

Title 17 - Zoning Ordinance

City of Lakewood, CO



Adopted December 10, 2012

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Table of Contents

| | |
|---|-------------|
| ARTICLE 1: Purpose and Administration | 1-1 |
| 17.1.1: Title | 1-1 |
| 17.1.2: Purpose and Intent | 1-1 |
| 17.1.3: Relationship to Comprehensive Plan | 1-1 |
| 17.1.4: Effective Date | 1-2 |
| 17.1.5: Applicability..... | 1-2 |
| 17.1.6: General Provisions | 1-2 |
| 17.1.6.1: Compliance with Other Adopted City Standards | 1-2 |
| 17.1.6.2: Conflicting Provisions..... | 1-2 |
| 17.1.7: Administration and Roles | 1-3 |
| 17.1.7.1: Director | 1-3 |
| 17.1.7.2: Planning Commission..... | 1-3 |
| 17.1.7.3: Board of Adjustment..... | 1-4 |
| 17.1.7.4: Historic Preservation Commission | 1-4 |
| 17.1.8: Common Facilities..... | 1-4 |
| 17.1.9: Building Permits..... | 1-4 |
| 17.1.10: Fees | 1-4 |
| 17.1.11: Violation and Penalty | 1-5 |
| 17.1.12: Severability..... | 1-5 |
| 17.1.13: Repealer | 1-5 |
| ARTICLE 2: Procedures and Appeals | 2-1 |
| 17.2.1: General..... | 2-1 |
| 17.2.1.1: Purpose and Intent | 2-1 |
| 17.2.1.2: Summary Table | 2-1 |
| 17.2.1.3: Application Process..... | 2-1 |
| 17.2.1.4: Public Input Process..... | 2-3 |
| 17.2.1.5: Public Hearings | 2-5 |
| 17.2.2: Initial Zoning, Rezoning and Legislative Zoning..... | 2-7 |
| 17.2.2.1: Applicability | 2-7 |
| 17.2.2.2: Types of Zoning Applications | 2-7 |
| 17.2.2.3: Review Criteria | 2-8 |
| 17.2.2.4: Review Authority | 2-9 |
| 17.2.2.5: Review Procedure | 2-9 |
| 17.2.3: Special Use Permits..... | 2-12 |
| 17.2.3.1: Applicability | 2-12 |
| 17.2.3.2: Review Criteria..... | 2-12 |
| 17.2.3.3: Review Authority | 2-13 |
| 17.2.3.4: Review Procedure | 2-13 |

Lakewood Zoning Ordinance - Adopted December 10, 2012

| | |
|--|-------------|
| 17.2.4: Variances | 2-14 |
| 17.2.4.1: Applicability | 2-14 |
| 17.2.4.2: Types of Variances | 2-14 |
| 17.2.4.3: Review Criteria | 2-15 |
| 17.2.4.4: Review Authority | 2-15 |
| 17.2.4.5: Review Procedure | 2-15 |
| 17.2.5: Waivers | 2-18 |
| 17.2.5.1: Applicability | 2-18 |
| 17.2.5.2: Types of Waivers | 2-18 |
| 17.2.5.3: Review Criteria | 2-18 |
| 17.2.5.4: Review Authority | 2-19 |
| 17.2.5.5: Review Procedure | 2-19 |
| 17.2.5.6: Expiration of Waivers | 2-21 |
| 17.2.6: Site Plans | 2-21 |
| 17.2.6.1: Applicability | 2-21 |
| 17.2.6.2: Types of Site Plans | 2-22 |
| 17.2.6.3: Review Criteria | 2-22 |
| 17.2.6.4: Review Authority | 2-23 |
| 17.2.6.5: Review Procedure | 2-23 |
| 17.2.6.6: Expiration of Site Plans | 2-24 |
| 17.2.7: Revocation of Uses | 2-25 |
| 17.2.7.1: Applicability | 2-25 |
| 17.2.7.2: Revocation of a Special Use Permit | 2-25 |
| 17.2.7.3: Revocation of a Nonconforming Use | 2-26 |
| 17.2.7.4: Revocation of a Temporary Use | 2-26 |
| 17.2.8: Comprehensive Sign Plans | 2-27 |
| 17.2.8.1: Purpose and Intent | 2-27 |
| 17.2.8.2: Applicability | 2-27 |
| 17.2.8.3: Review Authority | 2-27 |
| 17.2.8.4: Review Criteria | 2-28 |
| 17.2.8.5: Review Procedures | 2-28 |
| 17.2.8.6: Modifications | 2-29 |
| 17.2.9: Sign Permit | 2-31 |
| 17.2.9.1: Applicability | 2-31 |
| 17.2.9.2: Review Authority | 2-31 |
| 17.2.9.3: Review Procedures | 2-32 |
| 17.2.10: Fence Permit | 2-33 |
| 17.2.10.1: Applicability | 2-33 |
| 17.2.10.2: Review Authority | 2-33 |
| 17.2.10.3: Review Procedures | 2-33 |
| ARTICLE 3: Zone Districts | 3-1 |
| 17.3.1: General | 3-1 |
| 17.3.1.1: Purpose and Intent | 3-1 |
| 17.3.2: Districts and Maps | 3-1 |
| 17.3.2.1: Applicability | 3-1 |
| 17.3.2.2: Creation of Districts | 3-1 |
| 17.3.2.3: Zoning District Map | 3-2 |

Lakewood Zoning Ordinance - Adopted December 10, 2012

| | |
|---|-------------|
| 17.3.2.4: Interpretation of District Boundaries..... | 3-2 |
| 17.3.3: Residential Districts | 3-2 |
| 17.3.3.1: Purpose and Intent | 3-2 |
| 17.3.3.2: Residential District Descriptions | 3-3 |
| 17.3.4: Mixed-Use Districts | 3-4 |
| 17.3.4.1: Purpose and Intent | 3-4 |
| 17.3.4.2: Mixed Use District Descriptions | 3-4 |
| 17.3.4.3: Mixed-Use District Contexts | 3-5 |
| 17.3.5: Commercial and Light Industrial Districts | 3-7 |
| 17.3.5.1: Purpose and Intent | 3-7 |
| 17.3.5.2: Commercial and Light Industrial Descriptions | 3-7 |
| 17.3.6: Planned Development District | 3-8 |
| 17.3.6.1: Purpose and Intent | 3-8 |
| 17.3.6.2: Applicability | 3-9 |
| 17.3.6.3: Official Development Plan | 3-9 |
| 17.3.6.4: Allowed uses | 3-9 |
| 17.3.6.5: Other Standards..... | 3-9 |
| ARTICLE 4: Uses and Supplemental Standards | 4-1 |
| 17.4.1: General..... | 4-1 |
| 17.4.1.1: Purpose and Intent | 4-1 |
| 17.4.1.2: Uses..... | 4-1 |
| 17.4.1.3: Determination of Use | 4-1 |
| 17.4.2: Use Table..... | 4-2 |
| 17.4.3: Supplemental Standards | 4-10 |
| ARTICLE 5: Dimensional and Development Standards..... | 5-1 |
| 17.5.1: General..... | 5-1 |
| 17.5.1.1: Purpose and Intent | 5-1 |
| 17.5.1.2: Setback Requirements | 5-1 |
| 17.5.1.3: Setback Measurements | 5-2 |
| 17.5.1.4: Height Requirements | 5-4 |
| 17.5.1.5: Height Measurements | 5-5 |
| 17.5.1.6: Mixed-Use, Commercial, and Light Industrial Sites with More Than Two Public Street Frontages... | 5-6 |
| 17.5.2: Residential Standards..... | 5-7 |
| 17.5.2.1: Dimensional Standards | 5-7 |
| 17.5.2.2: Driveway Length Requirements..... | 5-7 |
| 17.5.3: Mixed-Use Standards | 5-12 |
| 17.5.3.1: Dimensional Standards | 5-12 |
| 17.5.3.2: Minimum Building Floor Requirement | 5-18 |
| 17.5.3.3: Maximum Building Height in Defined Station Areas..... | 5-18 |
| 17.5.3.4: Height Transition to Adjacent Residential Districts | 5-18 |
| 17.5.3.5: Minimum Residential Density Requirements | 5-19 |
| 17.5.3.6: Additional Building Setback Regulations | 5-20 |
| 17.5.3.7: Requirements for Specific Mixed-Use Zone District Contexts | 5-20 |
| 17.5.3.8: Incentives for Increased Height | 5-24 |
| 17.5.4: Commercial and Light Industrial Standards | 5-24 |

Lakewood Zoning Ordinance - Adopted December 10, 2012

| | |
|---|-------------|
| 17.5.4.1: Dimensional Standards | 5-24 |
| 17.5.4.2: Height Transition Requirements Adjacent to Residential Zone Districts | 5-25 |
| 17.5.5: Accessory Structures and Elements..... | 5-27 |
| 17.5.5.1: Detached Structures | 5-27 |
| 17.5.5.2: Satellite Dish Antenna..... | 5-28 |
| 17.5.5.3: Solar Collection System..... | 5-29 |
| 17.5.5.4: Wind-Powered Electric Generator | 5-31 |
| ARTICLE 6: Single-Family and Two-Family Building and Site Design Standards..... | 6-1 |
| 17.6.1: General..... | 6-1 |
| 17.6.1.1: Purpose and Intent | 6-1 |
| 17.6.1.2: Applicability | 6-1 |
| 17.6.1.3: Design and Development Manuals | 6-1 |
| 17.6.2: Building Design Standards | 6-2 |
| 17.6.2.1: Architecture | 6-2 |
| 17.6.3: Parking Layout and Design | 6-3 |
| 17.6.3.1: General Standards | 6-3 |
| 17.6.3.2: Improved Parking Surfaces | 6-3 |
| 17.6.4: Landscape Design Standards..... | 6-4 |
| 17.6.4.1: General Standards | 6-4 |
| 17.6.4.2: Landscape Materials | 6-5 |
| 17.6.4.3: Landscape Installation | 6-6 |
| 17.6.4.4: Landscape Maintenance | 6-6 |
| 17.6.4.5: Landscape Replacement | 6-7 |
| 17.6.4.6: Existing Tree Preservation | 6-7 |
| 17.6.5: Single-Family and Two-Family Fence and Wall Standards | 6-8 |
| 17.6.5.1: General Standards | 6-8 |
| 17.6.5.2: Fence and Wall Height | 6-9 |
| 17.6.5.3: Fence and Wall Placement..... | 6-10 |
| 17.6.5.4: Fence and Wall Materials | 6-12 |
| 17.6.6: Exterior Lighting Standards..... | 6-12 |
| 17.6.6.1: General Standards | 6-12 |
| 17.6.6.2: Exceptions | 6-13 |
| 17.6.6.3: Prohibitions..... | 6-13 |
| ARTICLE 7: Multifamily, Mixed-use, Commercial And Light Industrial Building and Site Design Standards..... | 7-1 |
| 17.7.1: General..... | 7-1 |
| 17.7.1.1: Purpose and Intent | 7-1 |
| 17.7.1.2: Applicability | 7-1 |
| 17.7.1.3: Design and Development Manuals | 7-2 |
| 17.7.2: Building Design Standards | 7-2 |
| 17.7.2.1: Architecture | 7-2 |
| 17.7.2.2: Materials and Colors | 7-3 |
| 17.7.2.3: Exterior Building Elements..... | 7-3 |
| 17.7.2.4: Additional Standards for Mixed-Use Zone Districts..... | 7-3 |
| 17.7.3: Screening of Utility Structures, Outdoor Storage and Service Areas | 7-4 |

Lakewood Zoning Ordinance - Adopted December 10, 2012

| | |
|---|-------------|
| 17.7.3.1: General Standards | 7-4 |
| 17.7.4: On-Site Circulation Standards | 7-5 |
| 17.7.4.1: General Standards | 7-5 |
| 17.7.4.2: Sidewalks Parallel to Streets or Drive Aisles | 7-5 |
| 17.7.4.3: Required Sidewalk Width..... | 7-5 |
| 17.7.4.4: Pedestrian Corridors between Buildings | 7-6 |
| 17.7.4.5: Internal Street Connectivity for Mixed-Use Zone Districts | 7-6 |
| 17.7.5: Open Space and On-Site Amenities..... | 7-6 |
| 17.7.5.1: General Standards | 7-6 |
| 17.7.5.2: Additional Requirement for Mixed-Use and Commercial Zone Districts..... | 7-7 |
| 17.7.6: Standards for Motor Vehicle Design Elements..... | 7-7 |
| 17.7.6.1: General Standards | 7-7 |
| 17.7.6.2: Drive-Through Facility..... | 7-8 |
| 17.7.6.3: Motor Vehicle Service Facility..... | 7-10 |
| 17.7.6.4: Parking Structures..... | 7-13 |
| 17.7.7: Parking Lot Layout and Design..... | 7-14 |
| 17.7.7.1: General Standards | 7-14 |
| 17.7.7.2: Parking Lot Design and Circulation | 7-16 |
| 17.7.7.3: Parking Lot Location..... | 7-18 |
| 17.7.7.4: Landscaping in Parking Lots | 7-19 |
| 17.7.7.5: Screening of Parking Lots..... | 7-20 |
| 17.7.8: Landscape Design Standards..... | 7-20 |
| 17.7.8.1: General Standards | 7-20 |
| 17.7.8.2: Landscape Materials | 7-21 |
| 17.7.8.3: Landscape Installation | 7-22 |
| 17.7.8.4: Landscape Maintenance | 7-23 |
| 17.7.8.5: Landscape Replacement | 7-23 |
| 17.7.8.6: Existing Tree Preservation | 7-24 |
| 17.7.8.7: Street Tree Placement | 7-25 |
| 17.7.8.8: Front Lot Landscaping..... | 7-25 |
| 17.7.8.9: Rear and Side Lot Landscaping | 7-27 |
| 17.7.9: Fence and Wall Design Standards | 7-28 |
| 17.7.9.1: General Standards | 7-28 |
| 17.7.9.2: Fence and Wall Height | 7-29 |
| 17.7.9.3: Fence and Wall Placement..... | 7-31 |
| 17.7.9.4: Fence and Wall Materials | 7-32 |
| 17.7.10: Exterior Lighting Standards..... | 7-33 |
| 17.7.10.1: General Standards | 7-33 |
| 17.7.10.2: Exceptions | 7-34 |
| 17.7.10.3: Prohibitions..... | 7-34 |
| ARTICLE 8: Parking and Loading Standards | 8-1 |
| 17.8.1: General..... | 8-1 |
| 17.8.1.1: Purpose and Intent | 8-1 |
| 17.8.1.2: Applicability | 8-1 |
| 17.8.1.3: Design and Development Manuals | 8-1 |
| 17.8.2: Parking Standards | 8-1 |

