3) Bed and Breakfast:

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

(b) All bed and breakfast facilities shall be operated by an individual who lives in the dwelling as their primary residence and is issued the Special Use Permit in their own name.

(c) All bed and breakfast facilities shall comply with the applicable City building, fire, and safety codes as well as all applicable requirements of the zone district in which the home is located.

(d) No other home occupation may be conducted from the premises of a bed and breakfast facility.

(e) A bed and breakfast facility may be sold and the Special Use Permit transferred to the new resident owner without the requirement of reapplying for a new Special Use Permit.

(f) No expansion of the home is permitted after the approval of the Special Use Permit, except by application for a new Special Use Permit accompanied by plans depicting the proposed expansion.

(g) Changes to the exterior appearance of the dwelling unit may be permitted by review and approval of the architectural changes by the Department of Community Planning and Development. No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.

(h) Signage permitted for bed and breakfast facility is limited to the 1.5 square foot wall signs permitted with home occupations.

(i) The lot subject to the request for a Special Use Permit shall be a minimum of 10,000 square feet in size. *(As amended by 0-98-58.)*

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

(5) Entertainment Center:

(a) A Special Use Permit for an entertainment center shall only be granted for a business establishment with a minimum of ten thousand (10,000) square feet of gross floor area in a commercial center where the entertainment center is located in a building having a gross minimum floor area of one hundred thousand (100,000) square feet.

(b) The Special Use Permit, if approved for an entertainment center, shall not be effective until the applicant has obtained an Amusement Arcade License from the Arcade Licensing Board.

(c) The Special Use Permit shall be transferable only if the Arcade Licensing Board permits the transfer of the Amusement Arcade License. The Special Use Permit

shall be void if the entertainment center ceases to operate for more than thirty (30) days.

- (d) The Special Use Permit shall be revoked if the Arcade Licensing Board revokes or does not renew the annual Amusement Arcade License, and a new Special Use Permit shall be required for the existing user or a new user to operate again at the same location.
- (e) The Planning Commission, at its discretion, may deny the Special Use Permit if the Commission finds that the use would pose a threat to the general health, safety and welfare of the citizens of Lakewood. *(As amended by 0-92-2.)*

(6) 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.

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

(8) Group Home:

- (a) The group home shall comply with any applicable license requirements of the State of Colorado, and have a currently valid license, if appropriate, and shall also comply with all certification and registration requirements of Jefferson County, including requirements for minimum floor area, bathroom area, closet space, and communal area.
- (b) All group homes shall be operated by an individual who lives in the dwelling as his/her primary residence and is issued the Special Use Permit in his/her own name or by a firm or organization holding Colorado non-profit corporate status and Internal Revenue Service tax exempt status.
- (c) No group home shall be located less than 1,000 feet from another existing or approved group home, except when such group homes are separated by a restricted access highway or community level public park. In addition in their review of Special Use Permit requests, the Planning Commission will consider the number of existing group homes within the planning district as a factor with bearing on the other standards set forth in this Section 17-6-4. It is the intent of the City of Lakewood to encourage an even distribution of group homes within the

residential areas of the City.

- (d) Every group home shall comply with the applicable City building, fire, and safety codes as well as all applicable requirements of the zone district in which the home is to be located.
- (e) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.
- (f) No administrative activities of any private or public organization, other than those directly related to the specific group home, shall be conducted on the premises of the group home.
- (g) Parking for the group home shall typically be confined to the street frontage, driveway, and garage of the group home.
- (h) The group home Special Use Permit shall be issued to a specific operator or organization and will not be transferable to another party.
- (i) No group home shall be occupied until approvals from both the City of Lakewood and the appropriate licensing agency, when necessary, are received. In the case of group homes for the elderly, licensing agency approval shall consist of approval by Jefferson County as an adult foster care home, or by the State of Colorado as a personal care boarding home or alternative care boarding home.
- (j) Every group home shall be limited to a maximum of twelve (12) total residents living in the dwelling as a primary residence, with not more than eight (8) client residents, unless all of the following conditions can be met:
  - (1) A minimum of one thousand (1,000) square feet of lot area is maintained per person (client and other) residing in the dwelling; and
  - (2) The structure meets or exceeds habitable floor area requirements of the licensing agency or if no license is required, meets requirements of Jefferson County Social Services for a similar licensed use; and
  - (3) A favorable recommendation is provided by the licensing agency setting forth the reasons for a higher number of residents is provided; and
  - (4) The Planning Commission determines that no substantial negative impact to the subject or nearby properties will result from the additional number of residents proposed. *(As amended by O-91-12.)*
- (k) Services provided within the group home setting should not include ongoing medical or psychiatric treatment normally associated with a hospital or clinic setting, or a group living quarters, as determined by licensing agency.
- (l) Any group home existing as of the effective date of this Ordinance 0-88-67 shall have a period not to exceed one hundred eighty (180) days to come into compliance with the above listed standards; except that any existing group home that does not currently meet the separation standards of Subsection (c) shall not be considered to be in violation of this Section. Upon proof that an existing group

home meets the above listed standards, the Director of Planning, Permits and Public Works shall cause to be issued a Special Use Permit for the existing use, indicating that all conditions and revocation procedures listed in this Article shall be in full force and effect. Any existing group home failing to comply shall be considered to be in violation of this Ordinance and subject to the procedures set forth in Section 17-6-3 above, unless a Special Use Permit is applied for according to the procedures listed in Section 17-6-2, and issued by Planning Commission. *(As amended by 0-88-67; 0-91-12; and 0-91-59.)*

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

- (a) Every group living quarters shall comply with the site development requirements or Article 15 of the Zoning Ordinance, the Multiple Family Design Controls, and the requirements of the zoning district in which it is located.
- (b) Every group living quarters shall comply with the parking requirements of Article 9 of the Zoning Ordinance. The Planning Commission shall have the authority to modify such requirements, if a parking analysis is submitted which demonstrates the appropriateness of a different parking requirement.
- (c) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.
- (d) Every group living quarters shall comply with all applicable license requirements of the State, and registration requirements of Jefferson County.
- (e) Every group living quarters shall be located on a multi-family or commercial local, collector, or arterial street, and shall be accessible to transportation and convenience shopping facilities.
- (f) Group living quarters shall not include the conversion of a portion of an existing multi-family development.
- (g) Every group living quarters for juvenile or adult offenders shall be so designed and located to assure the security of the facility itself, adjoining properties and the neighborhood in general. *(As amended by 0-98-58.)*

(10) Junkyard:

- a) All operations shall be separated from adjacent land uses by appropriate fencing and buffering measures. The screening and buffering standards for a junkyard requires a solid fence or wall at least six (6) feet tall and no more than ten (10) feet tall at any one point. Such fence shall surround the entire storage area. The fence cannot be constructed of salvage materials or junk. All stored items in this enclosed area shall be piled no higher than the top of the fence. A solid fence or wall shall meet all performance standards as stated in Article 17-8, except for fence height. Chain-link fence with slats is not considered an acceptable screen.
- b) Landscaping buffer is required along the fence to create an additional obscuring effect at and above the top of the fence. A landscaping buffer area not less than ten (10) feet wide shall be provided along street rights-of-way and along the property line of any non-industrial zoned property. Plantings within this buffer shall follow the



requirements of Section 17-15-7 of this Zoning Ordinance. Where the buffer is not adjacent to a Right-of-Way, Section 17-15-7(2) shall be utilized.

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

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

e) An impact analysis shall be submitted by the applicant to the Planning Commission regarding potential impacts of the operations on air and water quality, erosion, drainage patterns, and noise.

f) Junkyards shall be located at least 100 feet from any body of water which receives runoff from the junkyard property, including any ditch, stream, reservoir, lake or other body of water.

g) Gas and oil and other combustible material shall be stored in a building of fireproof construction which shall be constructed in full compliance with all applicable provisions of the City Building Code. All gas and oil shall be drained from any vehicle stored or placed on site.

h) Junkyards will be maintained so as not to create environmental hazards that pose a threat to ground or surface water quality, air quality, wildlife, and/or humans.

i) Off-street parking spaces shall be provided at a ratio of one parking space per 9,000 square feet of storage area or fraction thereof for the first acre, and 2 additional off-street parking spaces for each acre thereafter. In addition, one off-street loading space is required for each acre of storage area, to be located within the screened portion of the site.

j) Proposed site development shall meet the requirements as provided in Article 15 of this Ordinance. *(As amended by O-98-58.)*

(11) Keeping of Emus and Ostriches:

(a) A Special Use Permit for the keeping of Emus and Ostriches may be granted to an individual owning property meeting the requirements of this Article. Such Special Use Permit may be transferable to another party purchasing the subject property by notification to the Department of Community Planning and Development of pending sale of the property and the intent of the purchaser to continue to keep Emus and/or Ostriches.

(b) All emus and ostriches shall be kept in a fenced area. The fence used shall be a minimum of sixty-six (66") inches in height and shall be placed in a manner as to provide for the protection of the general public on adjoining land or public property or rights-of-way.

(c) The minimum square footage of open lot area, not including any existing structures, shall be eight thousand (8,000) square feet for the first such animal, and five thousand five hundred (5,500) square feet for each additional such animal. A minimum containment area of 300 square feet shall be provided and used for each

animal, however, the animals must be permitted access to an exercise area containing five thousand five hundred (5,500) square feet per animal on a daily basis.

- (d) The use of temporary buildings or trailers for shelter or containment of such animals is prohibited.
- (e) No building, corral, or containment area, shall be located in any manner so that any part of thereof shall be less than one hundred (100) feet from the front lot line or less than fifteen (15) feet from the side of rear lot line.
- (f) The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. If an owner accumulates manure in a pile or in piles, it shall be removed from the property at a minimum of once each week. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste. *(As amended by O-98-58.)*

(12) 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 O-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.

(13) Mineral Resource Extraction:

- (a) The term "mineral" as used in this Section means an inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, or chemical, an energy source, or a raw material for manufacturing or construction material, but does not include surface or subsurface water.
- (b) The term "extraction operations" or "operations" includes the development or extraction of a mineral from its natural occurrence on affected land, including but not limited to, open mining and surface operations, and the disposal of refuse from underground and in situ mining, as well as stockpiling of extracted minerals, concentration, milling, evaporating and other on-site processing activities, but not including the grading or removal or transportation of earth normally associated with construction activities, when the primary purpose of the activities is construction rather than mineral extraction.
- (c) Notwithstanding the requirements of Section 17-6-2 of this Ordinance, Special Use Permit applications for mineral extraction may be initiated by the fee owner of the property, his designated agent, and/or the owner or lessee of mineral interests.
- (d) Impact analyses shall be submitted by the applicant to Planning Commission regarding potential impacts of the operations on erosion, drainage patterns, geological formations and stability, transportation systems, air and water quality, and plant and animal communities in the area, and Planning Commission shall consider the analyses and impacts when reviewing an application for a Special Use Permit.
- (e) A reclamation plan shall be submitted by the applicant to Planning Commission for review. The reclamation plan shall demonstrate restoration of the surface to original conditions as far as possible, or at the discretion of Planning Commission to an appropriate land use as indicated by the Comprehensive Plan, and shall be consistent with the plan submitted to the Mined Land Reclamation Board.
- (f) All vehicles connected with mineral extraction operations shall operate in conformance with Chapter 10 of the Lakewood Municipal Code.
- (g) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. local time Monday through Saturday.
- (h) All extraction operations shall comply with the requirements of Chapter 9.52 of the Lakewood Municipal Code pertaining to noise, as well as Chapter 5.16 of the Lakewood Municipal Code pertaining to the use of explosives.
- (i) All extraction operations, including areas used for equipment storage and/or the stockpiling of extracted minerals, shall conform to the following setback requirements:
  - (1) A minimum one thousand (1,000) foot setback shall be provided from the property line of any adjacent property, if the adjacent property is zoned for residential uses.

- (2) A minimum two hundred (200) foot setback shall be provided from the property line of any adjacent property that is zoned for other than residential uses, or from any street right-of-way, or property that is designated as public park/open space property.
  - (3) A minimum two hundred (200) foot setback shall be provided from any structures located on the same parcel of property as the extraction operations; except that upon written agreement with the owner of the structure the setback may be reduced to a minimum of fifty (50) feet.
  - (j) All operations shall be separated from adjacent land uses by appropriate fencing, buffering and safety measures. Buffering shall include provisions for screening and reseedling of temporarily disturbed areas and stockpiles. A phasing plan and approximate time schedule for conducting and completing operations shall be submitted with an application for Special Use Permit. Phasing plans shall indicate the maximum area of disturbance during any phase. No permit for any phase shall be issued for a period of longer than five (5) years from the date of approval of the Special Use Permit, except that upon written request prior to the termination of the five (5) year period, Planning Commission may review the operations and grant extensions of up to five (5) years each to complete the operations.
  - (k) All operations shall conform to the extraction and reclamation requirements of the State of Colorado Mined Land Reclamation Board.
  - (l) The proposed operations shall not be otherwise detrimental to the public health, welfare or safety of the present or future inhabitants of the City.
  - (m) In evaluating a permit application, Planning Commission shall consider the suitability of the property for the proposed operations, the impact of the proposed operations upon and compatibility with nearby uses, both existing and proposed, and upon traffic circulation in the area of and access to the proposed operations.
  - (n) If a Special Use Permit is granted, Planning Commission shall have the authority to impose such reasonable conditions and safeguards upon the permit as are necessary to ensure compliance with the standards set forth in this Subsection (10). The Special Use Permit and any conditions attached thereto remains in effect until the final phase of reclamation is complete. *(As amended by 0-98-58.)*
- (14) Private Golf Course; Country Club:
- (a) Four (4) parking spaces per golf hole plus one (1) parking space for every two persons of the rated capacity of the clubhouse shall be required. All parking areas required to service members, guests, employees, or other patrons shall be provided on site and shall be designed in accordance with Article 15 of this Ordinance.
  - (b) Any use adjacent to a residential district shall restrict its outdoor operations to between the hours of five o'clock (5:00) a.m. and ten o'clock (10:00) p.m. local time daily. Uses not adjacent to a residential district shall not be so restricted.
  - (c) Adequate measures shall be taken to prevent golf balls from endangering adjoining property and property residents. *(As amended by 0-98-58.)*

(15) 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.

(16) 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. daily. *(As amended by 0-98-58.)*

(17) 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.

(18) Trade and Technical Services: *(As amended by 0-92-21.)*

- (a) All operations must be conducted entirely within a building or structure.
- (b) The building(s) or structure(s) to be occupied by the trade and technical service business shall have been constructed prior to September 1, 1991. Modifications to and/or expansions of buildings or structures may be permitted if approved as part of the Special Use Permit.
- (c) There shall be no outdoor storage of materials or products at any time. Loading and unloading of shipments shall be permitted.
- (d) Where the building facade includes windows or doors, the areas within the building visible through these openings from outside shall be used for office or retail operations and not for storage, stockpiling of materials, or machinery. The arrangement of activities inside the building shall be such to preserve a commercial retail or office character, rather than an industrial character, when it is viewed from outside.
- (e) The number of parking spaces on the site shall be sufficient for the establishment of a trade and technical use, and for any remaining uses on the site.
- (f) The Planning Commission shall have the authority to evaluate the proposed trade and technical use for its compatibility with the surrounding land uses, in particular with residential uses, and to establish conditions related to the following factors:
  - hours of operation
  - noise
  - glare
  - access points and loading docks
  - truck traffic

- other impacts related to compatibility of the proposed Special Use
- (g) No trade and technical use shall be permitted which involves the storage of hazardous waste, as designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. Applicants shall declare at the time they make application for a Special Use Permit if any hazardous materials are either used or produced in conjunction with a trade and technical use. Hazardous materials shall be handled in compliance with any applicable Federal, State and local regulations, except that, the Planning Commission shall have the authority to deny a trade and technical use if, in its judgment, the presence of hazardous materials makes a trade and technical use incompatible with the surrounding land uses.
- (19) 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.
- (20) 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.)*
- (21) Government Office Building:
- (a) Any use of the property must comply with Article 15 of this Ordinance.
  - (b) Any use of the property must comply with the restrictions and regulations of the Office (OF) Zone District with an allowable building height of sixty (60) feet; provided, however, that the Planning Commission shall have the discretion to limit building heights to less than sixty (60) feet based upon prevailing building heights in the area, proposed building setbacks, or other environmental factors.
  - (c) Parking requirements for allowed uses shall be those set forth for comparable uses in Article 9 of this Ordinance.

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

(22) Historic Place:

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

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

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

- (1) Listed in "The National Register of Historic Places."
- (2) Designated by the Planning Commission, as part of a Special Use Permit application, as a historic place. The Planning Commission may designate a site as a historic place if it finds that:
  - (a) The place was associated with events that have made a significant contribution to the broad patterns of National, State or local history; or
  - (b) The place was associated with the lives of persons significant to our history; or
  - (c) The place embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that posses high artistic values, or that represent a significant and distinguishable entity whose components may lack distinction; or
  - (d) The place has yielded, or may be likely to yield information important in pre-history or history.
- (3) Designated for preservation pursuant to the provisions of Article 11 of this Zoning Ordinance. *(As amended by 0-99-4.)*

(c) Conditions to Protect Historic Places.

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

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

*(As amended by O-88-24.)*

(23) Multiple Family Housing Density Bonus: *(As amended by O-89-51.)*

- (a) The Planning Commission shall have the authority to approve a density bonus of up to fifteen percent (15%) over the maximum number of units specified in the 4-R, 4-RA, and 5-R Zone Districts. Said bonus may be granted by the Planning Commission to those developments which demonstrate superior achievement and which also provide density incentive features as listed below. Said bonus shall be considered by the Planning Commission pursuant to an application for a Special Use Permit in the 4-R, 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.
- (24) Higher education classrooms and offices: *(As amended by 0-96-16.)*
- (a) The number of parking spaces on the site shall be sufficient for the proposed use.
  - (b) A site plan, subject to the provisions of Article 15, shall be submitted for review and approval with the Special Use Permit application.
  - (c) A proposed sign program shall be provided with the Article 15 site plan.
  - (d) A 10-foot landscaped buffer and/or fence with a minimum height of 5 feet and maximum height of 6 feet is required adjacent to all residentially zoned land.
  - (e) The property must have frontage on a collector or arterial street.
  - (f) The Planning Commission shall have the authority to evaluate the proposed use for its compatibility with the surrounding land uses, in particular residential uses, and to establish conditions related to any impacts related to the compatibility of the proposed Special Use and approve or deny the request based on its best judgment for the request and substantial impacts.
  - (g) The Planning Commission shall have the authority to establish hours of operation.

(25) CMRS Telecommunication Facility:

See Section 17-12-2(10) for design criteria and performance standards. Special use permits issued for CMRS telecommunication facilities shall run with the property on which the facility is located. *(As amended by 0-98-58.)*

**17-6-5      Group Homes for Handicapped Persons.** *(As amended by 0-99-9.)*

- (1) For purposes of this Section, "handicapped person" shall be defined as provided by Title VIII of the Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988 (codified at 42 U.S.C. § 3602).
- (2) Group homes restricted to occupancy of not more than eight (8) handicapped persons and not more than four (4) additional necessary persons employed in the care and supervision of such handicapped persons shall be permitted in all residential zone districts provided that the owner or operator of such a group home registers with the City. Registration shall require the completion of a form provided by the Department of Community Planning and Development. No fee shall be required to review and process this registration. Registration shall occur prior to occupancy. The applicant shall submit such information, requested in (a) through (d) below, as is available at time of registration. When the registration is completed, a Temporary Certificate of Registration shall be issued to the applicant. The Temporary Certificate shall be valid for a period of ninety (90) days from the date of issuance. Within said ninety (90) day period, the applicant shall supply any additional information required by (a) through (d) below. Prior to the expiration of the Temporary Certificate, the Director shall review the application to determine if a Certificate of Registration shall be issued. A neighborhood referral meeting must be held as set forth in Subsection (8) below prior to the issuance of a Temporary Certificate of Registration. A group home shall not be occupied until an application is submitted for review and a Temporary Certificate of Registration is issued. The total number of persons allowed in a group home shall not exceed one (1) person per habitable room which is being used for living purposes, as defined in the definition of Household. No Certificate of Registration shall be granted for a group home which is located within a radius of seven hundred fifty (750) feet from any other group home allowed in the Lakewood Zoning Ordinance. As part of such registration, the owner or operator shall provide to the satisfaction of the Director or his designee:
  - (a) Evidence that the proposed group home shall provide residential accommodations only for handicapped persons, and that such residency shall be restricted to not more than eight (8) handicapped persons and up to four (4) additional necessary persons employed in the care and supervision of such handicapped persons;
  - (b) If applicable, evidence that it is licensed with the State of Colorado;
  - (c) If the residents of the proposed group home are handicapped within the meaning of Subsection (1) because they are recovering alcoholics and/or drug abusers, the owner or operator shall provide evidence to the satisfaction of the Director or his designee that (i) no resident of the proposed group home has been convicted of a crime relating to possession or distribution of controlled substances; and (ii) no resident of the proposed group home has used alcohol or illegal drugs within the past thirty (30) days. This evidence shall be presented at the time of initial application and, with regard to subsequent residents, within thirty (30) days of their arrival at the group home, and whenever the Director has reasonable cause to request it. Additionally, the owner or operator shall provide a verified list of the names and dates of birth of the residents anticipated at time of registration and a verified list of the names and dates of birth of new residents within thirty (30) days of arrival at the group home for the purpose of determining if any resident has been convicted of a crime relating to possession or distribution of a controlled substance. The owner or operator shall be required to immediately report to the Director the

use of alcohol or illegal use of controlled substances by any resident and the use of alcohol or illegal use of controlled substances by anyone on the group home premises. The owner or operator shall immediately expel from the group home any resident who uses alcohol or for the illegal use of controlled substances.

- (d) The Director or his designee shall administratively approve the group home application within fifteen (15) days of the receipt of the completed application if the Director finds that the application and other information available substantially conforms to the requirements of this Section 17-6-5(2). A denial of a Temporary Certificate of Registration or a Certificate of Registration may be appealed by the applicant to the Planning Commission as set forth in Section 17-6-5(7) below.
- (3) Group homes proposed for occupancy by nine (9) persons or more who are handicapped persons and any additional necessary persons employed in the care and supervision of such handicapped persons shall be permitted only upon the administrative processing of an application and approval of a special use permit as provided by this section. Administrative processing of a special use application shall provide an exemption from the public hearing process of Section 17-6-2(8) and (9). The total number of persons allowed in a group home shall not exceed one (1) person per habitable room which is being used for living purposes, as defined in the definition of Household. In order to qualify for administrative processing of a special use permit application for a group home for handicapped persons, the applicant shall submit to the Department of Community Planning and Development a completed application containing the information required by Sections 17-6-2(3)(a) through (c)(3) and 17-6-2(6). The applicant shall also provide to the satisfaction of the Director or his designee the information described in Section 17-6-5(2). A neighborhood referral meeting must be held as set forth in Subsection (8) below prior to the issuance of a Temporary Special Use Permit. A group home shall not be occupied until an application is submitted for review and a Temporary Special Use Permit is issued.
- (4) Upon receipt of a completed application meeting the requirements of Subsection (2) and Subsection (3) and the required processing fee, the Director or his designee shall administratively approve the group home application within fifteen (15) days of the date of receipt of the completed application if the Director finds that the application and other information available to the Director demonstrates or evidences that the proposed group home substantially conforms to the requirements of Section 17-6-5(2) and Section 17-6-4(8)(a), (d), (f), (g), (h), (k) and Subsections (1) and (2) of Section (j) only. If approved, the applicant shall be issued a Temporary Special Use Permit. In addition, no special use permit shall be granted for a group home for nine (9) or more handicapped persons which is located within a radius of seven-hundred fifty (750) feet from any other group home allowed in the Lakewood Zoning Ordinance. The Director or his designee may impose conditions upon the approval of any special use permit for a group home that are reasonably necessary to protect the health, safety, or security of the residents and the immediately surrounding neighborhood.
- (5) Application shall occur prior to occupancy. The applicant shall submit information required in Subsection (4) above as is available at the time of registration. The Temporary Special Use Permit shall be valid for a period of ninety (90) days from the date of issuance. Within said ninety (90) day period, the applicant shall supply any additional information required by Section (4) above. Prior to the expiration of the Temporary Special Use Permit, the Director shall review the application to determine if a Special Use Permit shall be issued.