| | |
|---|-------------|
| 17.8.3: Bicycle Parking | 8-9 |
| 17.8.3.1: General Standards | 8-9 |
| 17.8.3.2: Long-term Bicycle Parking..... | 8-9 |
| 17.8.4: Multifamily, Mixed-Use, Commercial, and Light Industrial Parking and Loading Standards.. | 8-10 |
| 17.8.4.1: General Standards | 8-10 |
| 17.8.4.2: Parking Substitutions and Reductions | 8-11 |
| 17.8.4.3: Americans with Disabilities Act Parking Standards | 8-12 |
| 17.8.4.4: Loading Space Standards | 8-13 |
| 17.8.4.5: Vehicle Stacking | 8-13 |
| ARTICLE 9: Sign Standards | 9-1 |
| 17.9.1: General..... | 9-1 |
| 17.9.1.1: Purpose and Intent | 9-1 |
| 17.9.1.2: Applicability | 9-1 |
| 17.9.1.3: Severability | 9-1 |
| 17.9.1.4: Prohibited Signs | 9-2 |
| 17.9.2: Types of Signs | 9-2 |
| 17.9.2.1: Purpose and Intent | 9-2 |
| 17.9.2.2: Signs Exempt from the Sign Permit Process | 9-2 |
| 17.9.2.3: Signs Requiring a Sign Permit..... | 9-6 |
| 17.9.3: Sign Design Standards | 9-10 |
| 17.9.3.1: Architecture and Landscaping | 9-10 |
| 17.9.3.2: Sign Lighting | 9-11 |
| 17.9.3.3: Measuring Signs | 9-11 |
| 17.9.4: Signs on Nonconforming Buildings..... | 9-14 |
| 17.9.4.1: Purpose and Intent | 9-14 |
| 17.9.4.2: Process | 9-14 |
| 17.9.5: Maintenance of Signs | 9-14 |
| 17.9.5.1: Purpose and Intent | 9-14 |
| 17.9.5.2: Maintenance of Signs..... | 9-14 |
| 17.9.5.3: Abandoned On-Premise Signs..... | 9-15 |
| 17.9.6: Sign Standards by Zone District | 9-15 |
| 17.9.6.1: Residential Zone District Sign Standards | 9-15 |
| 17.9.6.2: Mixed Use Zone Districts – Suburban Context Sign Standards..... | 9-15 |
| 17.9.6.3: Mixed Use Zone Districts – Urban Context Sign Standards | 9-15 |
| 17.9.6.4: Mixed Use Zone District – Transit Context Sign Standards..... | 9-16 |
| 17.9.6.5: Commercial and Light Industrial Zone District Sign Standards | 9-16 |
| 17.9.6.6: Temporary Sign Standards | 9-16 |
| ARTICLE 10: Wireless Services and Communications | 10-1 |
| 17.10.1: General..... | 10-1 |
| 17.10.1.1: Purpose and Intent | 10-1 |
| 17.10.1.2: Applicability | 10-1 |
| 17.10.2: Wireless Facilities – By Zone District | 10-1 |
| 17.10.3: Wireless Facility Standards | 10-2 |
| 17.10.3.1: Wireless Stealth Facilities | 10-2 |

Lakewood Zoning Ordinance - Adopted December 10, 2012

| | |
|--|--------------|
| 17.10.3.2: New Wireless Facilities on Existing Structures..... | 10-2 |
| 17.10.3.3: New Freestanding Support Structures..... | 10-3 |
| 17.10.3.4: Other Wireless Facility Types..... | 10-4 |
| 17.10.3.5: Accessory Equipment..... | 10-4 |
| 17.10.4: Abandonment and Removal | 10-5 |
| ARTICLE 11: Historic Preservation | 11-1 |
| 17.11.1: General..... | 11-1 |
| 17.11.1.1: Purpose and Intent | 11-1 |
| 17.11.1.2: Definitions..... | 11-1 |
| 17.11.2: Historic Preservation Commission..... | 11-4 |
| 17.11.2.1: Creation | 11-4 |
| 17.11.2.2: Composition..... | 11-5 |
| 17.11.2.3: Term of Office | 11-5 |
| 17.11.2.4: Area of Authority | 11-6 |
| 17.11.2.5: Powers and Duties | 11-6 |
| 17.11.2.6: Meetings | 11-7 |
| 17.11.2.7: Vacancies | 11-7 |
| 17.11.2.8: Removal | 11-7 |
| 17.11.3: Designation Criteria | 11-7 |
| 17.11.4: Designation Procedure | 11-7 |
| 17.11.4.1: Initiation..... | 11-7 |
| 17.11.4.2: Property Owner Consent Required..... | 11-8 |
| 17.11.4.3: Application..... | 11-8 |
| 17.11.4.4: Preliminary Review | 11-8 |
| 17.11.4.5: Review of Application | 11-8 |
| 17.11.4.6: Notice of Designation Hearing..... | 11-8 |
| 17.11.4.7: Designation Hearing before the Preservation Commission..... | 11-9 |
| 17.11.4.8: Findings and Recommendations of the Preservation Commission | 11-9 |
| 17.11.4.9: Proceedings before the City Council..... | 11-10 |
| 17.11.4.10: Recording of Designation..... | 11-10 |
| 17.11.4.11: Notification | 11-10 |
| 17.11.4.12: Appeal of Preservation Commission's Denial of Application..... | 11-10 |
| 17.11.5: Alteration Certificate..... | 11-11 |
| 17.11.5.1: Requirement | 11-11 |
| 17.11.5.2: Criteria | 11-12 |
| 17.11.5.3: Application and Review | 11-13 |
| 17.11.5.4: Economic Hardship | 11-14 |
| 17.11.5.5: Appeal of Denial of Alteration Certificate..... | 11-14 |
| 17.11.6: Relocation of a Designated Structure or Landmark..... | 11-14 |
| 17.11.6.1: Initiation..... | 11-14 |
| 17.11.6.2: Application..... | 11-14 |
| 17.11.6.3: Review of Application | 11-15 |
| 17.11.6.4: Decision..... | 11-15 |
| 17.11.7: Maintenance..... | 11-15 |
| ARTICLE 12: Nonconformities..... | 12-1 |
| 17.12.1: General..... | 12-1 |

Lakewood Zoning Ordinance - Adopted December 10, 2012

| | |
|--|-------------|
| 17.12.1.1: Purpose and Intent | 12-1 |
| 17.12.1.2: Authority to Continue | 12-1 |
| 17.12.1.3: Nonconformities Detrimental to Health and Safety | 12-1 |
| 17.12.1.4: Determination of Nonconformity Status | 12-1 |
| 17.12.1.5: Nonconforming Certificate | 12-1 |
| 17.12.1.6: Nonconformities Created by Public Action | 12-1 |
| 17.12.2: Nonconforming Buildings or Structures..... | 12-2 |
| 17.12.2.1: Nonconforming Buildings or Structures in Single-Family and Two-Family Residential Zone Districts | 12-2 |
| 17.12.2.2: Nonconforming Buildings or Structures in Multifamily, Mixed-Use, Commercial and Light Industrial Zone Districts | 12-3 |
| 17.12.3: Nonconforming Use | 12-4 |
| 17.12.4: Nonconforming Fences..... | 12-4 |
| 17.12.5: Nonconforming Signs | 12-5 |
| 17.12.6: Nonconforming Parking..... | 12-5 |
| ARTICLE 13: Definitions and Interpretations | 13-1 |
| 17.13.1: General Interpretations..... | 13-1 |
| 17.13.2: Definitions | 13-1 |

ARTICLE 1: PURPOSE AND ADMINISTRATION

17.1.1: Title

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

17.1.2: Purpose and Intent

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

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

17.1.3: Relationship to Comprehensive Plan

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

17.1.4: Effective Date

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

17.1.5: Applicability

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

17.1.6: General Provisions

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

17.1.6.1: Compliance with Other Adopted City Standards

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

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

17.1.6.2: Conflicting Provisions

- A. Where any regulation, requirement or condition imposed by any provision of this Zoning Ordinance conflicts with any other regulation, requirement, or law, the provision which is more restrictive or which imposes a higher standard or requirement shall govern.
- B. Where any graphic of this Zoning Ordinance conflicts with the text of this Zoning Ordinance, the text shall govern.

- C. It is not the intent of this Zoning Ordinance to interfere with, abrogate or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Zoning Ordinance impose a greater restriction than imposed by an easement, covenant, deed restriction, or other private agreement, the provisions of this Zoning Ordinance control.

17.1.7: Administration and Roles

17.1.7.1: Director

- A. Duties:
1. It shall be the duty of the Director to enforce the provisions of this Zoning Ordinance and the regulations contained herein. No oversight or error on the part of the Director or any employee of the City shall legalize, authorize, or excuse the violation of any of the provisions in this Zoning Ordinance.
- B. The Director shall have the authority to:
1. Interpret and apply the provisions set forth in this Zoning Ordinance. When this Zoning Ordinance does not specify what criteria are to be used in making a decision, the Director shall approve an application, or approve it with conditions, if the Director determines that:
 - a. The application complies with all applicable provisions of this Zoning Ordinance, or if it does not comply with one or more provisions, that the body authorized by this Zoning Ordinance to allow variations from those provisions has given its approval to the variations; and
 - b. The application is consistent with the Lakewood Comprehensive Plan and all other plans approved by the City Council and is applicable to the property.
 2. Make district boundary interpretations when uncertainty as to the district boundaries exists.
 3. Delegate to any employee of the Department any responsibilities assigned to the Director by this Zoning Ordinance. The designee shall be subject to the same restrictions and standards as are applicable to the Director.
 4. Waive any standard in this Zoning Ordinance, with the exception of any uses identified in Article 4, as it relates to any publicly-owned park.

17.1.7.2: Planning Commission

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

17.1.7.3: Board of Adjustment

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

17.1.7.4: Historic Preservation Commission

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

17.1.8: Common Facilities

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

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

17.1.9: Building Permits

- A. In addition to the requirements of the building code, no building permit shall be issued unless the plans for the proposed construction, enlargement, alteration, repair, improvement or conversion, and the use of the building or structure conform to all requirements of this Zoning Ordinance.
- B. For all new buildings, before form inspections and approval thereof, the property owner, lessee, builder or contractor shall locate the property boundaries by placing at the property corner of the building site stakes or other monuments to establish said boundaries.
- C. Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health or property, and except in cases exempted pursuant to Article 11, upon the filing of an application for a permit for the performance of any work coming within the scope of Article 11 of this Zoning Ordinance, the Director shall require the applicant to meet the additional submittal requirements set forth in Article 11 of this Zoning Ordinance.

17.1.10: Fees

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

- B. Upon written application to the City Manager, the City Manager may waive or reduce said fees if such action will further the economic goals of the City as set forth in the Lakewood Municipal Code.

17.1.11: Violation and Penalty

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

17.1.12: Severability

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

17.1.13: Repealer

The Zoning Ordinance of the City of Lakewood, O-80-51, as amended, is repealed.

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ARTICLE 2: PROCEDURES AND APPEALS

17.2.1: General

17.2.1.1: Purpose and Intent

This Article establishes the process and procedures for land development in the City of Lakewood. The Article is divided into sections that describe the common procedures for land development applications and the specific procedures and criteria for each type of land development application.

17.2.1.2: Summary Table

Table 17.2.1 summarizes the procedures for land development applications. The table indicates the type of application required and the review authority for land development applications.

| Table 17.2.1: Procedures Summary Table | | | | | | | |
|--|-----------------------|--------------------------|--------------------|------------------|----------------------|----------------------|---------------|
| Land Development Procedure | Application Processes | | | Review Authority | | | |
| | Zoning Review | Pre-planning Application | Formal Application | Director | Board of Adjustment* | Planning Commission* | City Council* |
| Initial Zoning and Rezoning | | √ | √ | R | | R | D |
| Special Use Permit | | √ | √ | R | | D | |
| Major Variance | | | √ | R | D | | |
| Minor Variance | | | √ | D | A | | |
| Major Waiver | | | √ | R | | D | |
| Minor Waiver | | | √ | D | | A | |
| Major Site Plan | | √ | √ | D | | A | |
| Minor Site Plan | √ | | | D | | | |
| Comprehensive Sign Plan | | √ | √ | D | | A | |
| Sign Permit | √ | | | D | | | |
| Fence Permit | √ | | | D | | | |
| √ = Required Application R = Review D = Decision A = Appeal * = Public Hearing | | | | | | | |

17.2.1.3: Application Process

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

A. Zoning Review:

The purpose of a zoning review is to provide an administrative review for land development proposals that are minor in nature to ensure that the standards in this Zoning Ordinance are met.

1. A zoning review is required for land development processes as identified in Table 17.2.1.
2. The applicant shall submit any required application form and all supplemental materials identified in the zoning review application or permit application form.
3. The City shall review zoning review applications and permit applications to ensure the following:
 - a. Consistency of the proposed land development with the Lakewood Comprehensive Plan and how well the project interacts with the context of the area; and
 - b. Consistency of the proposed land development with the standards in this Zoning Ordinance.

B. Pre-planning Application:

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

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

- e. An explanation of the land development process required to pursue the applicant's proposal.

C. Formal Application:

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

1. The applicant shall be all owners of the property, or any person, firm or corporation with written consent of the property owner(s).
2. The applicant shall submit a complete formal application for the formal land use procedure as identified in Table 17.2.1 or as determined by the Director. The City shall not proceed with an incomplete application.
3. If a formal application is not received within six months after completion of the pre-planning review as identified in Section 17.2.1.3.8.B above, the Director may require a new pre-planning review prior to a formal application submittal.
4. The applicant may withdraw an application at any time prior to a decision by the City by submitting a written request to withdraw the application to the Director. If an application is later resubmitted, it shall be treated as a new application for purposes of review. The City shall not refund fees for a withdrawn application.
5. The City shall review all formal applications for compliance with the standards in this Zoning Ordinance.