- (6) If a Temporary Certificate of Registration or a Temporary Special Use Permit has expired prior to a Certificate of Registration or a Special Use Permit being issued, the group home use shall be in violation of this Article.
- (7) The Director shall provide to the applicant a written decision concerning approval, conditional approval, or denial of the application or registration. An aggrieved applicant is the only person or entity who may appeal. Notwithstanding anything to the contrary in the Lakewood Zoning Ordinance, an applicant aggrieved by the Director's decision may appeal, with the required fee, the decision to the Planning Commission by the submission of a written request for appeal delivered to the Director or his designee within ten (10) days of the date of the Director's written decision. Upon receipt of a timely request for appeal and on the next available Planning Commission meeting date following the request, the Planning Commission shall administratively review the application and the Director's decision and shall either affirm, reverse, approve with conditions, or modify any conditions of approval imposed by the Director. Those issues that have been adjudicated by the Director and not appealed are final. The Planning Commission's review shall not be conducted as a public hearing and the Planning Commission's decision on any appeal shall be final. An appeal of the Planning Commission's decision shall be to the District Court.
- (8) Neighborhood Referral. An applicant for a group home for handicapped persons shall meet with residents and persons owning property in the vicinity of the group home. The meeting shall be facilitated by City Planning Staff. One purpose of the meeting shall be to receive information from those neighbors present. Notification for said meeting shall be to the following people or entities:
- (a) The fee owners of the subject property(ies). Notice to one fee owner shall be considered notice to all other owners of the property.
  - (b) The applicant.
  - (c) The fee owners of real property within 500 feet from the boundary of the subject property(ies).
  - (d) The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies).

At least forty-five (45) days prior to the neighborhood referral meeting, the applicant shall provide to the City a current assessment map(s) from the applicable county assessor's office showing the property or properties which are the subject of the application, as well as those properties subject to the notice requirements of this Subsection 17-6-5. Said assessment map(s) shall indicate the assessor's ID number(s) of the subject property(ies) and shall indicate the assessor's ID number(s) of all surrounding property(ies) to a distance of 1,000 feet. Within ten (10) days of the applicant submitting the map, the City shall draw on the assessment map(s) a boundary encircling the property(ies) which is/are the subject of the application.

This boundary will encircle all property as set forth above.

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

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

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

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

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

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

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

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

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

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

- (a) All stipulations submitted as part of the Special Use Permit or Registration Certificate and all conditions imposed and all the conditions of this Article 17-6 shall be maintained in perpetuity with the Special Use Permit or Registration Certificate. If the group home is found to be in violation of any conditions of this Article 17-6, or of any stipulations or conditions, the use shall be in violation of the Special Use Permit or Registration Certificate.
- (b) Should a Special Use Permit or Registration Certificate be reasonably believed to be in violation of the provisions of this Article, the Director shall notify the permit holder and the licensing agency in writing of said violation and shall provide the permit holder with a fourteen (14) day period in which to abate the violation. In addition, the notice shall state the time and place for a hearing, if the violation has not been abated within the fourteen (14) day period. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued.
- (c) If, within the fourteen (14) day period established above, the permit holder completely abates the cited violation, the permit holder shall notify the Director and licensing agency that the required changes have been made. The Director shall determine if the violation has been abated. Single or multiple violations or a pattern of violations, even though abated, may be a basis for revocation of a Special Use Permit or Registration Certificate.
- (d) Failure of the permit holder to abate cited violations within fourteen (14) days shall result in the commencement of the hearing process scheduled by the provisions of Section 17-6-3 above. Notice of the hearing shall be provided as required by Section 17-6-2(9)(a) above, with notification to the licensing agency also provided.
- (e) Following a hearing, the Director shall issue a decision either revoking or sustaining the Special Use Permit or Registration Certificate. This decision may be appealed by the applicant to the Planning Commission. Said appeal must be filed within seven (7) days of the Director's decision. After hearing, with prior notice to the permit holder, the Planning Commission shall sustain the decision of the Director if it finds a violation of the permit has occurred. The revocation of the Special Use Permit or Registration Certificate shall require the permit holder to vacate the premises or cease the use authorized by the Special Use Permit. After revocation, the permit holder may not reapply for a Special Use Permit or Registration Certificate pursuant to the procedures set forth in this Ordinance within 180 days of the revocation action.

(10) Reasonable Accommodations

The Director shall make reasonable accommodations for Group Homes for handicapped persons when necessary, as required by the Fair Housing Amendments Act.

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

### 17-8-1. VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS. (As amended by O-91-31.)

- (1) Except as specifically permitted in this Ordinance, no fence, wall, hedge, or other structure or obstruction above a height of forty-two (42) inches as measured from the flow line or in the absence of curbs and gutters, as measured from the property line, shall be constructed, placed or maintained within fifty-five (55) feet of the intersection of the right-of-way lines of two (2) streets or railroads or at a street intersection.
- (2) The Director of Community Planning and Development shall adopt, and may from time to time amend, standards by which persons may be exempted by him from the limitations of this Section. Any such exemption shall be in writing. No exemption shall permit a fence, wall, hedge or other structure or obstruction to be constructed, placed or maintained in such a manner as to endanger or potentially endanger the public health or safety. (As amended by O-91-59.)

### 17-8-2. MEASUREMENTS.

- (1) All fences and wall heights, except those described in Section 17-8-1, shall be measured from the lowest finished grade at the location of the fence. Heights of fences described in Section 17-8-1 shall be measured from finished curb level.
- (2) A combination fence and retaining wall may be erected to a height of seventy-two (72) inches above the highest finished grade or ninety-six (96) inches above the lowest finished grade, at the location of the fence, except that the fence portion may not exceed seventy-two (72) inches above the highest finished grade.

### 17-8-3. FENCE PERFORMANCE STANDARDS.

- (1) Intent. The intent of these performance standards is to permit fences in commercial districts at a reduced setback based on the type of material used to construct the fence and whether or not a landscape buffer is provided between the fence and streets abutting the site where the fence is located. In addition, allowance has been made for the use of a ten (10) foot high fence to create a secured storage area for vehicles, if buffered by landscaping and placed a minimum of ten (10) feet from adjacent streets and residential property.
- (2) Performance Standards.
  - (a) Wood fences shall be of high grade new cedar or redwood. Minimum sizes for components shall be 1" x 2" for vertical pickets and 4" x 4" for posts. A four (4) inch minimum spacing is required between vertical pickets. All fence components shall be stained or painted an earth tone color or be constructed of a natural finish redwood. The fence shall be finished on the street side. The entire fence shall be of a single decorative style.

- (b) Decorative metal fences shall be of high grade new cast iron, galvanized steel or aluminum. Minimum sizes for components shall be 3/4" x 3/4" for vertical pickets and 1/2" x 1/2" for posts. A four (4) inch minimum spacing is required between vertical pickets. All fence components shall be colored black or dark brown. The entire fence shall be of a single decorative style.
- (c) Any required landscape buffer area shall be irrigated and covered with living ground cover or turf and shall include trees and shrubs at the densities specified in Section 17-15-7 for perimeter landscaping; with plant materials installed on the primary front yard to be three (3) inch caliper shade trees, two (2) inch caliper ornamental trees and six (6) feet high evergreen trees minimum size.
- (d) Performance standards for ten foot (120") fence surrounding secured storage areas.
  - (1) The fence must be set back a minimum of ten (10) feet from the side and rear property line and from any street right-of-way.
  - (2) Where the fence is within fifty (50) feet of any public right-of-way or of property in a residential zone district, a landscape buffer, no less than ten (10) feet in width and meeting performance standard in this Section, is required along the outside perimeter of the fence except where any driveway enters the secured storage area. In all other cases, a landscape area at least ten (10) feet in width and meeting performance standards in this Section is required along the outside perimeter fence.
- (e) Prior to issuance of any fence permit, a maintenance agreement shall be signed by the property owner which obligates the owner to maintain the fence to a degree satisfactory to the City.
- (f) Notwithstanding the provisions of this Section 17-8-4, fences allowed by this Section and any required landscaping shall comply with the requirements of Section 17-8-1 for vision clearance at corners and railroad crossings. Landscaping shall be maintained according to the requirements in Article 15 of this Ordinance.

(3) Submittal and Approval Process.

- (a) Submittal Requirements. A plan shall be submitted at a scale of 1" = 20' or larger, showing the location of any fences and landscaped areas, and types of plant materials to be used. Elevations of fences shall be required.
- (b) Review. The fence shall be reviewed for conformance with the performance standards. The applicant shall be notified in writing as to the decision within five (5) working days of the application submittal.
- (c) Action and Appeal. The Director of Community Planning and Development or designee shall approve, approve with conditions, or deny the application. The applicant may appeal a denial of a fence plan to the Planning Commission. Such an appeal must be filed in writing with the Planning Commission Secretary no later than fifteen (15) working days from the date of the denial. *(As amended by 0-98-58.)*



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**FIGURE 8-1  
FENCE REGULATIONS**

<b>ZONE DISTRICT</b>	<b>PERMITTED LOCATION</b>	<b>TYPE OF FENCE PERMITTED</b>	<b>MAXIMUM HEIGHT</b>	<b>MINIMUM SETBACK</b>	<b>ADDITIONAL REQUIREMENTS/COMMENTS</b>
RR Rural Residential	No restrictions	50 % open on Front open, solid surface on side and rear	72"	property line	Electrified permitted on side and rear only if placed at least 5' inside from another security fence and warning is posted
R1A Residential One Acre	No restrictions	Open, Solid, Barbed Wire Electrified - if adequate warning signs provided	84"	property line	When property in R1A district abuts property in any other zone district, the fence along the common boundary line between the districts shall only be that fence allowed in the other zone district.
1R through 6R Residential	Side and rear yards Front yard, non-primary	Open, solid	72"	property line	Non-primary front yards are those yards abutting a public right-of-way which do not have the main entrance of the building oriented toward them.
	Front yard, primary	Open	42"	property line	Primary front yard is that yard abutting a public right-of-way where the main entrance of the building is oriented.

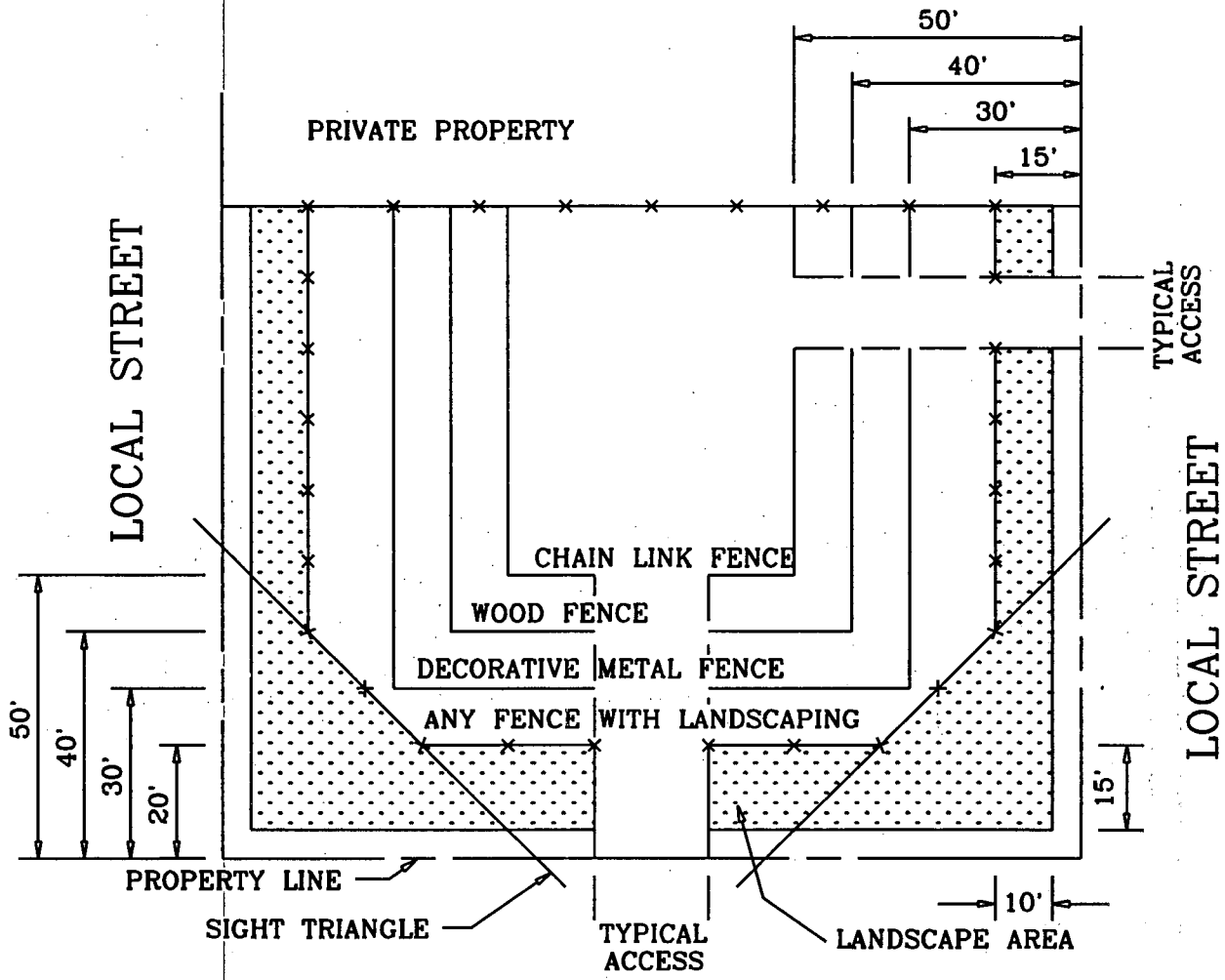
ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
OF, 1C through 5C Office/Commercial	Side and rear yards	Open, solid	72"	property line	
	Front yard, any	Open, solid	72"	50' from property line	
		Open, Wood Fences Only	72"	40' from property line, except that where the fence is located in the primary front yard, the fence shall not be located so as to cross between the street and any principal building on the site (see Figure 8-3).	For display areas only (see definition). Fence must meet applicable performance standards and be approved according to procedures in 17-8-4. See Figure 8-2 for typical layout.
OF, 1C thru 5C Office/Commercial	Front yard, any	Open, Decorative Metal Fences Only	72"	30' from property line, except that where the fence is located in the primary front yard, the fence shall not be located so as to cross between the street and any principal building on the site (see Figure 8-3).	For display areas only (see definition). Fence must meet applicable performance standards and be approved according to procedures in 17-8-4. See Figure 8-2 for typical layout.
		Open, Wood, Decorative Metal, Chain Link		20' from property line on arterials and collectors; 15' from property line on local streets, except that where the fence is located in the primary front yard, the fence shall not be located so as to cross between the street and any principal building on the site (see Figure 8-3).	For display areas only (see definition). Must provide landscape buffer area as follows: - 15' on arterials and collectors - 10' on local streets  Fence and landscaping must meet applicable performance standards and be approved according to procedures in 17-8-4. See Figure 8-2 for typical layout.

ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
OF, 1C through 5C Office/Commercial	Front yard, non-primary	Solid, Wood or Masonry	72"	20' from property line on arterials and collectors; 15' from property line on local streets	Must provide landscape buffer area as follows:  - 15' on arterials and collectors - 10' on local streets  Landscaping must meet applicable performance standards and be approved according to procedures in 17-8-4.
OF, 1C through 5C Office/Commercial	Side and rear yards; Front yards, non-primary	Open	120"	30' from property line	Permitted only to create secured storage area for up to 25 vehicles. Must meet applicable performance standards and be approved according to procedures in 17-8-4.
IN Industrial	Side and rear yards	Solid	84"	property line	
		Barbed Wire	84", but may not be located below 72"	property line	
	Front yards	Open, Solid	84"	20' from property line	
<b>ANY DISTRICT</b>					
Public Utility Installations	Front, side and rear yards	Open, Solid	84"		
		Barbed Wire	84", but may not be located below 72"		

ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
Recreational Facilities (such as tennis courts, basketball courts)	Side and rear yards	Open	120"	15' from property line	
Swimming Pools	Front, side and rear yards				Any person owning land in the City of Lakewood on which there is situated a swimming pool, either above ground, semi-sunk or full depth recess, being eighteen (18) inches or more in depth at any point, shall erect and maintain thereon an adequate fence sufficient to make such swimming pool inaccessible to small children. Such fence, including gates therein, must be not less than forty-two (42) inches above the underlying ground. All gates must be self-latching with latches placed forty-two (42) inches in height. Space between the pool and the interior of the fence shall be a minimum of five (5) feet.
Noise Control Walls and Fences	Rear yards and non-primary front yards adjacent to arterial streets; Any yard adjacent to frontage roads on US 6 and US 285	Solid masonry of wood with pickets on both sides of the horizontal boards and the pickets must be a minimum of 3/4 inch thick and must be staggered from the opposite pickets.	Eight feet		Solid fences and walls may be erected to a height of eight feet when so positioned as to separate a property from an arterial street or a frontage road adjacent to the US 6 and US 285 Highways as designated in the City of Lakewood Major Street Plan. The Director of Community Planning and Development shall consider the aesthetic, visual, and noise reduction characteristics of the fence and wall.

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FIGURE 8-2  
FENCE SETBACKS PERMITTED FOR A COMMERCIAL LOT  
WITH THREE STREET FRONTAGES



ARTERIAL OR MAJOR/MINOR COLLECTOR STREET

**ARTICLE 9: PARKING REQUIREMENTS** *(As amended by O-90-39.)*

**17-9-1. GENERAL PROVISIONS.**

- (1) No land shall be used or occupied, no structures shall be designed, constructed or altered, and no use shall be operated unless the off-street parking space herein required is provided in at least the amount and maintained in the manner set forth within this Article. No person shall construct, pave or repave a parking lot without first obtaining a building permit.
- (2) All required off-street parking spaces shall be provided within the lot lines established for the uses to be developed or redeveloped. All other parking proposals shall be reviewed by the Board of Adjustment in accordance with Section 17-4-7.
- (3) Provision of parking spaces within an integrated parking and access system is encouraged. The total number of spaces provided shall be the sum total of the individual requirements. Parking requirements will be based on the land use(s).
- (4) All driveways, drive aisles, parking areas, and all parking spaces within those areas located in districts other than One Acre Residential (R1A) shall be designed and designated in conformance with the site plan requirements of Title 17, Article 15. Driveways serving one and two family dwellings in districts (RR) Rural Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, and (3-R) Duplex Residential which access unimproved streets are exempt from this requirement.
- (5) All parking ratios in Table 9-4, for combined residential/nonresidential developments shall be determined based on the individual uses. Mixed nonresidential developments, such as shopping centers, industrial or office parks, shall have parking based upon the type of development and not based on individual uses. The number of spaces required in Table 9-4 will be rounded up to the next whole number.
- (6) Parking spaces and on site circulation shall be designed in such a manner as to provide safe movement for pedestrian and vehicular traffic. On site parking shall be maintained in good condition free of weeds, dust, trash and debris, and major surfacing defects.
- (7) When a change in the use or user of the property creates an increase in the parking demand even where there is no development or redevelopment taking place, the additional parking demand shall be provided for.
- (8) No more than one (1) commercial vehicle shall be parked on any residential lot and no more than two (2) trailers or a combination of one (1) trailer and one (1) commercial vehicle shall be parked in the front yard or more than one (1) trailer or one (1) commercial vehicle shall be allowed where a self-propelled motor home or travel trailer is also parked in the same front yard of any lot located in districts zoned (RR) Rural Residential, (R1A) One Acre Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, (3-R) Duplex Residential, (4-R) Medium Density Residential, (5-R) High Density Residential, (6-R) Mobile Home Residential, or in any residential (PD) Planned Development Zone Districts, except where used in connection with an allowed use in districts zoned (R1A) One Acre Residential and (RR) Rural Residential. The limitation of two (2) trailers or one (1) commercial vehicle shall not apply where the front yard setback is fifty (50) feet or greater. *(As amended by O-93-34.)*

- (9) No more than fifty (50) percent of the front yard or more than fifty (50) percent of the rear yard may be designated or used for parking on any lot located in districts zoned (RR) Rural Residential, (R1A) One Acre Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, (3-R) Duplex Residential, (4-R) Medium Density Residential, (5-R) High Density Residential, (6-R) Mobile Home Residential, or in any residential (PD) Planned Development Zone Districts. All parking areas located in the front yard shall be improved all weather surfaces clearly delineated by curbs, landscaping, or similar features to distinguish the parking area from the remainder of the front yard. Each lot shall be allowed one (1) driveway which may be at least eighteen (18) feet in width regardless of the amount of front yard remaining, unless the lot contains a three (3) car garage, in which case the lot may be allowed one (1) driveway which shall be at least twenty-seven (27) feet in width regardless of the amount of front yard remaining. *(As amended by O-93-34.)*
- (10) Planning applications where reciprocal or shared parking is contemplated may be required to include parking accumulation studies for existing facilities similar to the proposed uses and for the surrounding uses with which parking is being reciprocated. The following guidelines must be followed:
- (a) Determine if shared parking is possible by examining the land use mix adjacent to the subject site, the size of each use, the type of operation, and most important, the 12 to 24-hour parking demand characteristics of each use.
  - (b) Conduct 12 to 24-hour parking accumulation studies for existing facilities similar to those for which reciprocal parking is being requested, and for the surrounding ones with which shared parking is anticipated. Weekly and monthly variations in parking demand must be taken into consideration.
  - (c) Occupancy factors may be a consideration in determining how well the parking spaces for the existing adjacent uses, with which shared parking is being contemplated, are currently being utilized. These can be determined during the accumulation studies outlined above.
  - (d) Based on the data for existing similar facilities, the total parking demand for all uses included in the shared parking analysis must be projected for each hour over a 12 to 24-hour period for the most critical day of the week and month of the year. This must include the Thanksgiving to Christmas period. This will determine the minimum number of spaces that must be provided.
  - (e) Based on this analysis, if the maximum number of vehicles accumulated during a 24-hour period for all uses exceeds the number of spaces that are required to be provided by City ordinances for all the uses, no reciprocal or shared parking will be permitted.
  - (f) If the projected peak accumulated demand is lower than the spaces required to be provided by ordinance, elimination of those spaces exceeding the maximum accumulated demand may be considered by permitting shared parking, providing details of an agreement are provided to the City guaranteeing perpetuity of such shared parking arrangements in case of future ownership or tenant changes.

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

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

- (a) Driveways shall be a minimum of eighteen (18) feet wide, or such other configuration that will allow either of the two required parking spaces to be accessed independently of each other. Driveways shall be a minimum of twenty (20) feet long from building to right-of-way or back of sidewalk. *(As amended by O-97-9.)*

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

- (a) Driveways shall be a minimum of eighteen (18) feet wide, or such other configuration that will allow either of the two required parking spaces to be accessed independently of each other.

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

**(a) Covered Parking:**

Resident parking spaces ten (10) feet wide and twenty (20) feet long, inside clearance, shall be provided in garage or carport, architecturally integrated with the building, as shown in the following Table:

<u>Zone</u>	<u>% of the Required Resident Parking</u>
3-RA	100%
4-R	100%
4-RA	50%
5-R	35% unless structured parking is provided in accordance with paragraph (k) in this Section
5-RA	Structured parking is required

**(b) Townhouse:**

Townhouse units shall be provided a minimum of a one (1) car garage architecturally integrated with the dwelling unit.

**(c) Structured Parking:**

Structured parking shall be required in developments with densities of twenty-five (25) dwelling units per acre or more, for at least fifty (50) percent of the required number of spaces. The structural design shall be prepared by an engineer licensed by the State of Colorado and shall be architecturally integrated with the buildings served.



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

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

(5) **Handicapped Parking Space Requirements:**

The following parking requirements shall apply to all public, office, commercial, and industrial uses in all districts.

- (a) One (1) handicapped parking space shall be provided in a lot containing one (1) to fifty (50) spaces.
- (b) Two (2) handicapped parking spaces shall be provided in a lot containing fifty-one (51) to one hundred (100) spaces.
- (c) Any lot containing one hundred one (101) parking spaces and over shall provide three (3) handicapped parking spaces plus one (1) handicapped parking space per each additional one hundred (100) spaces over the first one hundred (100) spaces.
- (d) Posting of spaces: Each handicapped parking stall shall be a minimum of twelve (12) feet in width, and must have a stall depth of at least eighteen (18) feet. Length may be reduced as noted in Section 17-9-6(3). The stalls should be located near barrier free entrances to buildings. Each handicapped parking space will be required to be identified as shown in Figure 2 and 3.

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

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

(1) Vehicle stacking is:

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

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

volume, and site layout.

- (3) Stacking distance for internal drive-up or drive-through services shall be measured from the point of service and within a designated drive aisle. The required stacking distances are shown in Table 9-3.

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

- (1) All new multi-family residential parking lot structural sections must be designed by a professional engineer registered in the State of Colorado and shall be based on a soils report reflecting traffic volume and vehicle types. The design of non-residential parking lots is not required to be designed by a professional engineer, however, the design is still subject to the minimum cross section in paragraph 2; except that the requirement for an engineered design may be waived for parking lots with less than eight (8) parking spaces by the Director of Community Planning and Development. *(As amended by 0-91-59.)*
- (2) The minimum cross section under any conditions shall be two and one half (2-1/2) inches of hot bituminous pavement and four (4) inches of aggregate base course (Class VI) on six (6) inches compacted sub-grade or four (4) inches of nonreinforced Portland Cement concrete pavement on compacted sub-grade. An equivalent full depth section over compacted sub-grade may also be used.
- (3) A special inspector as defined and provided for in Section 306(a)14(b) of the Uniform Building Code, as adopted by the City of Lakewood Municipal Code, shall certify after field inspection, that the construction of the parking lot conforms with the approved plans prior to the issuance of a Certificate of Occupancy or final inspection. When a parking lot is part of an approved drainage plan, an engineer registered in the State of Colorado shall certify the construction, paving or repaving complies with the approved drainage plan.
- (4) The maximum grade within parking lots shall be six (6) percent; the maximum cumulative grade break must not exceed eight (8) percent.
- (5) Raised curb islands shall be required for each parking row containing more than eight (8) vehicles to define the ends of each parking row. No curb islands shall be constructed of asphalt. The curbing design must be approved by the Director of Community Planning and Development. *(As amended by 0-91-59.)*
- (6) Parking lots and loading areas shall have access from a clearly defined driveway not less than eighteen (18) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic. If the driveway is to serve as a fire lane, it shall not be less than twenty (20) feet in width.
- (7) The perimeter of the parking lot and any raised curb islands shall have concrete curb. The curb shall be set back from the property line a minimum distance of six (6) feet or the required buffer/setback distance. In integrated parking and access systems, the curb

may be eliminated for the length of the property line which joins the joint use or shared parking lot.