17.2.1.4: Public Input Process

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

A. Neighborhood Meeting:

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

1. At least one neighborhood meeting is required for land development procedures for an initial zoning, rezoning, or special use permit, or as determined by the Director, which shall be held after receiving the written response to the pre-planning application, but prior to filing a formal application.
2. More than one neighborhood meeting may be required at the discretion of the Director. In determining whether to require an additional neighborhood meeting, the Director shall consider:

- a. If the applicant has sufficiently solicited input from neighbors on how the project interacts with the surrounding area; or
 - b. If the applicant is proposing new or modified components of the formal application that were not discussed at the required neighborhood meeting; or
 - c. If a significant amount of time has passed since the required neighborhood meeting.
3. Notification of neighbors for a required neighborhood meeting shall be provided as described below:
- a. For an initial zoning or rezoning, a written notice shall be mailed to owners of property within 500 feet of the subject property and registered neighborhood organizations within 1/2 mile of the subject property.
 - b. For a special use permit, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property, or as deemed reasonable by the Director.
 - c. The applicant shall obtain the addresses for current owners of property from the county assessor or clerk and recorder of the appropriate jurisdiction not more than 90 days prior to the mailing of the notice.
 - d. The written notices shall be prepared by the City in a format approved by the Director.
 - e. The notice to property owners shall be postmarked at 14 days, but not more than 30 days, prior to the neighborhood meeting.

B. Notification to Adjacent Property Owners:

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

1. A notification to adjacent property owners is required for land development procedures for a minor variance, minor waiver or a comprehensive sign plan, or as determined by the Director.
2. Notification of adjacent property owners shall be provided as described below:
 - a. A written notice shall be mailed to owners of property that is immediately adjacent to the subject property excluding rights-of-way. Notice shall not be required to adjacent property owners across freeways and arterial streets.
 - b. The applicant shall obtain the addresses for current owners of property from the county assessor or clerk and recorder of the appropriate jurisdiction not more than 90 days prior to the mailing of the notice.
 - c. The written notices shall be prepared by the City in a format approved by the Director.

- d. The notice to property owners shall be postmarked at least 14 days, but not more than 30 days, prior to a decision by the Director.

17.2.1.5: Public Hearings

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

A. Setting a Date for a Public Hearing:

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

B. Notifying for a Public Hearing:

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

1. Posting of sign(s) on the property is required for public hearings as described below:
 - a. The applicant shall provide at least one sign for each street frontage on the property. Along each street frontage, the applicant shall provide one sign for every 300 feet of frontage, or portion thereof.
 - b. The sign shall be in a format approved by the Director.
 - c. The applicant shall post the sign(s) on the property 14 days prior to a public hearing and replace any signs lost or damaged prior to the hearing.
2. The City shall provide notice for a public hearing in the publication of record at least 10 days prior to the public hearing.
3. Notification to owners of property in the vicinity of the subject property shall be provided as described below:

- a. For an initial zoning or rezoning, a written notice shall be mailed to owners of property within 500 feet of the subject property and registered neighborhood organizations within 1/2 mile of the subject property.
 - b. For a special use permit, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property, or pursuant to notice given in accordance with 17.2.1.4.3.b.
 - c. For a major variance and major waiver, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property
 - d. The applicant shall obtain the addresses for current owners of property from the county assessor or clerk and recorder of the appropriate jurisdiction not more than 90 days prior to the mailing of the notice.
 - e. The written notice shall be prepared by the City in a format approved by the Director.
 - f. The notice to owners of property shall be postmarked at least 14 days, but not more than 30 days, prior to the public hearing.
4. The City shall ensure that the written notification of a public hearing (posted signs, newspaper notifications, and written notifications to property owners) includes the following information:
 - a. Type of land development case, explanation of the approval sought, and written description of the proposal including proposed land uses; and
 - b. Date, time and place of the public hearing; and
 - c. Address of the subject property; and
 - d. Name and contact information for the applicant and contact information for assigned city staff person.

C. Conducting a Public Hearing:

1. The Zoning Ordinance, the Comprehensive Plan, including all amendments, and the Subdivision Ordinance shall be a part of the record of every public hearing, and it shall not be necessary for any party or person formally to move their introduction into evidence.
2. The Board of Adjustment shall conduct public hearings pursuant to the Rules and Regulations of the Board of Adjustment, as amended.
3. The Planning Commission shall conduct public hearings pursuant to the Rules and Regulations of the Planning Commission, as amended.
4. The City Council shall conduct public hearings pursuant to the City Charter and the Lakewood Municipal Code, as amended.

17.2.2: Initial Zoning, Rezoning and Legislative Zoning

17.2.2.1: Applicability

This Section establishes the procedures and criteria for designating a zoning classification for land that is annexed to the City of Lakewood, herein referred to as "initial zoning." This Section also establishes the procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any parcel of land within the City of Lakewood, as shown on the Official Zoning Map of the City of Lakewood, herein referred to as "rezoning" or "legislative zoning."

17.2.2.2: Types of Zoning Applications

A. Initial Zoning:

1. The initial zoning process shall apply when property is annexed or to be annexed to the City of Lakewood. The process for initial zoning shall follow, to the extent practicable, the procedures applicable to rezonings.
2. The process for initial zoning shall be instituted at any time after a resolution of intent to annex is adopted pursuant to C.R.S. 1973, 31-12-106, as amended, or after a petition for annexation, or a petition for annexation election has been found to be valid in accordance with C.R.S. 1973, 31-12-107, as amended.
3. One or more of the following entities shall submit a formal application for initial zoning:
 - a. All owners of all real property to which the initial zoning would apply; or
 - b. Any person, firm, or corporation with the written consent of all of the owners of the property.

B. Rezoning:

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

C. Legislative Zoning:

1. A legislative zoning is intended to be a rezoning that is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level.

2. Applications for legislative zoning shall be initiated by the City Manager.

17.2.2.3: Review Criteria

A. Review Criteria for Initial Zoning and Rezoning:

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

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

B. Review Criteria for Legislative Zoning:

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

1. The legislative zoning affects a large number of properties and the proposed rezoning is not applicable only to a specific individual or readily identifiable group; and
2. The legislative zoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level; and
3. It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties in a quasi-judicial manner on a site-by-site basis; and
4. The proposed legislative zoning promotes the purposes of this Zoning Ordinance; and
5. The proposed legislative zoning promotes implementation of the Comprehensive Plan.

17.2.2.4: Review Authority

- A. City Council designates the Planning Commission to conduct a fact-finding hearing on applications for initial zoning, rezoning and legislative zoning. The fact-finding hearing shall be referred to as a public hearing for purposes of this Section. The Planning Commission shall make a recommendation to City Council.
- B. Upon receipt of a recommendation from the Planning Commission for an initial zoning, a rezoning or a legislative zoning, the City Council shall conduct a public hearing and render a decision.
 - 1. An ordinance for the initial zoning of property annexed to the City shall be approved by City Council concurrent with the approval of the annexation ordinance or within 90 days after the effective date of the annexation ordinance.
- C. The decision of the City Council on applications for initial zoning, rezoning and legislative zoning shall be final.

17.2.2.5: Review Procedure

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

A. Application:

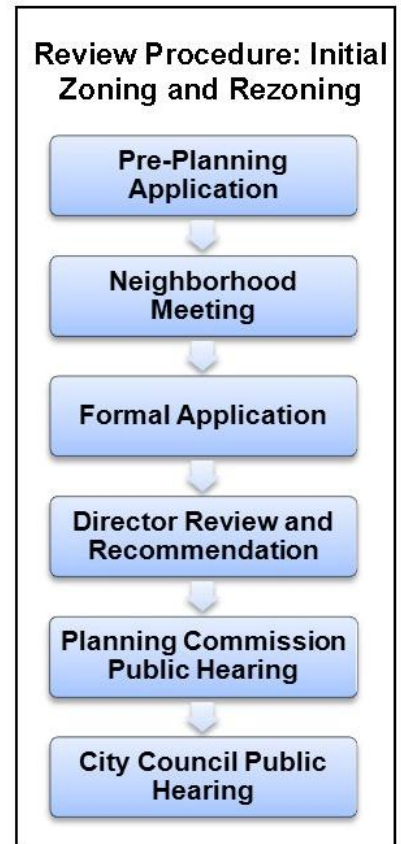
- 1. The applicant shall follow procedures for pre-planning and formal applications pursuant to Sections 17.2.1.3.B and 17.2.1.3.C.
- 2. Applications for an initial zoning or a rezoning to a planned development zone district shall submit an Official Development Plan addressing all of the elements in Section 17.3.6.

B. Neighborhood Meeting:

At least one neighborhood meeting is required for initial zoning and rezoning proposals. The applicant shall hold a neighborhood meeting pursuant to Section 17.2.1.4.A.

C. Director's Review Authority and Recommendation:

- 1. The Director shall review the application and ensure the following:
 - a. The formal application is complete when submitted to the City; and



- b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the criteria in Section 17.2.2.3 and any other applicable City standards.
2. The Director shall make a recommendation to the Planning Commission and the City Council to approve, approve with modifications where appropriate, or deny the application for initial zoning, rezoning or legislative rezoning based on the review criteria in 17.2.2.3 and any other applicable City standards.

D. Planning Commission Public Hearing:

- 1. The applicant shall provide public notice of the public hearing pursuant to Section 17.2.1.5.B of this Zoning Ordinance.
- 2. The Planning Commission shall hold a public hearing for an initial zoning, rezoning or legislative zoning application after receipt of the Director's recommendation pursuant to Section 17.2.1.5.C.
- 3. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his or her representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
- 4. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to approve, approve with modifications where appropriate, or deny the application based on the review criteria in Section 17.2.2.3.
- 5. The Planning Commission shall provide the written findings and recommendation to the applicant within 14 days after the public hearing.
- 6. No substantial amendment to an application may be made after a decision on the application has been made by the Planning Commission unless such amendments are recommended by the Planning Commission.
- 7. Any person may object to a finding or a recommendation of the Planning Commission by submitting a written statement with the Secretary to the Planning Commission prior to the public hearing before the City Council, which shall become a part of the planning case file.

E. City Council Public Hearing:

- 1. The applicant shall provide public notice of the public hearing pursuant to Section 17.2.1.5.B of this Zoning Ordinance.
- 2. The City Council shall hold a public hearing for consideration of a proposed ordinance for initial zoning, rezoning or legislative zoning after receipt of the Planning Commission's recommendation pursuant to Section 17.2.1.5.C.

3. During the public hearing, the City Council may hear any relevant evidence or statement provided by the applicant or the applicant's representatives, by the Director, and by any person in attendance at the hearing. The City Council may, at its sole discretion, accept and consider any other relevant statement or evidence, written or oral.
4. Following the public hearing and based on the rezoning criteria in 17.2.2.3, the City Council shall:
 - a. Adopt the Planning Commission's findings and proceed to vote upon the proposed ordinance; or
 - b. Revise the Planning Commission's findings, if such revision is supported by evidence in the record made before the Planning Commission, and proceed to vote upon the ordinance; or
 - c. Continue to a date certain; or
 - d. Deny the application; or
 - e. Remand the proposed application to the Planning Commission for further consideration if one of the following is found to be true:
 - i. One of the written findings from the Planning Commission is based on incorrect information; or
 - ii. New information, that was not available at the time of the Planning Commission public hearing, is presented and has the potential to change the recommendation of the Planning Commission.
5. If the application is remanded to the Planning Commission, the City Council shall provide guidance to the Planning Commission including:
 - a. What aspects of the application should be reconsidered; and
 - b. Whether additional public testimony should be accepted; and
 - c. The date certain to which the City Council continued its consideration.
6. Final action by the City Council on the application shall be taken within 90 days after the date of the City Council's hearing on the application, or within 30 days after the date the Council receives the application after remand to the Planning Commission, whichever is later. Failure to take final action within such period shall be considered a final decision of the City Council denying the application. If the vote on any application is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code Section 1.20.030, an additional 14 days shall be added to the time limitation for each such occurrence.

F. Vested Property Rights:

1. A zoning action approved by the City Council is automatically vested for a period of three years. Such vesting gives the property owner the right to undertake and complete the development and use of the property under the terms and conditions of the approval.
2. An applicant may seek to vest the approval of a zoning action for a period of longer than three years through the approval of a development agreement. The City Council may enter into such an agreement where City Council finds such to be warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic factors, and market conditions.
3. The City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the development agreement. Failure to establish such compliance may result in a notice of forfeiture from the Director.
 - a. Upon receipt of a notice of forfeiture, an owner or his authorized agent may file a written request, within seven days of receipt, that the Director reconsider his or her decision. The request for reconsideration shall state the grounds therefore and shall specifically describe the actions which constitute compliance with the terms and conditions of approval.
 - b. Denial of a request for reconsideration may be appealed to the Planning Commission if request for reconsideration is timely filed with and denied by the Director.

17.2.3: Special Use Permits

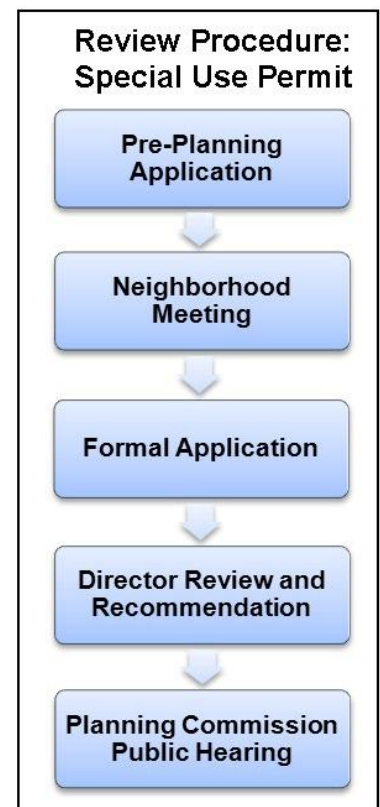
17.2.3.1: Applicability

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

17.2.3.2: Review Criteria

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

- A. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance; and



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

17.2.3.3: Review Authority

City Council designates the Planning Commission to conduct a public hearing on applications for special use permits and render a decision. The decision of the Planning Commission shall be final.

17.2.3.4: Review Procedure

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

A. Application:

The applicant shall follow procedures for pre-planning and formal applications pursuant to Sections 17.2.1.3.B and 17.2.1.3.C. The Director may require that the applicant provide a site plan with an application for a special use permit. The site plan shall illustrate any proposed changes or improvements with the application for a special use permit and shall meet the requirements of this Zoning Ordinance.

B. Neighborhood Meeting:

At least one neighborhood meeting is required for a special use permit application. The applicant shall hold a neighborhood meeting pursuant to Section 17.2.1.4.A

C. Director's Review and Recommendation:

1. The Director shall review the application and ensure the following:
 - a. The formal application is complete when submitted to the City; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the criteria in Section 17.2.3.2 and any other applicable City standards.
2. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications, or deny the application for a special use permit based on the review criteria in 17.2.3.2.