- (8) All buildings shall be separated from the parking lot by a minimum five (5) foot wide walkway or landscaping area. Such area shall have the same finished height as the raised curb. If head-in parking is permitted adjacent to one side of the area, the area shall have a minimum width of seven (7) feet, and shall include a sidewalk with a minimum width of four (4) feet.

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

- (1) Conventional parking layout dimensions are provided in Table 9-1, illustrated in Figure 9-1, with design elements of parking. All parking layouts and elements will be reviewed by the Director of Community Planning and Development for approval. *(As amended by 0-91-59.)*
- (2) The size of a parking stall, its angle, and the width of the access aisle shall conform to Table 9-1.
- (3) The minimum length of a parking stall which is adjacent to a landscaped area may be reduced by two (2) feet provided suitable ground cover is placed behind the curb a minimum distance of two (2) feet.
- (4) Both sides of a parking bay shall be at the same angle. The layout of the parking area shall be such that no vehicle shall protrude into a drive aisle.
- (5) Dead end aisles shall provide back around space of five (5) feet in depth and the same width as the aisle, and shall only be permitted for ninety (90) degree parking layouts.
- (6) Parking spaces shall be defined on the pavement surface with painted lines.

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

- (1) The existing parking lot is not in conformance with current landscape design standards.
- (2) Landscaping is being added voluntarily.
- (3) The parking lot is not part of an approved Article 15 site plan.

*(As amended by 0-91-59.)*

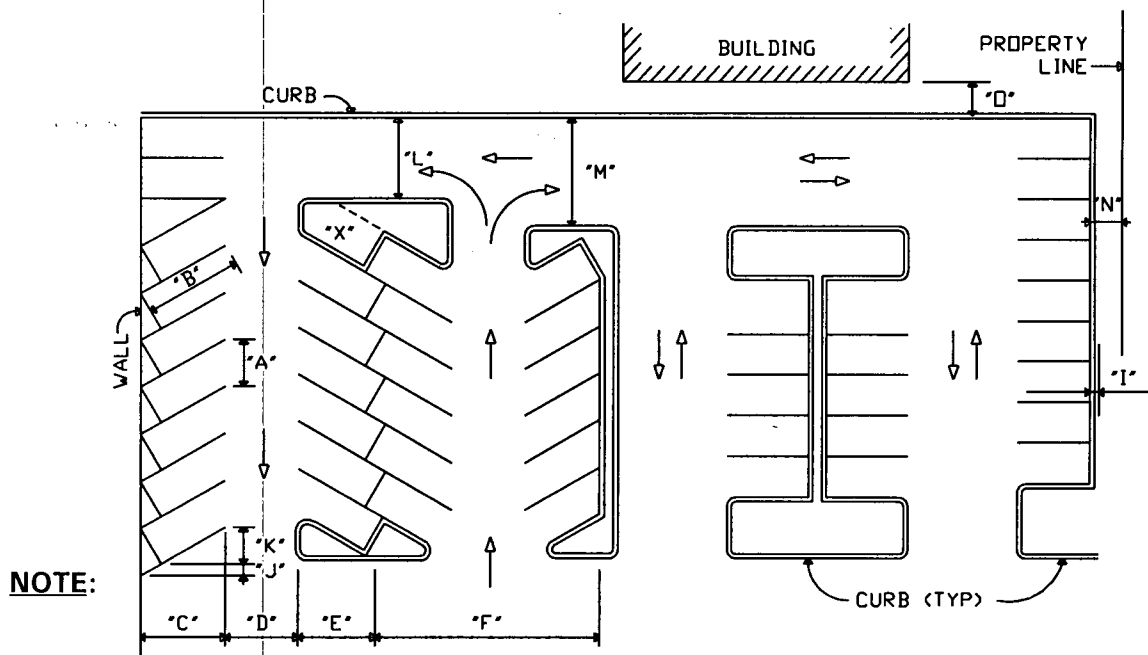
**17-9-8. APPEALS TO THE BOARD OF ADJUSTMENT.** As provided for in Section 17-4-7, the Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee of the City of Lakewood in the enforcement of this Chapter. Any appeal shall be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

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

DIMENSION	ON FIGURE 1	0°	45°	60°	75°	90°
Stall width, parallel to aisle	A	9	12.7	10.4	9.3	9.0
Stall length of line	B	24	24.5	21.5	19.5	18.0
Stall depth to wall	C	9	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12	12.0	16.0	22.0	24.0
Stall depth interlock	E	9	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30	43.8	51.5	59.3	60.0
Module, interlocking	G	30	41.6	50.0	58.6	60.0
Module, interlock to curb face	H	30	41.8	49.4	56.9	58.0
Bumper overhang (typical)	I	0	1.5	1.8	2.0	2.0
Offset	J	--	6.3	2.7	0.5	0.0
Setback	K	24	11.0	8.3	5.0	0.0
Cross aisle one-way	L	18	18.0	18.0	18.0	18.0
Cross aisle two-way	M	24	24.0	24.0	24.0	24.0
Setback to property line	N	4	4.0	4.0	4.0	4.0
Setback to building	O	5	7.0	7.0	7.0	7.0

**FIGURE 9-1**



**NOTE:**

1. See Article 15 for dimensions of end islands.
2. X = Stall not accessible in certain layouts.

**CITY OF LAKEWOOD  
ZONING ORDINANCE**

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

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

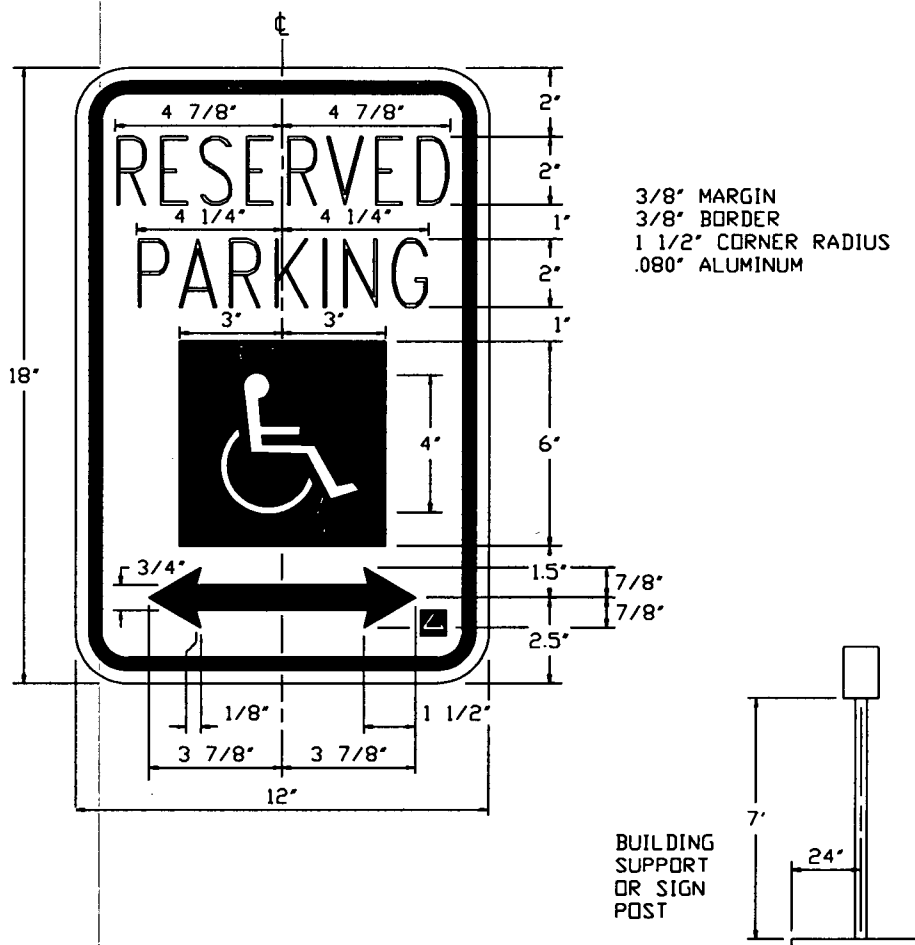
SHOPPING CENTER		0 - 10,000	20	20	40
		10,001 - 20,000	20	40	100
		20,001 - 30,000	40	80	140
		30,001 - 40,000	60	100	180
		40,001 - 50,000	60	120	200
		50,001 - 100,000	60	120	200
		100,001 - 150,000	80	140	300
		150,001 - 200,000	100	200	400
		200,001 - 250,000	120	240	500
		250,001 - 300,000	140	300	600
		300,001 - 600,000	140	300	600
		600,001 - 700,000	160	300	600
		700,001 - 800,000	180	340	700
		800,001 - 900,000	200	400	780
		900,001 - 1.00 M	220	440	860
		1.01 M - 1.50 M	340	660	1,300
DISCOUNT STORE		0 - 30,000	20	20	20
		30,001 - 50,000	20	40	60
		50,001 - 75,000	20	40	100
		75,001 - 100,000	40	60	140
SUPERMARKET		0 - 20,000	20	20	20
		20,001 - 30,000	20	40	60
		30,001 - 40,000	20	40	80
		40,001 - 50,000	20	60	120
BANK: DRIVE THROUGH		0 - 10,000	20	20	40
		10,001 - 20,000	40	40	160
		20,001 - 30,000	60	120	240
		30,001 - 40,000	80	160	320
		40,001 - 50,000	120	200	400
MEDICAL CLINIC		0 - 100 employees	20	20	40

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

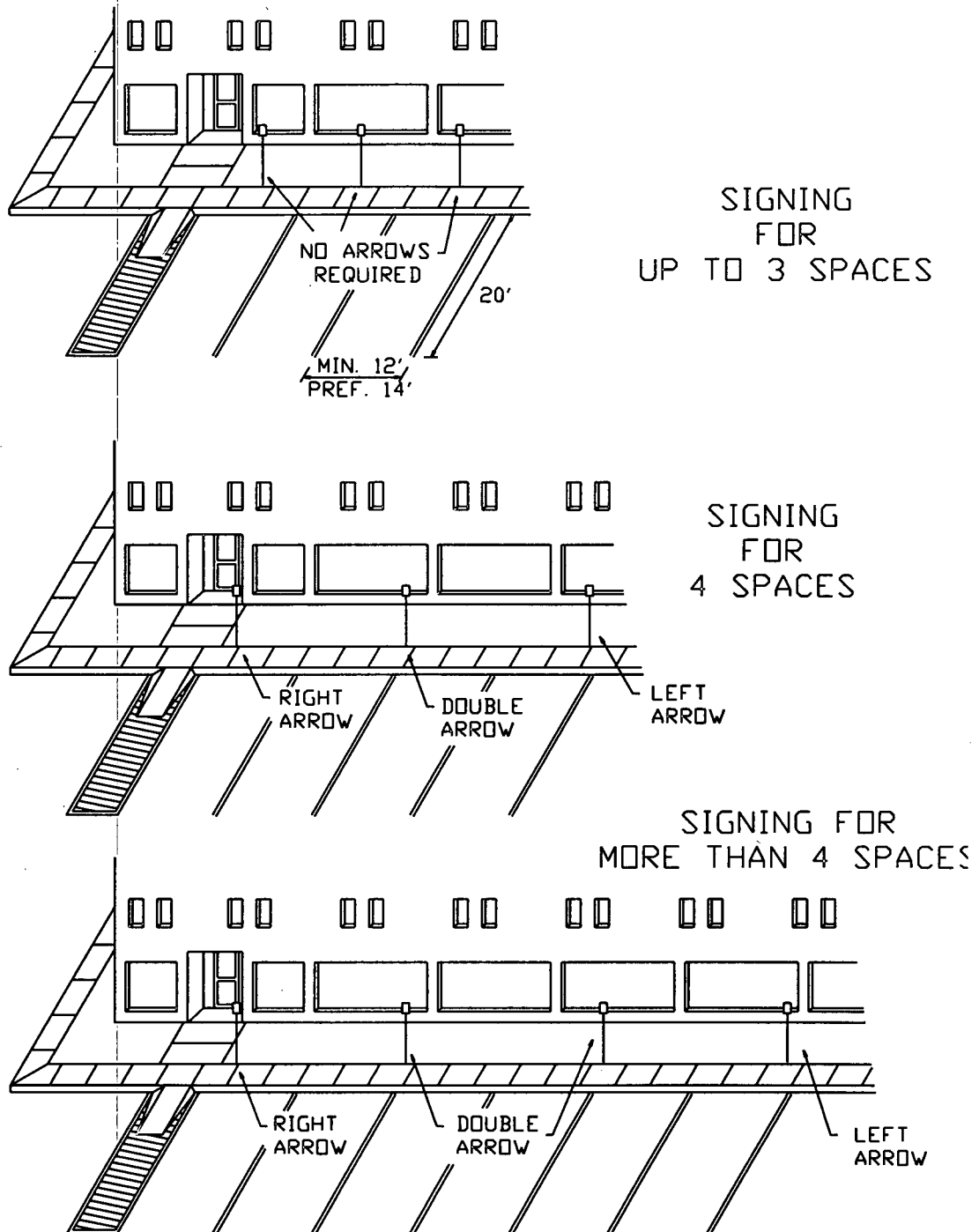
TYPE OF FACILITY	STACKING DISTANCE
Drive-up Bank	120 feet per window
Drive-up Restaurant	200 feet per window
Drive-up Liquor Store	60 feet per window
Drive-up Cleaners	60 feet per window
Drive-up Theater	20 ft. per 15% of total parking spaces
Automatic Car Wash	200 feet per wash line
Self-Service Car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