D. Planning Commission Public Hearing:

1. The applicant shall provide public notice of the public hearing pursuant to Section 17.2.1.5.B of this Zoning Ordinance.

2. The Planning Commission shall hold a public hearing for special use permits after receipt of the Director's recommendation pursuant to Section 17.2.1.5.C.
3. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
4. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications, or deny the application. The decision of the Planning Commission may include conditions for the special use permit in addition to the supplemental standards set forth in Article 4 of this Zoning Ordinance.
5. The Planning Commission shall provide the written findings and decision to the applicant within 14 days after the public hearing.

E. Expiration of Special Use Permit:

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

17.2.4: Variances

17.2.4.1: Applicability

This Section establishes the procedures and criteria for requesting a variance to a dimensional standard in Article 5 of this Zoning Ordinance or to a similar standard contained in an official development plan due to an extraordinary or exceptional situation or condition.

17.2.4.2: Types of Variances

A. Major Variance:

A major variance shall apply when a variation of 20 percent or more to a numeric dimensional and development standard is proposed.

B. Minor Variance:

A minor variance shall apply when a variation of less than 20 percent to a numeric dimensional or development standard is proposed.

17.2.4.3: Review Criteria

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

- A. By reason of exceptional narrowness, shallowness or shape of a specific piece of property, topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of the regulation would result in peculiar and undue practical difficulties for, or peculiar and unnecessary hardship on, the owner of the property; and
- B. The extraordinary and exceptional situation or condition on the property that is stated as the reason for the proposed variance is not self-imposed; and
- C. The proposed variance complies with the purpose and intent of the standard to be varied and generally observes the spirit of the Zoning Ordinance; and
- D. The proposed variance will not substantially impair the appropriate use or development of adjacent property; and
- E. The proposed variance is the minimum variance that will afford relief with the least modification possible of this Zoning Ordinance.

17.2.4.4: Review Authority

- A. Major Variance:
 - 1. The City Council designates the Board of Adjustment to conduct a hearing on applications for major variances and render a decision.
 - 2. The decision of the Board of Adjustment on a major variance application shall be final.
- B. Minor Variance:
 - 1. The Director shall have the authority to review and render a decision on minor variance applications.
 - 2. The Board of Adjustment shall have the authority to hear a referral from the Director and render a decision on a minor variance application.
 - 3. The Board of Adjustment shall have the authority to hear an appeal of the Director's decision and render a decision on a minor variance application.
 - 4. The decision of the Board of Adjustment on a minor variance shall be final.

17.2.4.5: Review Procedure

- A. Major Variance:

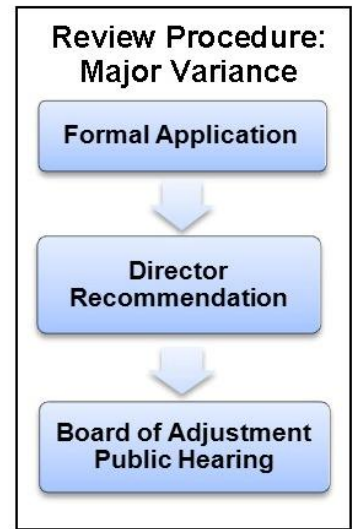
A request for a major variance shall follow the procedures described below.

1. Application:

- a. The applicant shall follow procedures for formal applications pursuant to Section 17.2.1.3.C.

2. Director's Review and Recommendation:

- a. The Director shall review the application and ensure the following:
 - i. The formal application is complete when submitted to the City; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section 17.2.4.3 and any other applicable City standards
- b. The Director shall make a recommendation to the Board of Adjustment to approve, approve with modifications, or deny the application for a major variance based on the review criteria in 17.2.4.3 and any other applicable City standards.



3. Board of Adjustment Public Hearing:

- a. The applicant shall provide public notice of the Board of Adjustment public hearing pursuant to Section 17.2.1.5.B of this Zoning Ordinance
- b. The Board of Adjustment shall hold a public hearing for a major variance after receipt of the Director's recommendation pursuant to Section 17.2.1.5.C.
- c. During the public hearing, the Board of Adjustment shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Board of Adjustment may, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
- d. Following the public hearing, the Board of Adjustment shall make a decision to approve, approve with modifications, or deny the application for a major variance.
- e. The Board of Adjustment shall provide the written findings and decision to the applicant within 14 days after the public hearing.

B. Minor Variance:

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

1. Application:

- a. The applicant shall follow procedures for formal applications pursuant to Section 17.2.1.3.C.

2. Director's Review:

- a. The Director shall review the application and ensure the following:
 - i. The application is complete when submitted to the City; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section 17.2.4.3 and any other applicable City standards.

3. Notification to Owners of Adjacent Property:

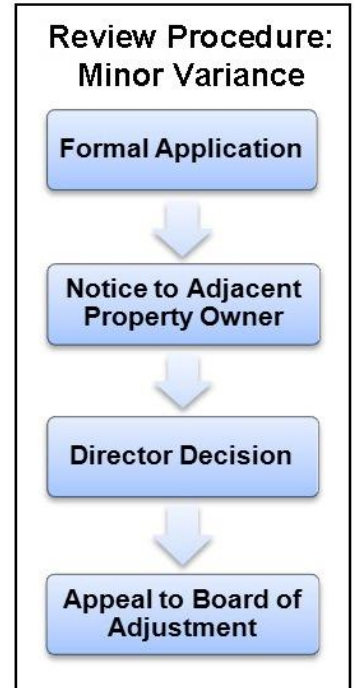
- a. The applicant shall mail a notification to owners of adjacent property pursuant to Section 17.2.1.4.B.

4. Director's Decision:

- a. The Director may make a decision to approve, approve with modifications, or deny the application for a minor variance based on the review criteria in 17.2.4.3 and any other applicable City standards.
- b. The Director may decide, at his or her sole discretion, to refer an application for a minor variance to the Board of Adjustment for consideration and decision pursuant to Section 17.2.4.4.

5. Appeal of Director's Decision:

- a. The applicant or owners of adjacent property may appeal the Director's decision on a minor variance application.
- b. A written appeal shall be submitted to the Secretary to the Board of Adjustment within 30 days of the Director's decision.
- c. The Board of Adjustment shall review appeals to the Director's decision for a minor variance. The Board of Adjustment shall conduct a public hearing within 30 days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
- d. The Board of Adjustment review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
- e. Any decision of the Board of Adjustment on review of an appeal to a minor variance shall include reasons for affirming, modifying or reversing the Director's decision.



17.2.5: Waivers

17.2.5.1: Applicability

This Section establishes the procedures and criteria for requesting a waiver to a dimensional, development, design, or sign standard in Articles 5, 6, 7, 8, 9, or 10 of this Zoning Ordinance or to a similar standard contained in an official development plan when a request for a superior design or development standard is proposed. An applicant shall submit an application for a waiver in conjunction with the review of a site plan or a zoning review.

17.2.5.2: Types of Waivers

A. Major Waiver:

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

B. Minor Waiver:

A minor waiver shall apply to the following:

1. When a proposed alternative to a dimensional or development standard varies the standard by less than 20 percent; or
2. To any design standard.

17.2.5.3: Review Criteria

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

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

- G. The proposed project with a waiver will meet the intent of the applicable zone district.

17.2.5.4: Review Authority

A. Major Waiver:

1. The Planning Commission has the authority to review and render a decision on major waiver applications.
2. The decision of the Planning Commission on a major waiver application shall be final.

B. Minor Waiver:

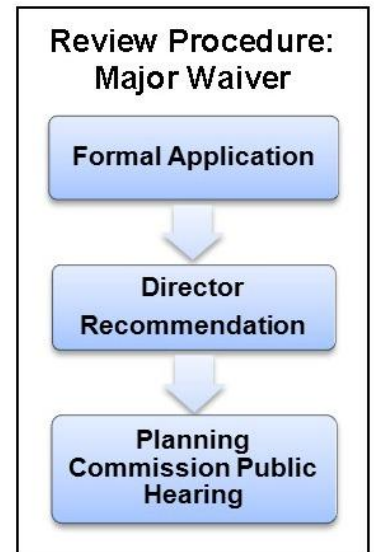
1. The Director has the authority to review and render a decision on applications for a minor waiver.
2. The Planning Commission has the authority to hear a referral from the Director and render a decision on a minor waiver application.
3. The Planning Commission has the authority to hear an appeal of the Director's decision and render a decision on a minor waiver application.
4. The decision of the Planning commission on a minor waiver application shall be final.

17.2.5.5: Review Procedure

A. Major Waiver:

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

1. Application:
 - a. The applicant shall submit a formal application for a major waiver pursuant to Section 17.2.1.3.C.
 - b. The applicant shall provide sufficient evidence that the request for a waiver meets the review criteria outlined in Section 17.2.5.3.
2. Director's Review and Recommendation:
 - a. The Director shall review the application and ensure the following:
 - i. The formal application is complete when submitted to the City; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and

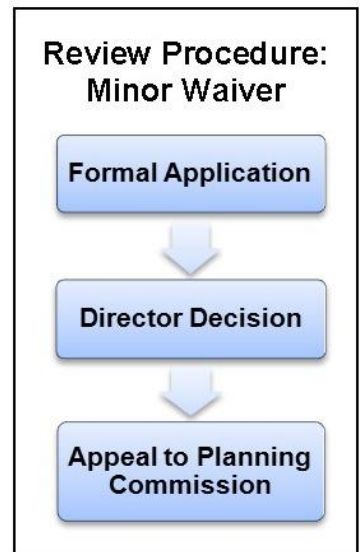


- iii. The application is reviewed applying the review criteria in Section 17.2.5.3 and any other applicable City standards.
- b. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications, or deny the application for a major waiver based on the review criteria in 17.2.5.3.
- 3. Planning Commission Public Hearing:
 - a. The applicant shall provide public notice of the public hearing pursuant to Section 17.2.1.5.B of this Zoning Ordinance.
 - b. The Planning Commission shall hold a public hearing for a major waiver after receipt of the Director's recommendation pursuant to Section 17.2.1.5.C.
 - c. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, written or oral.
 - d. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications, or deny the application for major waiver.
 - e. The Planning Commission shall provide the written findings and decision to the applicant within 14 days after the public hearing.

B. Minor Waiver:

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

- 1. Application:
 - a. The applicant shall submit a formal application for a minor waiver in conjunction with a zoning review or a site plan.
- 2. Notification to Owners of Adjacent Property:
 - a. The applicant shall mail a notification to owners of adjacent property pursuant to Section 17.2.1.4.B.
 - b. Written comments received from notified property owners will be included in the materials reviewed by the Director before rendering a decision on the application
- 3. Director's Review and Decision:
 - a. The Director shall review the application and ensure the following:
 - i. The formal application is complete when submitted to the City; and



- ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section 17.2.6.3 and any other application City standards.
 - b. The Director may, within 15 days from the day of the complete application, either approve, approve with modifications, or deny the application based on the review criteria in Section 17.2.6.3 and any other applicable City standards.
 - c. The Director, at his or her sole discretion, may decide to refer an application for a minor waiver to the Planning Commission pursuant to Section 17.2.5.4.
4. Appeal of Director's Decision:
- a. The applicant or owners of adjacent property may appeal the Director's decision on a minor waiver application.
 - b. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
 - c. The Planning Commission shall review appeals to the Director's decision for a minor waiver. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
 - d. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
 - e. Any decision of the Planning Commission on review of an appeal to a minor waiver shall include reasons for affirming, modifying or reversing the Director's decision.

17.2.5.6: Expiration of Waivers

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

17.2.5.7: Waiver for Disabilities

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

17.2.6: Site Plans

17.2.6.1: Applicability

This Section establishes the procedures and criteria for review of a site plan.

17.2.6.2: Types of Site Plans

A. Major Site Plan:

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

1. A change to the site, other than a single-family or two-family lot, that affects 20 percent or more of the site area; or
2. An expansion of a building, other than a single-family or two-family structure, of 20 percent or more of the gross square footage of the building.

B. Minor Site Plan:

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

1. A change to a site that affects less than 20 percent of the site area; or
 2. An expansion of a building of less than 20 percent of the gross square footage of the building; or
 3. The construction of, or addition to, one single-family home or one two-family home on a lot; or
 4. As indicated in Article 4.
- C. The City shall consider the cumulative change on the property. When the cumulative amount of change exceeds the requirements for a minor site plan, the Director may require a major site plan.

17.2.6.3: Review Criteria

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

- A. Major site plans shall comply with standards outlined in Articles 3, 4, 5, 6, 7, 8, and 10 of this Zoning Ordinance.
- B. The review of minor site plans will focus on the area of the proposed modification. Compliance with Articles 3, 4, 5, 6, 7, 8, and 10 of this Zoning Ordinance will be applied to the area that is being modified.
- C. The Director shall evaluate how well the proposed modifications contribute to the overall performance of the site and how well the proposed changes meet the standards in Articles 3, 4, 5, 6, 7, 8, and 10 of this Zoning Ordinance.

17.2.6.4: Review Authority

A. Major Site Plan:

1. The Director shall have the authority to review and render a decision on a major site plan application.
2. The Planning Commission shall have the authority to hear a referral from the Director and render a decision on a major site plan application.
3. The Planning Commission shall have the authority to hear an appeal of the Director's Decision and render a decision on a major site plan application.
4. The decision of the Planning Commission on a major site plan application shall be final.

B. Minor Site Plan:

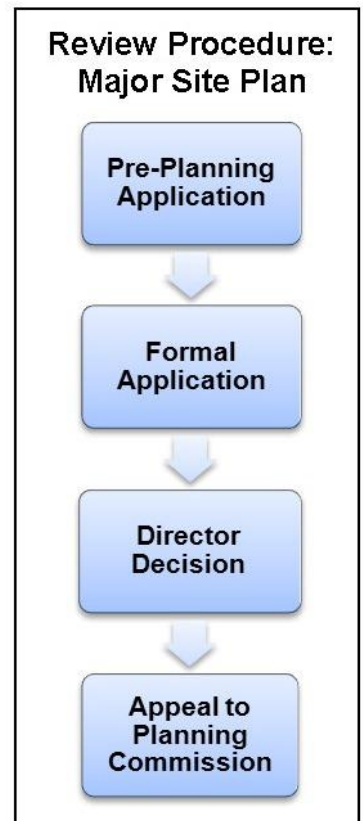
1. The Director shall have the authority to review and render a decision on a minor site plan application.
2. The Director's decision on minor site plan applications shall be final.

17.2.6.5: Review Procedure

A. Major Site Plan:

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

1. Application:
 - a. For major site plans, the applicant shall follow the application process for a pre-planning and formal application described in Sections 17.2.1.3.B and 17.2.1.3.C and any other applicable City standards.
2. Director's Review and Decision:
 - a. The Director shall review the application and ensure the following:
 - i. The formal application is complete when submitted to the City; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section 17.2.7.3 and any other applicable City standards.



- b. The Director shall make a decision to approve, approve with modifications, or deny the application for a site plan based on the review criteria in Section 17.2.7.3, and any other applicable City standards.
 - c. The communication of an approval or denial of a site plan shall provide reasons for the approval or denial. Red line changes on a site plan shall constitute sufficient detail of the reasons for a denial.
 - d. No building permit for any development requiring a site plan shall be issued without obtaining the Director's approval.
 - e. The Director, at his or her sole discretion, may refer a major site plan to the Planning Commission pursuant to Section 17.2.6.4.
3. Appeal of Director's Decision:
- a. The applicant may appeal the Director's decision on a major site plan.
 - b. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
 - c. The Planning Commission shall review appeals to the Director's decision for a major site plan. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
 - d. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
 - e. Any decision of the Planning Commission on review of an appeal to a major site plan shall include reasons for affirming, modifying, or reversing the Director's decision.

B. Minor Site Plan:

For minor site plans, the applicant shall follow the application process for a zoning review with a building permit described in Section 17.2.1.3.A and any other applicable City standards.

17.2.6.6: Expiration of Site Plans

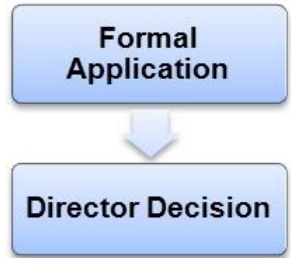
A. Major Site Plan:

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

B. Minor Site Plan:

1. The applicant shall obtain approval of a building permit within a period of 180 days from the date of a minor site plan approval. If the building permit is not obtained within this time period, the approval of the minor site plan is no longer valid.
2. The applicant may request an extension of the minor site plan approval. A written request for an extension explaining the justification for the request shall be submitted to the Director prior to the expiration of the minor site plan approval. The Director may grant an extension for good cause for up to 180 days from the date of the original expiration of the minor site plan approval.

**Review Procedure:
Minor Site Plan**



17.2.7: Revocation of Uses

17.2.7.1: Applicability

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

17.2.7.2: Revocation of a Special Use Permit

- A. The stipulations and conditions imposed by the Planning Commission shall be maintained in perpetuity with the special use. If at any time the stipulations are not met or are found to have been altered in scope, application or design, the use shall be in violation of the special use permit.
- B. If and when any special use is determined to be in violation of the special use permit, the Director shall notify the permit holder and the property owner in writing of said violation and shall provide the permit holder with a 14 day period in which to abate the violation or a reasonable period of time as determined by the Director. The permit holder shall communicate to the Director and to each applicable licensing agency when the violation has been adequately abated.
- C. If the violation has not been abated within the 14 day period, the Secretary to the Planning Commission shall schedule a public hearing. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued. The Planning Commission shall use the review criteria as set forth in Section 17.2.3.2 when considering whether a special use may continue.
- D. Following a public hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the special use permit. The revocation of the special use permit shall require the permit holder to immediately vacate the premises or stop the use authorized by the special use permit. After revocation, the permit holder may not reapply for a special use permit for the same or similar use within 180 days of the revocation action.

17.2.7.3: Revocation of a Nonconforming Use

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

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

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

17.2.7.4: Revocation of a Temporary Use

- A. A temporary use shall be allowed to continue within the timeframe established for the use if it meets the standards of this Zoning Ordinance. If at any time the standards for a temporary use stated in this Zoning Ordinance or the Lakewood Municipal Code are not met, the temporary use shall be in violation.
- B. If and when any temporary use is determined to be in violation, the Director shall notify the property owner in writing of said violation and shall provide the property owner with a 14 day period in which to abate the violation. The property owner shall communicate to the Director when the violation has been adequately abated.
- C. If the violation has not been abated within the 14 day period, the Director shall schedule an administrative hearing to determine whether revocation of the temporary use or other legal action should be pursued. The Director shall give the property owner at least 14

days written notice of the date and time of the hearing. The Director shall order the temporary use to terminate and/or may initiate legal action to terminate the temporary use if the Director determines that the continuation of the use without correction of the violation:

1. Creates an increased risk to public health or safety; or
2. Creates increased adverse impacts to adjacent properties.

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

- D. If the Director has ordered the termination of the temporary use pursuant to Section 17.2.7.3.C, and the property owner believes that the criteria in Section 17.2.7.3.C have not been met, the property owner may appeal the decision to the Planning Commission. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- E. Following a public hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the temporary use.

17.2.8: Comprehensive Sign Plans

17.2.8.1: Purpose and Intent

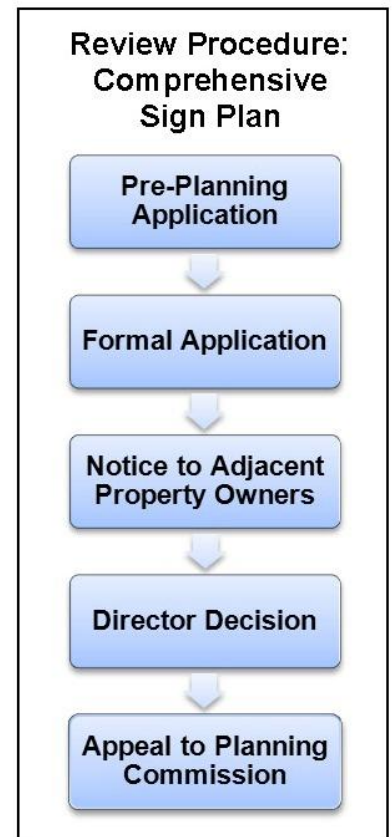
The purpose of a Comprehensive Sign Plan is to offer flexibility in the number, size, type and location of signs for large developments when the complexity of uses and site design warrant additional or different types of signage. The intent is to provide flexible sign standards that promote a superior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

17.2.8.2: Applicability

This Section applies to developments containing over 40,000 square feet of building area in the M, C, or LI zone districts when a property owner chooses to develop a comprehensive sign plan.

17.2.8.3: Review Authority

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



- D. The decision of the Planning Commission on comprehensive sign plans shall be final.

17.2.8.4: Review Criteria

Decisions regarding comprehensive sign plan applications shall be based on the following review criteria. Comprehensive sign plan applications shall be approved if it is demonstrated that:

- A. The comprehensive sign plan promotes the purposes of this Zoning Ordinance; and
- B. The comprehensive sign plan exhibits high quality design, innovation and sensitivity to the site context; and
- C. The design, location and dimensional standards in a comprehensive sign plan result in signage that fits harmoniously with the architecture and site design; and
- D. The proposed standards and location in the Comprehensive Sign Plan do not adversely affect adjacent properties; and
- E. Signs proposed in a comprehensive sign plan shall adhere to the lighting standards outlined in Section 17.9.3.2.

17.2.8.5: Review Procedures

- A. Application:
 - 1. The property owner(s) or any person, firm or corporation with written consent of the property owner(s) shall submit an application.
 - 2. The applicant shall submit a complete application with all required materials as determined by the Director. The Director shall determine if a submitted application is complete. The application shall include, but is not limited to, the following:
 - a. Design descriptions of all signs including, but not limited to, allowable shapes, sizes, typography, lighting, colors and materials; and
 - b. Sign calculations; and
 - c. Elevation drawings of all allowable signs; and
 - d. Sign Plan and elevation drawings of building facades indicating allowable sign locations.
 - 3. Applications that do not generate activity for more than 6 months may be closed at the Director's discretion.
 - 4. The applicant may withdraw an application at any time prior to a decision by the City by submitting a written request to withdraw the application to the Director. If an application is later resubmitted, it shall be treated as a new application for purposes of review. The City shall not refund fees for a withdrawn application.

B. Notification to Adjacent Property Owners:

1. The applicant shall mail a notification to owners of adjacent property owners pursuant to Section 17.2.1.4.B.
2. Written comments received from notified property owners will be included in the materials reviewed by the Director before rendering a decision on the application.

C. Director's Review and Decision:

1. The Director shall review the application for a comprehensive sign plan and ensure the following:
 - a. The application is complete when submitted to the City; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the criteria in Section 17.2.8.4, and all other applicable City standards
2. The Director shall review the application and make a decision to approve, approve with modifications, or deny the application for a comprehensive sign plan based on the review criteria in Section 17.2.8.4.
3. The Director, at his or her sole discretion, may refer an application for a comprehensive sign plan to the Planning Commission pursuant to Section 17.2.8.3.

D. Appeal of Director's Decision

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

17.2.8.6: Modifications

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

A. Review Criteria:

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

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

B. Review Authority:

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

C. Review Procedure:

1. Application:
 - a. The applicant shall follow procedures for pre-planning and formal applications pursuant to Sections 17.2.1.3.B and 17.2.1.3.C and any other applicable City standards.
 - b. An application for a comprehensive sign plan modification shall include a comprehensive sign plan articulating the modifications to the governing comprehensive sign plan.

D. Notification to Owners of Adjacent Property:

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

E. Director's Review Authority and Decision:

1. The Director shall review the application and ensure the following:
 - a. The formal application is complete when submitted to the City; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the review criteria in Section 17.2.8.6.A and any other applicable City standards.
2. The Director shall make a decision to approve, approve with modifications or deny the application for a comprehensive sign plan modification based on the review criteria in 17.2.8.6.A.
3. The Director may, at his or her sole discretion, refer a modification to the Planning Commission for consideration and decision

F. Appeal of Director's Decision:

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

17.2.9: Sign Permit

17.2.9.1: Applicability

This Section establishes the procedures for the installation of new signs and the alteration of existing signs.

17.2.9.2: Review Authority

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



17.2.9.3: Review Procedures

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

A. Application:

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

B. Director's Review and Decision:

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

C. Compliance with Sign Permit:

1. All signs shall be installed in accordance with a sign permit.
2. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Director.
3. If the City finds that work under any sign permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent ordinances, the City shall take the following actions to remediate the situation:
 - a. The applicant and the owner of the sign shall be notified of such findings and that the violation must be corrected within 5 days of notice.
 - b. If such correction is not made, the permit shall be revoked and written notice shall be mailed to the property owner, the sign owner, or contractor.
 - c. Upon receipt of the notice revoking the permit, the property owner, sign owner, or contractor shall have 5 days to correct any violation.

4. If an illegal sign was erected without a permit, the City shall provide written notice to the property owner, the sign owner, or contractor of such findings and the violation must be corrected within 5 working day of notice.
5. If actual work either on or off site is not commenced under any sign permit issued within 180 days from the date of such permit, the permit shall automatically expire. The Director may extend a sign permit up to 180 days for good cause.

17.2.10: Fence Permit

17.2.10.1: Applicability

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

17.2.10.2: Review Authority

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

17.2.10.3: Review Procedures

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

A. Application:

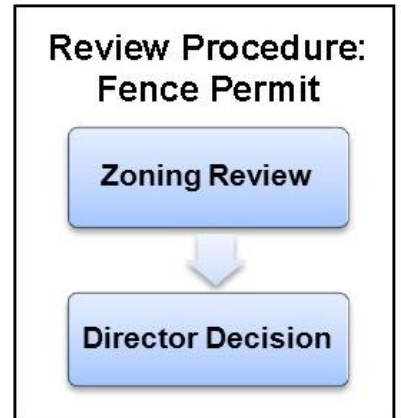
1. Any one or more of the following entities shall submit a fence permit application.
 - a. All owners of all real property on which the fence will be located; or
 - b. A tenant of the property with written consent of the property owner; or
 - c. A contractor registered with the City of Lakewood.
2.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

B. Director's Review and Decision:

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

C. Compliance with Fence Permit:

1. All fences shall be installed in accordance with a fence permit.



2. When a fence permit has been issued by the City, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Director.
3. If the City finds that work under any fence permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent ordinances, the City shall take the following actions to remediate the situation:
 - a. The applicant and the owner of the fence shall be notified of such findings and that the violation must be corrected within 15 days of notice.
 - b. If such correction is not made, the permit shall be revoked and written notice shall be mailed to the property owner or contractor.
 - c. Upon receipt of the notice revoking the permit, the property owner or contractor shall have five days to correct any violation.
4. If an illegal fence was erected without a permit, the City shall provide written notice to the property owner or the contractor of such findings and any violation must be corrected within five working days of notice.
5. If actual work, either on or off site, is not commenced under any fence permit issued within 180 days from the date of such permit, the permit shall automatically expire. The Director may extend a fence permit up to 180 days for good cause.

ARTICLE 3: ZONE DISTRICTS

17.3.1: General

17.3.1.1: Purpose and Intent

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

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

17.3.2: Districts and Maps

17.3.2.1: Applicability

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

17.3.2.2: Creation of Districts

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

17.3.2.3: Zoning District Map

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

17.3.2.4: Interpretation of District Boundaries

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

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

17.3.3: Residential Districts

17.3.3.1: Purpose and Intent

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

- A. Create, maintain and promote a variety of housing opportunities that meet the diverse economic and social needs of residents;

- B. To maintain and promote the desired physical character of existing and developing neighborhoods;
- C. Where appropriate, protect the scale, character and unique appeal of existing residential neighborhoods; and
- D. Allow for appropriate public and institutional services and facilities, such as schools, parks and recreational uses, religious institutions, and transportation infrastructure.

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

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

17.3.3.2: Residential District Descriptions

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

- A. **R-1-43 – One Acre Lot Residential:** The R-1-43 district is intended to protect and enhance existing rural character, uses, densities and standards while providing for low-intensity use of land, single-family detached residential development, and other compatible uses.
- B. **R-1-18 – Rural Lot Residential:** The R-1-18 district is intended to protect the existing rural character of an area and to establish a semi-rural pattern of development, which allows for low density single-family detached residential development.
- C. **R-1-12 - Large Lot Residential:** The R-1-12 district is intended to provide for large lot, single-family detached residential development.
- D. **R-1-9 – Medium Sized Lot Residential:** The R-1-9 district is intended to provide for medium-sized lot, single-family detached residential development.
- E. **R-1-6 – Small Lot Residential:** The R-1-6 district is intended to provide for small lot, single-family detached residential development.
- F. **R-2 – Two-Family and Small Lot Residential:** The R-2 district is intended to provide for small-lot, single-family attached and detached, and two-family residential development.
- G. **R-MF – Multifamily Residential:** The R-MF district is intended to provide for a mixture of medium-density housing types including single-family attached, two-family, townhouse, and multifamily buildings at densities up to 12 units per acre.