**FIGURE 9-2  
HANDICAPPED SIGN DETAIL**



CITY OF LAKEWOOD  
ZONING ORDINANCE

FIGURE 9-3  
HANDICAPPED SIGN LOCATIONS AND STALL MARKING





**CITY OF LAKEWOOD  
ZONING ORDINANCE**

**TABLE 9-4  
REQUIRED PARKING RATIOS**

USE	DESCRIPTION	RATIO
AIRPORT (Commercial)	Daily airplane arrivals and departures of 2 to 1,000	8.5 spaces/plane movement
AMUSEMENT PARK	Facilities with amusement rides, entertainment, and similar activities	5.0 spaces/1,000 s.f. of amusement area
AMUSEMENT CENTER	Indoor facility with games, entertainment and similar facilities	5.0 spaces/1,000 s.f. of gross floor area
AUTO SALES	Facilities for sale of new or used auto, boat, truck, trailer, camper, motor home, RV's or motorcycles	0.5 spaces/1,000 s.f. of gross floor area
AUTO SERVICES		
Car Wash	Facilities for the cleaning of vehicles	1.0 spaces/wash bay
Gas Station	Facility for dispensing motor fuels with service	3.0 spaces/site plus 2.0 spaces/service bay
Repair, Lube and Oil Service	Facilities providing general vehicle service without fuel dispensing	2.0 spaces/service bay
BANKS (with drive-in and walk-in facilities)	Facilities with vehicle and pedestrian service	4.0 spaces/1,000 s.f. of gross floor area
BOWLING CENTERS	Facilities with bowling lanes, lounges and snack bars	4.5 spaces/bowling lane
CAMPGROUND	Facilities for outdoor, overnight camping	1.0 spaces/camp site
CHILD CARE FACILITY	Facility providing daily care of children	3.0 spaces/1,000 s.f. of gross floor area plus 1.0 spaces/facility vehicle
CHURCHES/SYNAGOGUE	Assemblies/places of worship	0.5 spaces/seat
CONTRACTOR SHOPS	Office and workshops for construction uses	5.0 spaces/1,000 s.f. of gross floor area
DANCE/EXHIBITION HALL	Assemblies, exhibition halls and similar uses	0.3 spaces/occupant
DISCOUNT STORES	Free standing facilities that offer few services, centralized cashiering, variety of product sales	3.5 spaces/1,000 s.f. of gross floor area
FLEA MARKET	Outdoor sales area for multiple vendors	2.5 spaces/seller space

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

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

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

USE	DESCRIPTION	RATIO
OFFICE General	Facilities for general office work	4.0 spaces/1,000 s.f. of gross leasable floor area
Government or Medical	Facilities that house city, state, county or federal agencies or; facilities that provide diagnostic and out patient care	4.0 spaces/1,000 s.f. of gross floor area
Parks	Subdivisions or PD's containing general office and supporting services such as banks, savings and loan, restaurants and service stations in a park or campus setting	2.5 spaces/1,000 s.f. of gross floor area
Post Office	Facility for mail distribution and pickup	6.0 spaces/1,000 s.f. of gross floor area
RACE TRACK	Supporting facility for conducting races such as auto, dog or horses	0.3 spaces/seat
RESIDENTIAL Single Family	Single Family detached or duplex	2.0 spaces/dwelling
Multi-family	Three or more attached dwelling units: studio and 1-bedroom 2-bedroom 3 or more bedroom	1.0 spaces plus guest 1.5 spaces plus guest 2.0 spaces plus guest
Mobile Home	Mobile home within a park	2.0 spaces/mobile unit plus guest
Guest Parking	Common parking available to public	0.5 spaces/unit
Low Income	Facility for Low/Moderate income elderly	0.75 spaces/dwelling unit
Group Living Quarters Elderly	Facility for persons over 60 years of age without medical care	0.5 spaces/bed plus 1.0 spaces/facility vehicle
Others	Facility for group living quarters for other than elderly	0.7 spaces/bed plus 1.0 spaces/facility vehicle
Health Care Facility	Facilities for the care of the elderly or infirm	0.3 spaces/bed
RESTAURANT (Fast food, family, high turnover)	Eating establishments with turnover rates of less than 1 hour	10.0 spaces/1,000 s.f. of gross floor area
RESTAURANT (Full service, low turnover)	Eating establishments with turnover rates over 1 hour	12.5 spaces/1,000 s.f. of gross floor area

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

USE	DESCRIPTION	RATIO
SCHOOLS (Public or Private)	Facilities for Grades K to 8 Facilities for grades 9 to 12 Facilities for grades above 12	0.1 spaces/seat 0.25 spaces/seat 1.0 spaces/seat
SHOPPING CENTERS	An integrated group of commercial establishments planned, developed, owned or managed as a unit	4.0 spaces/1,000 s.f. of gross leasable floor area
SPORTS CENTERS	Health clubs offering a variety of fitness activities Indoor firing ranges Roller or ice skating facilities  Tennis or racquetball facilities	4.0 spaces/1,000 s.f. of gross floor area 1.5 spaces/firing stall 4.0 spaces/1,000 s.f. of gross floor area 4.0 spaces/1,000 s.f. of gross floor area
VETERINARIAN	Facilities providing health care for animals	3.0 spaces/1,000 s.f. of gross floor area
WAREHOUSE	Facilities devoted to the storage of various materials Mini-warehouses or self-storage facilities	1.0 spaces/1,000 s.f. of gross floor area 0.35 spaces/1,000 s.f. of gross floor area

## ARTICLE 13: HOME OCCUPATIONS

**17-13-1. DEFINITION.** Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling unit, and which does not change the character thereof except as provided in Section 17-13-5 of the Zoning Ordinance of the City of Lakewood.

**17-13-2. PURPOSE AND INTENT.** It is the purpose and intent of this chapter to:

- (1) Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses.
- (2) Provide residents of the City with an option to utilize their residences as a place to enhance or fulfill personal economic goals as long as the choice of home occupation does not infringe upon the residential rights of neighborhood inhabitants.
- (3) Establish criteria for operating home occupations in dwelling units within residential districts.
- (4) Minimize the impact a home occupation has on a neighborhood with respect to public and private services such as street, sewer, water, and electrical systems.

**17-13-3 PERFORMANCE STANDARDS FOR CN, 1-R, 2-R, 3-R, 3-RA, 4-R, 5-R AND PLANNED DEVELOPMENT ZONE.** A home occupation operating from a single family detached or duplex residential dwelling unit in CN, 1-R, 2-R, 3-R, 3-RA, 4-R, 5-R and Planned Development Zones, shall meet the following conditions: *(As amended by 0-93-34.)*

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space of the dwelling unit. Habitable space shall be as defined in the Lakewood Building Code.
- (2) Parking:
  - (a) If the garage is used for a home occupation, parking required by Article 9 of the Lakewood Zoning Ordinance must be provided.
  - (b) At all times during the day or night parking related to the home occupation shall be confined to the street frontage of the lot in question, the driveway, and the garage/carport.
- (3) Persons permitted to conduct home occupation: The home occupation shall be conducted by the residents of the dwelling with no more than one (1) additional employee.
- (4) Home occupations permitted:
  - (a) Minor repair services: Such as for electronics, small appliances and upholstery.

- (b) Craft work for sale off-site: Such as the making of pottery, jewelry, or dolls, gunsmithing, and woodworking which are produced or manufactured on the premises.
- (c) Tutoring: Such as music lessons, dance lessons, swimming lessons, tennis lessons, or gymnastic lessons.
- (d) Garment work: Such as tailoring, dressmaking, millinery work, ironing and garment repair.
- (e) Office use: Such as office uses for door-to-door, home party and phone solicitation sales, investment counseling, typing, notary public, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via telephone modem for uses such as acquiring mailing lists or information libraries.
- (f) Artistic endeavors: Such as art studios, portrait studios, photography studios, writing and lithography.
- (g) Renting of rooms: The renting of sleeping rooms to not more than two (2) persons per dwelling unit.
- (h) Garage sales: Not to exceed four (4) sales in a total of fourteen (14) days, which need not be consecutive, per calendar year.
- (i) Hair care: Hair care services and/or manicuring services carried on by only one (1) inhabitant of the dwelling unit.
- (j) Mail Order: Not to include retail sales from site.
- (k) Child care: Providing primarily daytime care for compensation for children from birth to sixteen (16) years of age, for up to six (6) children, including in the total any of the provider's own children not attending full day school. In addition, providing primarily daytime care for two (2) additional children of school age before and/or after school hours, including in this total number any of the provider's own school age children under the age of twelve (12). The following chart is provided by way of illustration:

Provider's children not  
attending full day school

Maximum number of day care children  
permitted at one time

6 or more	0
5	1
4	2
3	3
2	4
1	5
0	6

Provider's school age children  
under 12 years of age

Additional school age day care children  
permitted during nonschool times

0

2

1

1

2

0

- (l) Foster Care for dogs in the (CN) Conservation Zone District: The keeping of four (4) dogs in addition to permitted household pets in the CN Zone District under the following conditions:

- (1) Minimum lot size of one (1) acre;
- (2) Buildings or pens housing dogs must be located in rear yards and must be at least one hundred (100) feet from residential buildings on adjoining properties; and
- (3) Foster care of dogs shall not exceed a period of six (6) months. *(As amended by 0-89-51.)*

**17-13-4. PERFORMANCE STANDARDS FOR MULTI-FAMILY BUILDINGS IN 4-R, 4-RA, 5-R, PLANNED DEVELOPMENT ZONES.** A home occupation operating from a dwelling unit in a multi-family building in 4-R, 4-RA, 5-R, Planned Development Zone shall meet the following conditions: *(As amended by 0-93-34.)*

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space in the dwelling unit.
- (2) Persons permitted to conduct home occupation: The home occupation shall be conducted only by the residents of the dwelling unit with no additional employees.
- (3) Home occupations permitted:
  - (a) Office uses: Such as office uses for door-to-door, phone solicitation sales, investment counseling, typing, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via phone modem for such uses as acquiring mailing lists or information libraries. These office uses shall not generate customer or client traffic to or from the dwelling unit.
  - (b) Garage sales: Garage sales shall be sponsored or coordinated by the management or owners' association of a residential complex. No more than two (2) garage sales may be held, not to exceed six (6) days, per calendar year or three (3) days per event. The management or owners' association shall ensure access to all residential dwelling units is maintained free and clear of any obstruction generated by such garage sale. It shall be unlawful for a resident to conduct a garage sale which is not in conjunction with one of the residential complex's sponsored sales.

**17-13-5. SIGNAGE.** For single family detached dwellings and duplexes a maximum of one (1) non-illuminated sign, not to exceed one and one-half (1 and 1/2) square feet, to be attached to the dwelling shall be permitted. No signage will be permitted for home occupations in multi-family buildings.