- H. **R-MH – Mobile Home Residential:** The R-MH district is intended to allow for developments where spaces are either sold or rented for the placement of a mobile home in a park-like setting, where the homes are used as seasonal or permanent residences.

17.3.4: Mixed-Use Districts

17.3.4.1: Purpose and Intent

Mixed-use districts are established to provide a range of district types, from the small neighborhood center to regional-level centers, while fostering high-quality building and site design and pedestrian, bicycle, transit and automobile circulation. The mixed-use (M) zone districts are specifically intended to:

- A. Accommodate and promote a mix of commercial (e.g., retail, service, office) and residential uses;
- B. Encourage pedestrian-friendly development consisting of business, retail, and residential uses in the same building or on the same site;
- C. Maintain the integrity and viability of the adjacent residential neighborhoods;
- D. Provide areas for public and semi-public uses, such as utilities and telecommunications infrastructure needed to support the community; and
- E. Provide development flexibility, while ensuring that new development and redevelopment interacts appropriately with adjoining land uses.

17.3.4.2: Mixed Use District Descriptions

The general intent of each of the five mixed-use zone districts within the City is identified by the descriptions below.

- A. **M-N – Mixed-Use-Neighborhood:** The M-N district is intended to accommodate a mix of lower-intensity neighborhood-scale commercial uses and a range of residential uses generally along collector streets and adjacent to light rail stations with walk-up access. Typical non-residential uses include those that provide goods and services to the residents of the surrounding neighborhoods. The district is intended to accommodate a high level of pedestrian activity and scale. Mixed-use buildings and projects are encouraged.
- B. **M-G – Mixed-Use-General:** The M-G district is intended to provide for mixed-use and community commercial development generally along arterial streets and in transit areas. Typical nonresidential uses include those necessary to support the community. The district is intended to accommodate a higher level of motor vehicle activity, although pedestrian activity will still be accommodated and encouraged.

- C. **M-C – Mixed-Use-Core:** The M-C district is intended to provide opportunities for higher density mixed-use development in areas developed or planned with the most intense urban characteristics, such as downtown Lakewood and adjacent to light rail stations with associated parking facilities. Typical nonresidential uses include those generally intended to support the entire city. The district is intended to accommodate a high level of pedestrian activity, although motor vehicle activity will still be accommodated. Mixed-use buildings and projects are key components of this district, and are required in certain contexts.
- D. **M-E – Mixed-Use-Employment:** The M-E district is intended to provide for office and campus development, with ancillary retail and residential uses along arterial and collector streets. The district may also act as a buffer between higher intensity mixed-use districts and adjacent residential neighborhoods. The district provides for medium- to high-density employment opportunities, as well as educational and institutional campuses.
- E. **M-R – Mixed-Use-Residential:** The M-R district is intended to allow for compact multifamily residential development with a variety of densities. This district will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of the district to maximize the potential number of transit riders and business users within adjacent transit and urban development areas, while limiting the impact on existing surrounding neighborhoods.

17.3.4.3: Mixed-Use District Contexts

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

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

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

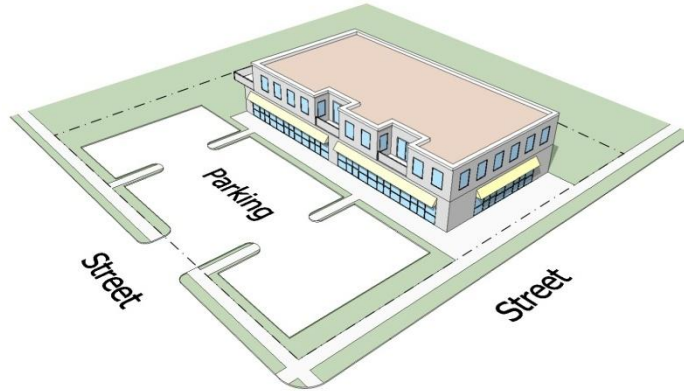


Figure 17.3.1: Example of Suburban Context

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



Figure 17.3.2: Example of Urban Context

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

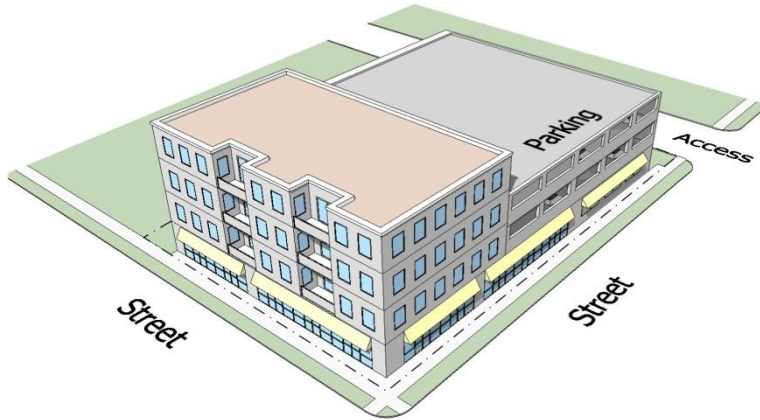


Figure 17.3.3: Example of Transit Context

17.3.5: Commercial and Light Industrial Districts

17.3.5.1: Purpose and Intent

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

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

17.3.5.2: Commercial and Light Industrial Descriptions

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

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

17.3.6: Planned Development District

17.3.6.1: Purpose and Intent

The Planned Development (PD) district is intended to permit the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed and are suitable to be developed as a unified and integrated project in accordance with detailed development plans.

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

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

- F. Reduce the burden of traffic associated with a development on streets and highways located in the vicinity of the development.
- G. Provide a procedure which can better relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the natural characteristics of a site.

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

17.3.6.2: Applicability

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

17.3.6.3: Official Development Plan

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

17.3.6.4: Allowed uses

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

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

17.3.6.5: Other Standards

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

Redevelopment within a PD district may either apply the standards of the base zone district or the standards of the ODP. The ODP may also be revised to include redevelopment standards per Section 17.2.2.

ARTICLE 4: USES AND SUPPLEMENTAL STANDARDS

17.4.1: General

17.4.1.1: Purpose and Intent

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

17.4.1.2: Uses

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

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

17.4.1.3: Determination of Use

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

- A. Upon receipt of an application for a use that is not clearly identified within the use table, the Director shall determine whether the proposed use is both similar to, and compatible with, uses specifically named within the particular zone category.
- B. In determining whether the proposed use is similar to, and compatible with a specifically named zone category, the Director shall consider, among other relevant factors, traffic generation, density of population, and hours of operation of the proposed use as compared to:
 - 1. Known uses within a zone category; and
 - 2. Characteristics of zone categories that permit a similar use; and
 - 3. The goals and policies set forth in the Comprehensive Plan.
- C. Any appeal by the applicant of a decision by the Director regarding an unnamed use shall be made to the Planning Commission. In deciding the appeal, the Planning Commission shall apply the same standards used by the Director.

17.4.2: Use Table

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

Table 17.4.1: Use Table

| Land Use | Zone District | | | | | | | | | | | | | | | Supplemental Standards |
|--|---------------|--------|--------|-------|-------|-----|------|------|-----------|-----|-----|-----|-----|---------------------------------|-----|---|
| | Residential | | | | | | | | Mixed Use | | | | | Commercial and Light Industrial | | |
| | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | M-N | M-G | M-C | M-E | M-R | C-R | L-I | |
| P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited | | | | | | | | | | | | | | | | |
| Residential | | | | | | | | | | | | | | | | |
| Dwelling Unit | | | | | | | | | | | | | | | | |
| Single-Family | P | P | P | P | P | P | P | | P | | | | | | | |
| Two-Family | | | | | | L | P | | P | | | | | | | See Section 17.4.3.DD |
| Mobile Home | | | | | | | | P | | | | | | | | |
| Multifamily | | | | | | | P | | P | P | P | P | P | | | |
| Accessory | L | L | L | L | L | L | L | | | | | | | | | See Section 17.4.3.A |
| Live/Work | S | S | S | S | S | S | S | | P | P | P | P | P | | | See Section 17.4.3.O |
| Group Home | | | | | | | | | | | | | | | | |
| 1 – 8 client residents | P | P | P | P | P | P | P | P | P | P | P | P | P | | | |
| 9 – 12 client residents | L | L | L | L | L | L | P | P | P | P | P | P | P | | | See Section 17.4.3.L |
| Group Residential Facility | | | | | | | P | | P | P | P | P | P | P | | |
| Shelter | | | | | | | | | | S | | | | S | | |
| Commercial and Light Industrial | | | | | | | | | | | | | | | | |
| Adult Business | | | | | | | | | | L | | | | L | | See Chapter 5.47 of the Lakewood Municipal Code |
| Animal Care | | | | | | | | | | | | | | | | |
| Indoor | P | | | | | | | | L | L | L | L | L | L | | See Section 17.4.3.B |
| Outdoor | L | | | | | | | | | | | | | L | L | See Section 17.4.3.C |

Table 17.4.1: Use Table

| Land Use | Zone District | | | | | | | | | | | | | | | | Supplemental Standards |
|--|---------------|--------|--------|-------|-------|-----|------|------|-----------|-----|-----|-----|-----|---------------------------------|-----|-------|---|
| | Residential | | | | | | | | Mixed Use | | | | | Commercial and Light Industrial | | | |
| | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | M-N | M-G | M-C | M-E | M-R | C-R | L-I | LI-RD | |
| P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited | | | | | | | | | | | | | | | | | |
| Commercial and Light Industrial (continued) | | | | | | | | | | | | | | | | | |
| Bar | | | | | | | | | P | P | P | S | | P | | | |
| Bed and Breakfast | S | S | S | S | | | S | | S | | | | | | | | See Section 17.4.3.G |
| Cemetery | P | | | | | | | | | | | | | | | | |
| Club, Lodge, or Service Organization | | | | | | | | | P | P | P | P | P | P | | | |
| Contractor Shop | | | | | | | | | | | | | | | | | |
| Indoor | | | | | | | | | | L | L | L | L | P | P | P | See Section 17.4.3.K |
| Outdoor | | | | | | | | | | | | | | | P | | |
| Crematory | | | | | | | | | | | | | | S | L | | See Chapter 5.25 of the Lakewood Municipal Code |
| Day Care Facility, Adult and Child | | | | | | | P | | P | P | P | P | P | P | P | P | |
| Emergency Medical Facility | | | | | | | | | | P | S | P | | P | P | P | |
| Entertainment Facility | | | | | | | | | | | | | | | | | |
| Indoor | | | | | | | | | P | P | P | | | P | | | |
| Outdoor | | | | | | | | | | S | | | | P | P | | |
| Fitness or Athletic Facility, Private | | | | | | | | | P | P | P | P | P | P | | | |
| Gallery or Studio | | | | | | | | | P | P | P | P | P | P | | | |

Table 17.4.1: Use Table

| Land Use | Zone District | | | | | | | | | | | | | | | | Supplemental Standards |
|--|---------------|--------|--------|-------|-------|-----|------|------|-----------|-----|-----|-----|-----|---------------------------------|-----|-------|---|
| | Residential | | | | | | | | Mixed Use | | | | | Commercial and Light Industrial | | | |
| | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | M-N | M-G | M-C | M-E | M-R | C-R | L-I | LI-RD | |
| P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited | | | | | | | | | | | | | | | | | |
| Commercial and Light Industrial (continued) | | | | | | | | | | | | | | | | | |
| Golf Course | S | | | | | | | | | | | | | | | | |
| Hotel | | | | | | | | | | P | P | P | | P | | | |
| Junkyard or Motor Vehicle Wrecking | | | | | | | | | | | | | | | S | | |
| Manufacturing | | | | | | | | | | | | | | | | | |
| Light | | | | | | | | | | P | | P | | P | P | P | |
| Heavy | | | | | | | | | | | | | | | P | S | |
| Medical Marijuana Business | | | | | | | | | L | L | L | | | L | | | See Chapter 5.51 of the Lakewood Municipal Code |
| Micro-Brew Restaurant | | | | | | | | | S | P | P | P | | P | P | | |
| Mini-Warehouse or Storage | | | | | | | | | | S | | | | L | L | | See Section 17.4.3.P |
| Mortuary | | | | | | | | | | P | | | | P | P | | |
| Motel | | | | | | | | | | P | | | | P | | | |
| Motor Vehicle Rental or Leasing | | | | | | | | | L | L | L | L | | P | P | P | See Section 17.4.3.Q |
| Motor Vehicle Sales | | | | | | | | | | | | | | | | | |
| Indoor Display and Storage | | | | | | | | | | P | P | | | P | | | |
| Outdoor Display and Storage | | | | | | | | | | L | | | | P | | | See Section 17.4.3.R |

Table 17.4.1: Use Table

| Land Use | Zone District | | | | | | | | | | | | | | | Supplemental Standards | |
|--|---------------|--------|--------|-------|-------|-----|------|------|-----------|-----|-----|-----|-----|---------------------------------|-----|------------------------|---|
| | Residential | | | | | | | | Mixed Use | | | | | Commercial and Light Industrial | | | |
| | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | M-N | M-G | M-C | M-E | M-R | C-R | L-I | | LI-RD |
| P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited | | | | | | | | | | | | | | | | | |
| Commercial and Light Industrial (continued) | | | | | | | | | | | | | | | | | |
| Motor Vehicle Service | | | | | | | | | | | | | | | | | |
| Car Wash | | | | | | | | | | L | | | | P | P | | See Section 17.7.6.3.A |
| Fueling Station | | | | | | | | | L | L | | | | P | | | See Section 17.7.6.3.B |
| Major | | | | | | | | | | S | | | | L | L | | See Section 17.4.3.S |
| Minor | | | | | | | | | | L | | | | L | P | | See Section 17.4.3.T |
| Office | L | L | L | L | L | L | L | | P | P | P | P | P | P | P | P | See Section 17.4.3.U |
| Parking, Stand-Alone | | | | | | | | | | | | | | | | | |
| Structured | | | | | | | | | | P | P | P | | P | P | | |
| Surface | | | | | | | | | L | L | L | L | L | L | L | L | See Section 17.4.3.W |
| Pawnbroker | | | | | | | | | | L | | | | L | | | See Chapter 5.24 of the Lakewood Municipal Code |
| Personal Service | L | L | L | L | L | L | L | | P | P | P | P | P | P | | | See Section 17.4.3.X |
| Plant Nursery | P | | | | | | | | | | | | | P | P | | |
| Restaurant | | | | | | | | | P | P | P | P | P | P | P | P | |
| Retail | | | | | | | | | P | P | P | P | P | P | A | A | |
| Rental, Service, or Repair of Large Items | | | | | | | | | | L | | | | P | P | | See Section 17.4.3.Y |
| Storage, Outdoor | | | | | | | | | | A | | | | S | P | | See Section 17.4.3.AA |
| Vehicle Dispatch Facility | | | | | | | | | | S | | S | | P | P | P | |
| Warehouse or Distribution | | | | | | | | | | | | | | | P | P | |

Table 17.4.1: Use Table

| Land Use | Zone District | | | | | | | | | | | | | | | Supplemental Standards | |
|--|---------------|--------|--------|-------|-------|-----|------|------|-----------|-----|-----|-----|-----|---------------------------------|-----|------------------------|----------------------|
| | Residential | | | | | | | | Mixed Use | | | | | Commercial and Light Industrial | | | |
| | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | M-N | M-G | M-C | M-E | M-R | C-R | L-I | | LI-RD |
| P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited | | | | | | | | | | | | | | | | | |
| Public/Civic/Institutional | | | | | | | | | | | | | | | | | |
| Community Building | L | L | L | L | L | P | P | P | P | P | P | P | P | P | P | P | See Section 17.4.3.H |
| Convention or Exposition Center | | | | | | | | | | P | S | P | | P | P | | |
| Correctional Institution | | | | | | | | | | | | | | S | S | | |
| Hospital | | | | | | | | | | S | | S | | P | | S | |
| Park | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |
| Religious Institution | L | L | L | L | L | P | P | P | P | P | P | P | P | P | P | P | See Section 17.4.3.H |
| School, Public or Private | P | P | P | P | P | P | P | P | P | P | P | P | P | P | | | |
| School, Vocational or Trade | | | | | | | | | | P | S | P | | P | P | S | |
| Solar Garden | | | | | | | | | | | | | | P | P | P | |
| Transportation Facility, Public | L | L | L | L | L | P | P | P | P | P | P | P | P | P | P | P | See Section 17.4.3.H |
| University or College | | | | | | | | | | P | P | P | P | P | S | S | |
| Utility Facility | | | | | | | | | | | | | | | | | |
| Major | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | |
| Minor | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | P | |

Table 17.4.1: Use Table

| Land Use | Zone District | | | | | | | | | | | | | | | Supplemental Standards | |
|--|---------------|--------|--------|-------|-------|-----|------|------|-----------|-----|-----|-----|-----|---------------------------------|-----|------------------------|-----------------------|
| | Residential | | | | | | | | Mixed Use | | | | | Commercial and Light Industrial | | | |
| | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | M-N | M-G | M-C | M-E | M-R | C-R | L-I | | LI-RD |
| P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited | | | | | | | | | | | | | | | | | |
| Agriculture | | | | | | | | | | | | | | | | | |
| Animals, Large | L | A | A | A | | | | | | | | | | | | | See Section 17.4.3.D |
| Animals, Small | A | A | A | A | L | S | | | | | | | | | | | See Section 17.4.3.E |
| Apiaries | P | L | L | L | L | S | | | | | | | | | | | See Section 17.4.3.F |
| Community Garden | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | See Section 17.4.3.I |
| Farm | P | | | | | | | | | | | | | | | | |
| Horticulture | P | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | |
| Temporary | | | | | | | | | | | | | | | | | |
| Construction or Sales Trailer | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | See Section 17.4.3.J |
| Outdoor Display | | | | | | | | | A | A | A | A | A | A | A | A | See Section 17.4.3.V |
| Roadside Stand | L | L | | | | | | | | | | | | | | | See Section 17.4.3.Z |
| Temporary Use, Long-term | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | S | See Section 17.4.3.BB |
| Temporary Use, Short-term | S | S | S | S | S | S | S | S | L | L | L | L | L | L | L | L | See Section 17.4.3.CC |
| Other | | | | | | | | | | | | | | | | | |
| Amateur Radio Tower or Antenna | A | A | A | A | A | A | | | | | | | A | | | | |
| Home Day Care, Adult or Child | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | See Section 17.4.3.M |
| Home Occupation | A | A | A | A | A | A | A | A | A | A | A | A | A | | | | See Section 17.4.3.N |

Table 17.4.1: Use Table

| Table 17.4.1: Use Table | | | | | | | | | | | | | | | | | |
|--|---------------|--------|--------|-------|-------|-----|------|------|-----------|-----|-----|-----|-----|---------------------------------|-----|------------------------|-------------------------|
| Land Use | Zone District | | | | | | | | | | | | | | | Supplemental Standards | |
| | Residential | | | | | | | | Mixed Use | | | | | Commercial and Light Industrial | | | |
| | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | M-N | M-G | M-C | M-E | M-R | C-R | L-I | | LI-RD |
| P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited | | | | | | | | | | | | | | | | | |
| Other (continued) | | | | | | | | | | | | | | | | | |
| Satellite Dish Antenna | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | See Section 17.5.5.2 |
| Solar Collection System | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | See Section 17.5.5.3 |
| Wind-Powered Electric Generator, Freestanding | P | P | S | S | S | S | S | S | S | S | S | S | S | S | S | S | See Section 17.5.5.4 |
| Wireless Communications Facility | | | | | | | | | | | | | | | | | |
| Stealth | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | L | See Section 17.10.3.1 |
| On Existing Structures | | | | | | | | | | | | | | | | | |
| Building Façade Mounted | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | See Section 17.10.3.2.B |
| Roof Mounted | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | See Section 17.10.3.2.C |
| Other Freestanding Support Structure | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | A | See Section 17.10.3.2.D |
| New Freestanding Structures | | | | | | | | | | | | | | | | | |
| 60 feet in height or less | | | | | | | P | P | P | P | P | P | P | P | P | P | See Section 17.10.3.3 |
| Greater than 60 feet in height | | | | | | | S | S | S | S | S | S | S | S | S | S | See Section 17.10.3.3 |

17.4.3: Supplemental Standards

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

The following standards shall apply to any parcel of property where supplemental standards are required to be met, as indicated in Table 17.4.1 found for the zone districts identified in this Article.

A. Accessory Dwelling Unit:

Where identified as a limited use, an accessory dwelling unit shall be subject to the following:

1. An accessory dwelling unit is permitted as accessory to a primary single-family detached unit.
2. Waivers or variances shall not be granted for an accessory dwelling unit.
3. Only one accessory dwelling unit shall be permitted per lot.
4. Detached accessory dwelling units shall not be permitted on lots smaller than 9,000 square feet, regardless of the zone district.
5. The owner of the property on which an accessory dwelling unit is located shall occupy either the primary or accessory dwelling unit. Prior to approval of an accessory dwelling unit, the owner shall record a covenant with Jefferson County stating that the owner agrees to restrict use of the primary and accessory dwelling units in compliance with this sub-section. The covenant shall run with the property.
6. Dimensional Standards and Location:
 - a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.
 - b. The maximum height of a detached accessory structure shall be 30 feet.
 - c. A detached accessory dwelling unit shall not be located in front of the primary dwelling unit.

7. Design Requirements:

- a. An accessory dwelling unit shall not exceed 700 square feet of gross floor area and shall contain no more than one bedroom.
 - b. External alterations that would change the residential character of the property shall be prohibited.
 - c. The exterior of an accessory dwelling unit shall be similar in appearance to that of the existing primary dwelling unit including, but not limited to, materials, color, roof pitch and detailing.
 - d. Accessory dwelling units located above garages or located on a second floor may be accessed by a separate external stairway. However, a new stairway shall not be located on any street facing façade.
 - e. Parking shall be provided in accordance with Article 8.
8. Accessory dwelling units that are detached or constructed as an addition to a single-family unit shall be subject to the minor site plan process as described in Article 2, and the general design and development standards in Articles 6 and 7.

B. Animal Care, Indoor:

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

1. Animal day care facilities must be licensed by the State of Colorado.
2. All animals shall be confined within an enclosed area.
3. Any exterior pens for daytime use shall not be located in front of the primary structure and shall be located a minimum of 20 feet from any side or rear property line.
4. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the residence, unless required by the Lakewood building code.

C. Animal Care, Outdoor:

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

1. Animal day care facilities must be licensed by the State of Colorado.
2. All animals shall be confined within an enclosed area.

3. Any containment areas or pens shall not be located in front of the primary structure and shall be located a minimum of 20 feet from any side or rear property line.

D. Animals, Large:

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

1. Livestock:

- a. All livestock shall be kept in a fenced area.
- b. Electrified fences are permitted on side and rear yards only if placed inside another security fence. Warning signs shall be posted in a conspicuous location. Electric fences shall be supplied from the secondary side of an approved or listed electric fence device. The electric wiring for the fence shall be installed pursuant to the manufacturer's instructions.
- c. The minimum square footage of open lot area shall be 9,000 square feet for the first horse equivalent unit and 6,000 square feet for each additional horse equivalent unit. There shall be no more than 4 horse equivalent units per acres except for offspring, which may be kept until weaned. One (1) horse equivalent unit equals 1 horse, 1 cow, 2 llamas, 2 alpacas, 2 goats, or 2 sheep.
- d. A minimum containment area of 300 square feet shall be provided and used for each animal.

2. Emus and Ostriches:

- a. All emus and ostriches shall be kept in a fenced area. The fence shall be a minimum of 66 inches in height and shall be placed in a manner as to provide for the protection of the general public on adjoining land or public property or rights-of-way.
 - b. The minimum square footage of open lot area, shall be 8,000 square feet for the first such animal, and 5,500 square feet for each additional such animal.
 - c. A minimum containment area of 300 square feet shall be provided and used for each animal.
 - d. A building, corral, or containment area shall be located no less than 15 feet from the side or rear lot line.
3. An accessory structure for the keeping of livestock, emus and ostriches, or a corral shall not be located in a primary front yard. An accessory structure, a riding ring, or a corral may be located in a non-primary front yard. A riding ring may be located in a portion of the primary front yard if there is inadequate area in the side and rear lots, subject to approval of the Director.

4. Any fence that serves to contain livestock, emus or ostriches shall be constructed of permanent materials, maintained and of sufficient strength and height to confine any animal located on the property. If any livestock, emus or ostrich is found to be encroaching on an adjacent property, as determined by the Director, and/or if a livestock animal has damaged or is damaging property on adjacent property (ies), a corral, riding ring, or containment area shall then be set back a minimum of 8 feet from the property line.
5. Slaughtering of animals on the premises shall be prohibited.

E. Animals, Small:

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

2. Where identified as a limited or special use, small animals shall be limited to hens, ducks, and dwarf goats, or other similar small breed goats, and shall be accessory to the permitted use. The keeping of small animals shall be subject to the following:
 - a. Hens and Ducks:
 - i. A permit for the keeping of hens and ducks must be obtained from the City.
 - ii. A maximum of four females shall be allowed on a single property. Males shall be prohibited.
 - iii. A predator-resistant enclosure must be provided. The enclosure shall have a minimum of 6 square feet of living space for each animal and shall be secure, roofed, and well ventilated. However, the total size of an enclosure shall not exceed 32 square feet and shall not exceed 10 feet in height.
 - iv. Hens and ducks shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of 4 feet shall enclose the yard area.
 - v. An enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 17.5.1.
 - vi. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.
 - b. Dwarf Goats:
 - i. A permit for the keeping of dwarf goats must be obtained from the City.
 - ii. A maximum of three female dwarf goats shall be allowed on a single property. Goats shall be counted towards the total number of household pets permitted on a property. Male dwarf goats shall be prohibited.
 - iii. A predator-resistant enclosure must be provided. The enclosures shall have a minimum of 30 square feet of living space for each animal, and shall be secure, roofed, and well ventilated. However, the total size of an enclosure shall not exceed 90 square feet, and shall not exceed 10 feet in height.
 - iv. Goats shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of 4 feet shall enclose the yard area.
 - v. An enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 17.5.1
 - vi. A special use permit shall apply only to the occupant of the property at the time of approval.
 - vii. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

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

F. Apiaries:

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

1. A permit for the keeping of an apiary (ies) must be obtained from the City.
2. One beehive shall be allowed for each 6,000 square feet of lot area.
3. Beehives shall be located in a side or rear yard only, and no closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 17.5.1.
4. The front of any beehive shall face away from the property line of an adjacent residential property closest to the beehive.
5. A flyway barrier shall be placed along the side of the beehive that contains the entrance to the hive. The flyway barrier shall be located within 5 feet of the hive and shall extend at least 2 feet on either side of the hive (See Figure 17.4.1).
6. The flyway barrier shall be 6 feet in height and consist of a solid hedge or be constructed of materials that comply with the standards set forth in Section 17.6.5.4.
7. No flyway barrier constructed of any materials other than a solid hedge shall be erected without a building permit unless the structure is less than 8 feet long.
8. No such flyway barrier shall be required if beehives are located at least 25 feet from all property lines and for beehives that are located on porches or balconies at least 10 feet above grade and more than five feet from a property line.

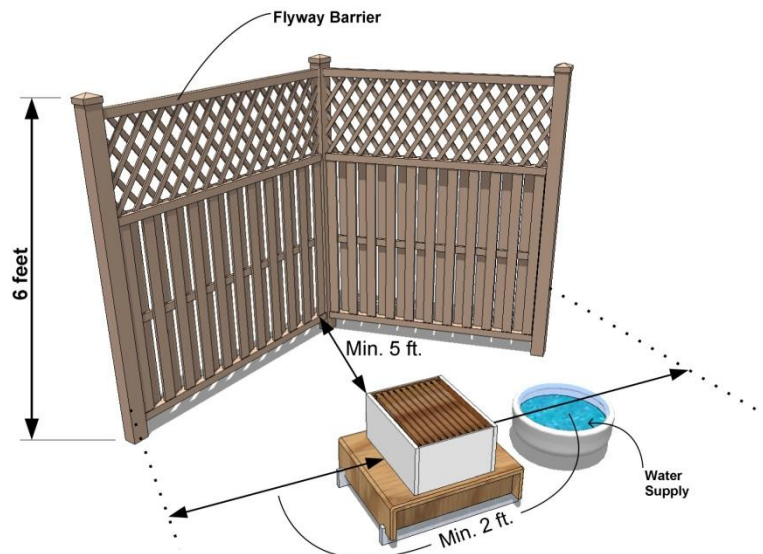


Figure 17.4.1: Example of Flyway Barrier

9. A supply of fresh water shall be maintained on the lot in a location readily accessible to all bee colonies throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
10. A special use permit shall apply only to the occupant of the property at the time of approval.
11. Africanized bees are prohibited.
12. The Director may revoke any permit issued pursuant to this Section at any time if the Director finds that any provision of this Zoning Ordinance has been violated.