**17-13-6. CHANGES TO EXTERIOR OF DWELLING UNITS.** The exterior appearance of a dwelling unit shall not be altered to draw attention to the structure as a commercial or business operation, such as alteration of building material, size, or color; lighting fixtures or the intensity of light; parking area; or other exterior changes which alter the residential character of the dwelling unit and detract from the residential character of the neighborhood.

**17-13-7. STORAGE OF STOCK, SUPPLIES AND PRODUCTS.** Storage of stock, supplies and products shall be permitted only inside the premises where a home occupation is being operated. No exterior storage of stock, supplies, and products shall be permitted.

**17-13-8. RETAIL SALES.** Sale of stocks of merchandise or products shall not be conducted on the premises, except as follows:

- (1) One engaged in hair care and/or manicuring services may sell products directly related to such services;
- (2) One conducting a garage sale may sell merchandise displayed for sale during the garage sale and items for sale shall belong to the person conducting the garage sale, or in the case of a residential complex, to the tenants of the complex;
- (3) One engaged in garment work may sell custom work to specific clients, but may not develop stocks of garments for sale to the general public on site;
- (4) One engaged in home party and phone solicitation sales may display sample products and take orders for the products on the premises, but delivery and payment for the products shall occur off-site; and
- (5) One engaged in artistic endeavors may sell custom work to specific clients, but may not develop stocks of products for sale to the general public on site.

**17-13-9. NUISANCE UNLAWFUL.** It shall be unlawful for a resident operating a home occupation to:

- (1) Produce, dump, or store combustible or toxic substances in or around a residential dwelling unit.
- (2) Create interference or fluctuations of radio or television transmission received by other residents of the neighborhood.

**17-13-10. SPECIFIC EXCLUSIONS.** In no event shall any of the home occupations permitted herein be interpreted to allow any of the following business or commercial activities:

- (1) Body or mechanical repair or modification of any motor vehicle for compensation or of any motor vehicle not owned by an occupant, or family member of an occupant, of the



dwelling unit where the repair or modification occurs. However an occupant may repair or modify motor vehicles of any family member whether or not the family member lives on the premises. *(As amended by 0-93-43.)*

- (2) Animal hospital, or kennel.
- (3) Residential health care facility.
- (4) Restaurant.

**17-13-11. ADDITIONAL LIMITATIONS.** In no event shall more than one home occupation be operated within any single dwelling unit, except that a garage sale may be operated in addition to any other home occupation. No home occupation shall be operated within any dwelling unit which also contains a use approved by a Special Use Permit.

## ARTICLE 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 Planning and Development along with a fee in an amount established by City Council Resolution. Any nonconforming use may be revoked subject to Section 17-16-10. Any appeal of the decision regarding Nonconforming Use Certificates under this Section shall be to the Planning Commission.

For the purpose of this Article 16 the following definitions shall apply:

- (1) "Nonconforming use" means a use which lawfully occupied a building or land at the time this Ordinance applied to the property, or at the time of any amendment hereto, and which does not conform to the use regulations of the zone district in which it is located.
- (2) "Nonconforming building or structure" means a building or structure, or portion thereof, lawfully existing at the time this Ordinance applied to the property, or at the time of any amendment hereto, which does not conform to all the height, setback, lot coverage, lot width, and lot area regulations of the zone district in which it is located.
- (3) "Nonconforming vacant lot" means a parcel of land which meets all of the following requirements:
  - (a) No main building is constructed thereon;
  - (b) On the effective date of this Ordinance, the lot did not meet the minimum lot area or lot width requirements of this Ordinance; and
  - (c) The lot was lawfully established prior to the adoption of this Ordinance. *(As amended by O-91-11 and O-91-59.)*

### **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.
- (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 may be a conforming use.
- (7) If a conforming building or structure containing a nonconforming use is destroyed or damaged to the extent of more than sixty (60) percent of its value, as determined pursuant to the method of valuation of buildings for permit issuance in the Building Code, any future use of the rebuilt or restored building or structure shall be a conforming use. However, a legal nonconforming single household dwelling unit, on August 30, 1980, located in a 4-R, 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 0-81-108, 0-85-28, 0-87-12, and 0-89-51.)*

#### **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 0-89-51.)*
- (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 17-5-9(5)(b). *(As amended by 0-98-58)*

- (2) The nonconforming keeping of horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas may continue on a property in any other zone district by obtaining a Nonconforming Use Certificate.

The criteria and standards outlined in this Article shall be met prior to issuance of any certificate and the Nonconforming Use Certificate shall run with the property and be permitted to continue if the subject property is sold, transferred, or bequeathed so long as the criteria below continues to be met.

Criteria.

- (A) Nonconforming Use Certificate may be issued if a complete application is submitted within ninety (90) days of the effective date of this Ordinance and if the application meets the following criteria:

- (1) The property contains an occupied legally conforming or legally nonconforming single household dwelling unit.
- (2) The keeping of such animals is in conformance with the domestic livestock standards listed in Section 17-5-9(5)(b)(1). *(As amended by 0-98-58)*
- (3) A scaled site plan of the property is submitted.
- (4) If an adjacent property is not allowed to keep livestock and a house on that property is located within fifty (50) feet of the common property line and a six (6) foot solid fence is not existing on the common property line between the adjacent property and where animals are kept, the applicant requesting approval of the nonconforming use of domestic livestock shall construct and maintain a six (6) foot solid fence along the common property line between the adjacent property and where the animals are kept. For the purpose of this paragraph, solid fence means a fence with five (5) percent or less open space in its vertical surface.
- (5) Number of animals allowed. The nonconforming use application shall not be granted for more animals than the property is entitled to as regulated in Section 17-5-9(5)(b)(1). If a Nonconforming Use Certificate is issued it shall state the number of animals allowed on the property and such number shall not exceed the number permitted. *(As amended by 0-98-58)*
- (6) Species of animals allowed. The applicant shall submit evidence to clearly establish the specific species and number of animals that legally existed on the subject property at any time in 1987. The determination of what domestic livestock was on the property shall be made by the Director of Community Planning and Development or his designee after reviewing all evidence submitted in relation to the application for a Nonconforming Use Certificate for domestic livestock. The Nonconforming Use Certificate shall be designated the allowance to have only the species of domestic livestock determined to have legally existed on the property at any time in 1987. *(As amended by 0-91-59.)*

**17-16-7. NONCONFORMING MOBILE HOME PARKS AND NONCONFORMING MOBILE HOMES.**

- (1) If a mobile home park was in existence in the City on the date this Ordinance applied to the property on which the park is located, or was in existence on property annexed to the City after the effective date of this Ordinance, and such mobile home park complied with all applicable legal requirements then in effect, the mobile home park shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance except:
  - (a) Any expansion or extension of the mobile home park shall be subject to all applicable requirements of this Ordinance; and
  - (b) Any individual mobile home may be replaced or relocated within a legally nonconforming mobile home park.
- (2) If a mobile home is used for residential purposes in the City on the date this Ordinance applied to the property on which the mobile home is located, or is located on property annexed to the City after the effective date of this Ordinance and the mobile home complied with all applicable legal requirements then in effect, the mobile home shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance, except:
  - (a) If the mobile home is moved from its location, the mobile home shall not be replaced or relocated except within a mobile home park; and
  - (b) If the use of the mobile home is discontinued for a period of one hundred eighty (180) days or more, the mobile home shall not be reoccupied until it is relocated within a mobile home park.

**17-16-8. EXPANSION OF CHILD CARE FACILITIES.** Any child care facility which was in existence on the date this Ordinance applied to the property on which the child care facility is located, and which by this Ordinance becomes a nonconforming use, may not expand to care for a larger number of children than the maximum licensed capacity as authorized by the State of Colorado on the effective date of this Ordinance.

**17-16-9. PROPERTY TAKEN FOR PUBLIC USE.** If a portion of a parcel of land is taken for public use such that the remaining portion of the parcel does not conform to the requirements of this Ordinance, the following shall apply:

- (1) If the taking causes a variance of no greater than twenty (20) percent in one or more numerical requirements, then the use shall be considered a legal, conforming use and a permanent variance shall be granted by the Board of Adjustment.
- (2) If the taking of land causes a variance of more than twenty (20) percent in one or more numerical requirements and, in the judgment of the Board of Adjustment, would not create a hazardous situation or be otherwise unreasonable, the use shall be considered a legal nonconforming use and shall be subject to the applicable nonconforming use regulations set forth in this Article 16.

**17-16-10. REVOCATION OF ANY NONCONFORMING USE.** Any nonconforming use may be revoked by the Director of Community Planning and Development if:

- (a) Violations of the Lakewood Municipal Code related to the nonconforming use are not resolved within thirty (30) days of issuance of an official notice of violation, and/or
  - (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. *(As amended by O-87-12, O-91-11 and O-91-59.)*

## ARTICLE 17: PROCEDURE FOR INITIAL ZONING AND REZONING

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

- (1) The procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any parcel of land within the City of Lakewood, as shown on the official zoning map of the City of Lakewood, herein referred to as "rezoning," shall be as provided in this Article 17. In addition to the pre-application review, the applicant shall meet with residents and persons owning property in the vicinity of the site prior to filing a formal rezoning application in accordance with the Neighborhood Referral Program which is hereby established. The meeting shall take place pursuant to the Neighborhood Referral Program administrative guidelines which shall be adopted by resolution. *(As amended by O-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 Manager of the City of Lakewood ("City-initiated"). *(As amended by O-91-59.)*
- (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.
  - (c) For property which has been previously zoned PD or a comparable zoning in the jurisdiction from which it is being annexed, see Section 17-5-24(8). *(As amended by O-93-34.)*

### 17-17-2. PRE-APPLICATION REVIEW.

- (1) (a) Prior to filing an application to rezone any parcel of land, the applicant shall participate in a pre-application review with the Department of Community Planning



and Development. No application for rezoning shall be accepted until after the pre-application review is completed and written notification of the Department's conclusions is received by the applicant. *(As amended by O-91-59.)*

- (b) In addition to a pre-application review with the Department of Community Planning and Development, the City Engineer shall review the rezoning application to determine if public improvements may be necessitated as a result of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply. *(As amended by O-84-109 and O-91-59.)*

- (1) The extent of existing and contemplated development of the surrounding area.
- (2) The need to ensure that the health, safety, and welfare of the public will be maintained.
- (3) Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.

If public improvements are necessary, the standards, criteria, timing and extent of public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, except that all rights-of-way, easements, and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the City Engineer.

- (2) When an application is submitted by the Planning Commission, any member or groups of members of the Planning Commission may serve as the applicant.
- (3) At the time of the pre-application review, the applicant shall submit the following:
  - (a) Plan of the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 1/2) inches by eleven (11) inches in size or, at the option of the applicant, may be in final form.
  - (b) Letter stating the proposed uses of the parcel, the approximate gross floor area of any intended buildings or structures, and the number and size of residential dwellings to be included, and the gross land area of the parcel, including public rights-of-way contained within the parcel.
- (4) Official minutes summarizing the pre-application review shall be kept and a copy of the minutes shall be provided to the applicant.
- (5) Within fourteen (14) days after the date of the pre-application review, the Department of Community Planning and Development shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items: *(As amended by O-91-59.)*
  - (a) Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.

- (b) Need, if any, to plat pursuant to the Subdivision Regulations.
  - (c) Any required site plan considerations.
  - (d) General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.
- (6) After receiving the written conclusions of the pre-application review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site in accordance with the Neighborhood Referral Program. Notification for said meeting shall be as provided in Subsections 17-17-4(1)(b) and (c) of this Ordinance.

**17-17-3. APPLICATION PROCEDURE.**

- (1) An application for a rezoning shall be submitted on forms approved by the Director of Community Planning and Development. A rezoning application shall expire one (1) year after submittal, provided however, that the Director may extend the application for six (6) months for just cause. *(As amended by O-91-59.)*
- (2) If the requested rezoning for the parcel is for a Planned Development District, the applicant also shall include with the application all information required by Section 17-5-24. *(As amended by O-93-34.)*
- (3) An application for a rezoning shall be accompanied by a Conceptual Site Plan.
  - (a) The Conceptual Site Plan is intended to supply enough information about the development for the Director of Community Planning and Development to evaluate and for the Planning Commission and City Council to make a decision on the rezoning application. The information to be supplied will be determined by the Director of Community Planning and Development as part of the pre-application review, but should generally include: *(As amended by O-91-59.)*
    - (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 PD zones shall be accompanied by a Conceptual Site Plan.

Applications for R-R, R1A, 1-R, 2-R, and single-family homes in 3-R will not normally require a Conceptual Site Plan. However, if the application involves an area of significant natural features or constraints, or involves an infill situation with more than three (3) units, or other similar situations, the Director of Community Planning and Development may require such a plan. *(As amended by 0-91-59 and 0-93-34.)*

- (d) The Director of Community Planning and Development may waive or defer the requirement for the Conceptual Site Plan for: a) City-initiated rezonings, b) rezonings related to an annexation, and c) other situations for which the Director determines that the requirement for a Conceptual Site Plan at the time of rezoning is not in the best interest of the City. If the requirement for a site plan is deferred, the Planning Commission shall consider the Conceptual Plan at a subsequent public hearing prior to the issuance of building permits. The reasons for waiving or deferring the Conceptual Site Plan requirement shall be incorporated into staff recommendations to the Planning Commission on the rezoning request. The Planning Commission or City Council may require a Conceptual Site Plan even if it has been waived or deferred by the Director of Community Planning and Development. *(As amended by 0-91-59.)*
- (e) Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission by the applicant. *(As amended by 0-91-59.)*
- (f) The Final Site Plan shall conform to the approved Conceptual Site Plan, or the Director of Community Planning and Development must determine that the changes are minor. Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission. If the changes are substantial, a public hearing on the Final Site Plan will be held by the Planning Commission. The decision of the Planning Commission on a Final Site Plan is final. *(As amended by 0-91-59.)*

Criteria to be used by the Director of Community Planning and Development in determining whether a change is substantial are as follows: *(As amended by 0-91-59.)*

- (1) Whether or not the plan has the same character and same basic arrangement of buildings, parking and open space.
  - (2) Whether or not the change adversely affects the surrounding area.
  - (3) Whether or not the change constitutes more than a five (5) percent increase in gross floor area or the number of dwelling units.
  - (4) Whether or not the change reduces the amount of usable open space, reduces the recreational amenities, or amount of landscaped area by more than five (5) percent or does not adversely affect natural features which were preserved with the Conceptual Site Plan.
- (g) If City regulations have changed since the approval of the Conceptual Site Plan and the submittal of the Final Site Plan; and if the regulations cannot be met on the Final Site Plan without major deviation from the approved Conceptual Site Plan, a public hearing before Planning Commission will be held on the Final Site Plan.

- (4) If an application proposes a rezoning to a zone district listed in Section 17-15-1, a Final Site Plan which complies with selected requirements of Article 15 may be required rather than a Conceptual Site Plan.
- (a) By the Director of Community Planning and Development, to be filed along with the application for rezoning; *(As amended by 0-91-59.)*
  - (b) By the Planning Commission, to be filed prior to completion of its fact-finding hearing on the application;
  - (c) By the City Council, to be filed prior to completion of its hearing on the rezoning ordinance. If the City Council requires the Final Site Plan, the Council must remand consideration of the application to the Planning Commission for further proceedings prior to voting upon the rezoning ordinance on second reading.
  - (d) No Final Site Plan may be required pursuant to Subsection (3) above unless the Director of Community Planning and Development, Planning Commission, or City Council determines that the Final Site Plan is essential to a determination that the proposed rezoning and method of development of the property will be compatible and consistent with the Comprehensive Plan. *(As amended by 0-91-59.)*
- (5) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule adopted by Council Resolution. No fee shall be charged for a City-initiated rezoning.
- (6) The Department of Community Planning and Development shall study the application and shall make a written report of its findings within forty-five (45) days after acceptance of a complete application and at least two (2) days prior to the fact-finding hearing on the application. This report shall include a determination of the compatibility of the proposed rezoning with policies and standards contained in the Comprehensive Plan. *(As amended by 0-88-10 and 0-91-59.)*

**17-17-4. FACT-FINDING HEARING.** For the purpose of reducing costs, reducing time required to grant or deny rezoning applications, and ensuring full protection of the applicant's rights as well as the interests of other property owners and residents, and except as otherwise specifically provided herein, the Planning Commission shall function as the City Council's fact-finding hearing agency on all rezoning applications. Procedures to be followed by the Planning Commission are as follows:

- (1) The Secretary to the Planning Commission shall schedule a public hearing to be held not later than forty-five (45) days after all studies and plans submitted with the application have been approved by staff unless the hearing is continued by action of the Planning Commission. Notice of the hearing shall be provided as follows: *(As amended by 0-91-59 and 0-96-14 and 0-96-74.)*
  - (a) The Secretary shall give written notice of the date, time and place of the hearing, by first class mail, to the applicant.
  - (b) It shall be the obligation of the applicant, unless otherwise waived by the City, to provide notice of the hearing to the following people or entities:

- i) The fee owners of the subject property(ies). Notice to one fee owner shall be considered notice to all other owners of the property. *(As amended by 0-96-74.)*
- ii) The applicant.
- iii) The fee owners of real property within 500 feet from the boundary of the subject property(ies). *(As amended by 0-96-74.)*
- iv) The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies). *(As amended by 0-96-74.)*

At least forty-five (45) days prior to the Planning Commission hearing, the applicant shall provide to the City a current assessment map(s) from the applicable county assessor's office showing the property or properties which are the subject of the hearing, as well as those properties subject to the notice requirements of this Subsection 17-17-4(1). Said assessment map(s) shall indicate the assessor's ID number(s) of the subject property(ies) and shall indicate the assessor's ID numbers of all surrounding property(ies) to a distance of 1,000 feet, as required by 17-17-4(1)(b)(iii) above.

Within ten (10) days of the applicant submitting the map, the City shall draw on the assessment map(s) a boundary encircling the property (ies) which is/are the subject of the hearing. This boundary will encircle all property as set forth in 17-17-4(1)(b) (iii) above.

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

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

One list of the names and addresses to be notified of the Planning Commission hearing shall be submitted in the form of preprinted mailing

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

It is the responsibility of the applicant to obtain and submit the lists of the correct names and addresses of the people and entities listed in subparagraphs I. through III. above from the current records of the county assessor or clerk and recorder of the appropriate jurisdiction. Current records shall mean records existing no older than ninety (90) days prior to the date of the Planning Commission hearing. In addition, the applicant shall present evidence reasonably acceptable to the City, including, but not limited to, copies of deeds or documentation provided by a title insurance company or a real property search company, or a copy of a printout of all applicable assessor's ID numbers obtained from the county assessor's office. *(As amended by O-96-74.)*

The City shall supply to the applicant the list and information regarding the neighborhood associations to be notified. The applicant shall pay the cost of postage for mailing and preparation of notification letters. *(As amended by O-96-74.)*

- (c) The City shall return the mailing labels to the applicant, along with mailing labels for all registered neighborhood associations and organizations subject to the notice provisions established in 17-17-4(1)(b) above. The City will also provide to the applicant a sufficient number of copies of a letter of notification, printed on City letterhead and City envelopes. At least fifteen (15) days prior to the date of the Planning Commission hearing, the applicant shall mail said notification letters using the envelopes provided by the City, via first class mail to all persons and entities listed on the mailing labels. *(As amended by O-96-14.)*
- (d) The applicant shall erect upon the property, or aggregate of properties described within the application and to which the application applies, one or more signs containing notice of the public hearing which shall include the date, time and place the hearing will be held and the nature of the land use requested. Such signs shall be provided by the City, with the mounting boards and supports provided by the applicant, and shall be posted for a period of at least fifteen (15) consecutive days prior to the date of such hearing. The applicant shall certify in writing to the Secretary of the Planning Commission prior to the public hearing that the signs were posted on the property in accordance with this paragraph. *(As amended by O-96-14.)*
- (e) The Secretary shall cause notice of the hearing, including date, time and place, to be published in full in an official paper or paper of general circulation in the City at least six (6) days prior to the date of the hearing.

- (f) The applicant shall certify in writing to the Secretary to the Planning Commission, prior to the public hearing, that the lists submitted in accordance with (b) above were obtained from the most current records of the applicable county assessor, and that letters of notification were mailed in accordance with (c) above. *(As amended by 0-96-14.)*
- (g) Failure of the applicant to provide the certification required in paragraphs (d) and (f) of this subsection shall cause the public hearing to be postponed at least fifteen (15) days and until the applicant provides the certification. *(As amended by 0-96-14.)*
- (2) During the fact-finding hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
- (3) The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. When required pursuant to Section 17-17-5, the Planning Commission shall cause the hearing proceedings, or any portion thereof, to be transcribed, the cost of the transcription to be paid by the person or entity requesting the transcription. If the City Council acquires a copy of the transcription of the proceedings, its copy of the transcription shall be made available to any person at reasonable times for inspection and study.
- (4) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant its written findings and recommendations on the application. The written findings and recommendation shall include a statement of the Commission's findings and conclusions upon all relevant issues of fact or law raised by the application, and a recommendation for approval or denial thereof. A copy of the written findings and recommendations also shall be mailed to any other person who requested in writing a copy thereof.
- (5) If the recommendation of the Planning Commission is to approve the rezoning, the Planning Commission shall transmit to the City Council a copy of its written findings and recommendation and a notice of the availability, at a location convenient to the Council, of the entire record of the application and hearing, including the application itself and any written evidence, exhibits, and other papers or matters considered by the Planning Commission. The applicant may request that such materials not be transmitted to the City Council for a period of time not to exceed six (6) months from the date of the Planning Commission's written findings and recommendation, or the applicant may withdraw his application at any time.
- (6) If the recommendation of the Planning Commission is to deny the rezoning, the materials described in Subsection (5) shall be transmitted to the City Council only upon written request of the applicant filed with the Secretary to the Planning Commission not later than thirty (30) days after the public hearing at which the Planning Commission recommended the denial. *(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 recommendations and notice described in Section 17-17-4(5), an ordinance embodying the proposed rezoning shall be placed on the agenda of a meeting of the City Council for first reading. *(As amended by O-87-54.)*
- (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 O-87-54.)*
- (3) Within five (5) days after receipt of a written objection, the staff of the Department of Community Planning and Development, the City Council, or any other interested person may file a designation of additional parts of the hearing proceedings which are to be transcribed. *(As amended by O-91-59.)*
- (4) No transcript shall be required in any case where the objector does not seek to amend or reverse a basic finding of fact set forth in the Commission's written findings of fact and recommendation, as distinguished from the recommendation of the Commission or its ultimate findings as to the matters set forth in Section 17-17-7.
- (5) If a transcript would otherwise be required pursuant to this Section, the applicant, objector (if different from the applicant), and Director of the Department of Community Planning and Development may approve a written summary of the relevant testimony and evidence presented at the Planning Commission hearing in place of the transcript. *(As amended by O-91-59.)*
- (6) The transcript or approved written summary shall be filed with the City Council at least three (3) days prior to its consideration of the rezoning ordinance on second reading. If no transcript or approved written summary is provided to the Council as required herein, the Commission's basic findings of fact are conclusively presumed to be complete and accurate.

#### **17-17-6. CITY COUNCIL HEARING AND DECISION.**

- (1) Notice of the Council's consideration of the rezoning ordinance on second reading, and of the Council's consideration hearing thereon, shall be provided pursuant to the procedures set forth in Section 17-17-4(1) except that the City Clerk shall perform the responsibilities assigned therein to the Secretary to the Planning Commission. However, notwithstanding the provisions of Section 17-17-4(1)(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 O-87-54.)*



- (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: *(As amended by 0-88-10.)*
- (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. *(As amended by 0-88-10.)*
- (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 Manager in such form as the Planning Commission may direct. *(As amended by 0-91-59.)*

- (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 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 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 Manager. *(As amended by 0-91-59.)*
- (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 0-89-51.)*

- (1) That the initial zoning or the rezoning becomes effective on the day that initial zoning ordinance or rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or continuous land under the same or identical ownership as shall be necessary to adequately show the matters and things required by the subdivision regulations, be approved by the City Council; or
- (2) That the initial zoning or the rezoning becomes effective on the day that the initial zoning ordinance or the rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or contiguous land, under the same or identical ownership, as shall be necessary

to adequately show the matters and things required by the subdivision regulations, be approved by the City Council; provided, however, that said plat shall be filed with the Planning Commission by a specific date set forth in the zoning or rezoning ordinance. Furthermore, the initial zoning or the rezoning ordinance may provide that, if a plat is not submitted to the Planning Commission by said date set forth in said ordinance, the Planning Commission may initiate an application for a change in zone to determine if the zone district in which the property is included is still appropriate.

## ARTICLE 18: SITE SPECIFIC DEVELOPMENT PLAN

**17-18-1. PURPOSE.** The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. *(As amended by 0-88-11.)*

**17-18-2. GENERAL PROVISIONS.** The Planning Commission may recommend and the City Council may adopt, 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 Planning and Development. *(As amended by 0-91-59.)*
  - (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 Planning and Development. *(As amended by 0-91-59.)*
  - (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 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 24, C.R.S., as amended. *(As amended by O-88-11.)*