G. Bed and Breakfast:

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

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

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

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

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

3. In the R-1-9 and R-1-6 zone districts to a maximum of 20,000 square feet of gross floor area.

I. Community Garden:

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

1. A community garden shall be well maintained at all times, including necessary watering, weeding, pruning, pest control, and removal of dead or diseased plant material.
2. Structures that are incidental to a community garden, such as storage or utility buildings, gazebos, trellises, or greenhouse structures, are allowed if they are 120 square feet or less in size and 10 feet or less in height.
3. One structure shall be allowed for each community garden containing up to 6,000 square feet of garden space. One additional structure shall be allowed per each additional 6,000 square feet of community garden space.
4. Structures shall comply with the accessory structure dimensional standards, except that all structures shall be located at least 25 feet from any adjacent public street.
5. Community gardens shall be subject to the minor site plan process, as described in Article 2.

J. Construction or Sales Trailer:

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

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

K. Contractor Shop, Indoor:

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

L. Group Home:

Where identified as a limited use, a group home serving nine to twelve clients shall be subject to the following:

1. The group home shall be limited to those individuals protected by the Fair Housing Act.

2. The group home shall not be located closer than 750 feet from any other group home of a similar type.
3. The proposed occupancy shall comply with the requirements of the building code.
4. Any alterations or additions to any structure shall maintain the residential character of the neighborhood.
5. The group home shall not create a fundamental alteration to the City's land use and zoning scheme.
6. The group home shall not impose an undue financial or administrative burden to the City.

M. Home Day Care, Adult or Child:

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

1. A home day care shall comply with all applicable license requirements of the State of Colorado.
2. External alterations that would change the residential character of the property shall be prohibited.
3. Any play equipment associated with a home child day care shall not be located within the primary front yard of the lot.
4. Signage shall comply with the standards set forth in Article 9.

N. Home Occupation:

Where identified as an accessory use, a home occupation(s) located within a residential property shall be subject to the following:

1. A home occupation(s) shall be conducted entirely in the primary dwelling unit or accessory structure, and not on outdoor portions of the lot.
2. External alterations that would change the residential character of the property are prohibited.
3. When located in the primary dwelling unit or attached garage, the total amount of space allowed for the home occupation(s) shall not exceed 25 percent of the primary dwelling unit (See Figure 17.4.2).
4. When located in an accessory structure, the total amount of space allowed for the home occupation(s) shall not exceed the equivalent of 25 percent of the primary dwelling unit (See Figure 17.4.2).

5. A home occupation(s) shall be conducted by no more than two residents of the dwelling unit. One additional employee or one volunteer is permitted in the residence at any one time. Within multifamily units, additional employees or volunteers shall be prohibited.
6. A home occupation shall not involve the retail sale of goods from the premises, except when the sale of a product is incidental to the service provided. Display of merchandise pertaining to a home occupation that is visible from the outside of the home shall be prohibited.
7. Outdoor storage of inventory or supplies shall be prohibited.
8. The renting of rooms shall be permitted to no more than two persons per dwelling unit only in conjunction with a family living in and owning the dwelling unit.
9. Garage sales shall not exceed 4 sales of 3 consecutive days each per calendar year, or one sale per calendar year lasting no more than 14 consecutive days.
10. Parking associated with a home occupation(s) shall be confined to the street frontage of the lot containing the home occupation(s), the driveway, the garage, or carport.
11. A home occupation shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.
12. Production, dumping or storage of combustible or toxic substances shall be limited to the nature and quantity ordinarily found in a residential neighborhood.
13. Motor vehicle repair, heavy equipment repair, contractor shops, and medical marijuana businesses shall be prohibited as home occupations.
14. Signage shall comply with the standards set forth in Article 9.

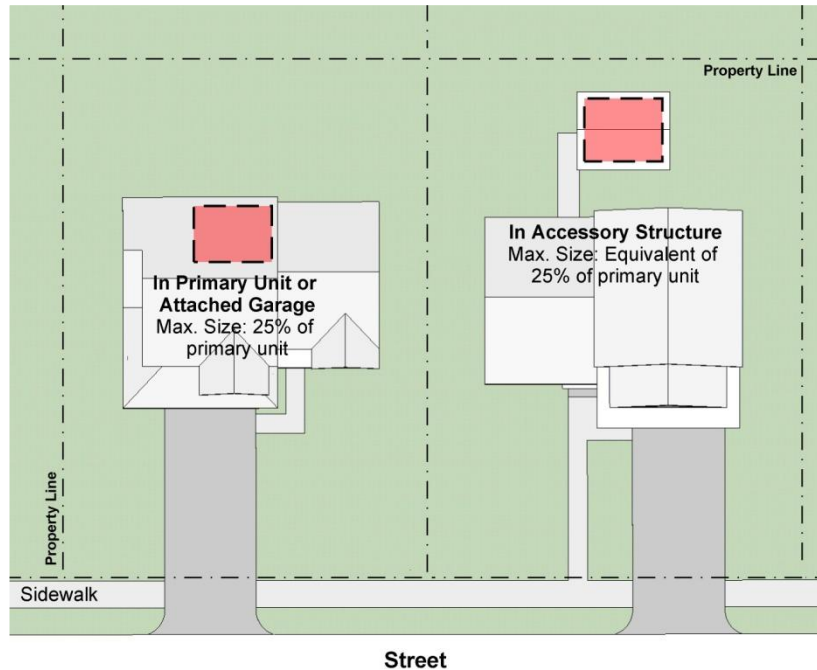


Figure 17.4.2: Examples for Maximum Allowable Space for Home Occupations

O. Live/Work Unit:

Where identified as a special use, a live/work unit shall be subject to the following:

1. A live/work unit shall be located on a lot, or lots, that are within 150 feet of the intersection, as measured from the back of curb or edge of asphalt, of (See Figure 17.4.3):
 - a. Two arterial streets; or
 - b. Two collector streets; or
 - c. A collector street with an arterial street; or
 - d. A local street with an arterial street provided the live/work unit fronts onto the adjacent arterial street.
2. A live/work unit shall comply with all dimensional standards for the applicable zone district.
3. The commercial or non-residential activity shall not exceed 50 percent of the gross floor area of the structure. All aspects of the business must be internal to the live/work unit.

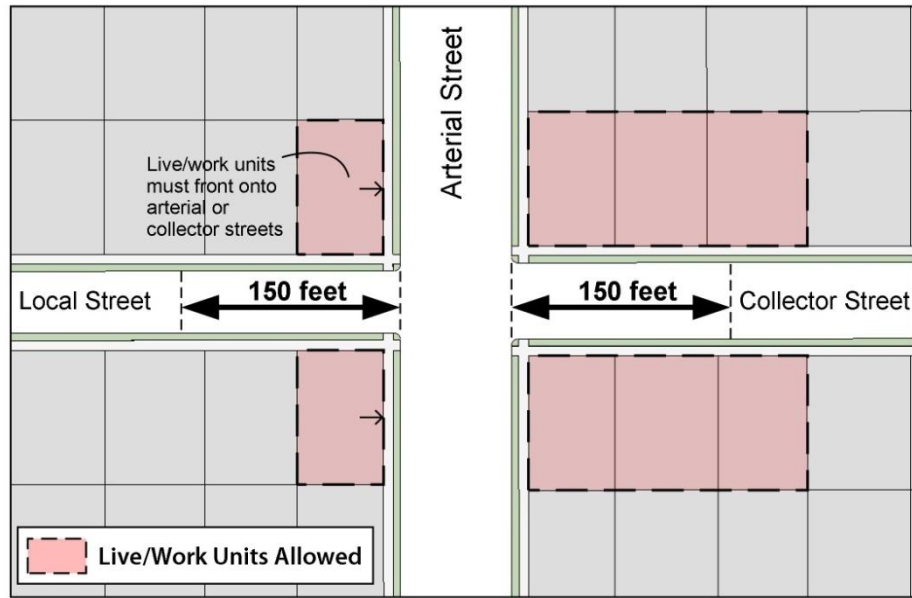


Figure 17.4.3: Example of Live/Work Location

4. The commercial activity shall be generally limited to the following uses:
 - a. Gallery or studio.
 - b. Office.
 - c. Personal services.
5. The commercial activity shall not have more than two employees or two volunteers in addition to the resident(s) on the premises at one time.
6. Either the business owner, or an employee of the business, shall occupy the residential portion of the live/work unit.
7. Outside storage of any type is prohibited.
8. Live/work dwelling units shall be subject to the major site plan process, as described in Article 2, and the standards in Articles 5, 6, and 7.
9. Signage shall comply with the standards set forth in Article 9.
10. Design Requirements:
 - a. The design of a unit shall reflect the primary residential character of the neighborhood in which it is to be located including, but not limited to, materials, color, roof pitch and detailing.
 - b. Parking shall not exceed 50 percent of the front yard area. Parking shall be provided in accordance with Article 8.

P. Mini-Warehouse Storage:

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

1. One residential dwelling unit for the facility caretaker shall be allowed.
2. Outdoor storage of any kind shall be prohibited.
3. Design Requirements:
 - a. If the facility abuts a residential zone district, the building architecture shall be compatible with the residential character of the abutting neighborhood including, but not limited to materials, color, roof pitch and detailing.
 - b. The facility shall be designed so that doors to individual storage units do not face any abutting public street frontage or residential zone district.

Q. Motor Vehicle Rental or Leasing:

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

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

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

R. Motor Vehicle Sales with Outdoor Display and Storage:

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

1. In the Suburban Context, the number of spaces dedicated for outdoor display and storage of motor vehicles shall be unlimited.
2. In the Urban Context, the number of spaces dedicated for outdoor display and storage of motor vehicles and vehicle parking shall not exceed 200 percent of the maximum parking requirements in Article 8.
3. In the Transit Context, motor vehicles sales with outdoor display and storage shall be prohibited.
4. The area utilized for the outdoor display and storage shall meet all the standards in Section 17.7.7.2.

S. Motor Vehicle Service, Major:

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

1. Any outdoor storage associated with a major motor vehicle service facility shall be completely screened with a wall surrounding the storage area. The wall shall be architecturally compatible with the primary structure including, but not limited to, materials, color, roof pitch and detailing and be a minimum of 6 feet in height.

T. Motor Vehicle Service, Minor:

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

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

U. Office:

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

1. The dwelling is located on a lot abutting an arterial street, except those backing onto an arterial street (See Figure 17.4.4).

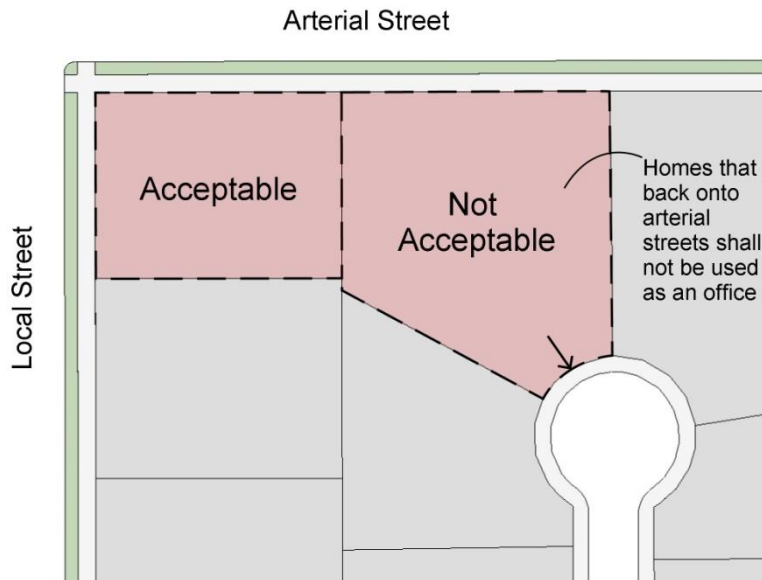


Figure 17.4.4: Restrictions for single-family dwellings being used as an office

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

V. Outdoor Display:

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

1. The merchandise shall be limited to merchandise sold within the business associated with the outdoor display.
2. Any merchandise and associated apparatus shall be kept within 10 linear feet parallel to the front entrance of the business which is displaying the merchandise, but in no case shall the merchandise extend beyond the business frontage.

3. The merchandise and associated apparatus shall be restricted to the sidewalk or plaza and shall not block pedestrian access.
4. The outdoor display of merchandise shall only occur during times of business operation
5. Outdoor display of merchandise may be located in the public right-of-way if specifically approved by the City.

W. Parking, Stand-Alone Surface:

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

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

X. Personal Service:

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

1. The dwelling is located on a lot abutting an arterial street, except those backing onto an arterial street.
2. Any proposed addition shall comply with the primary structure setbacks.
3. Outdoor storage of inventory or supplies shall be prohibited.
4. The personal service shall be subject to the major site plan process, as described in Article 2, and the general design and development standards in Articles 6 and 7.
5. Signage shall comply with the standards set forth in Article 9.

6. Design Requirements:

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

Y. Rental, Service or Repair of Large Items:

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

Z. Roadside Stand:

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

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

AA. Storage, Outdoor:

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

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

BB. Temporary Use, Long-term:

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

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

CC. Temporary Use, Short-term:

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

DD. Two-Family Dwelling Unit:

Where identified as a limited use, a two-family dwelling unit shall be located on a lot with a minimum size of 10,000 square feet.

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ARTICLE 5: DIMENSIONAL AND DEVELOPMENT STANDARDS

17.5.1: General

17.5.1.1: Purpose and Intent

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

17.5.1.2: Setback Requirements

The following setback requirements apply to all zone districts:

- A. Unless specifically excluded by this Zoning Ordinance, any building or structure, including any accessory building or structure, shall conform to the setback requirements for the applicable zone district as set forth in the dimensional standards identified in Article 5.
- B. No building or structure may be constructed, placed, or erected within or above public right-of-way or any easements unless otherwise approved by the City. A license agreement may be required.
- C. Minor architectural or site elements shall be permitted to encroach into required setbacks. Exceptions to setbacks include, but may not be limited to:
 - 1. Awnings that encroach no more than 5 feet into the front setback and are at least 10 feet above a sidewalk surface.
 - 2. Balconies that encroach no more than 5 feet into the front setback and are at least ten feet above a sidewalk surface.
 - 3. Cantilever windows that encroach no more than 2 feet into the required side or rear setback, or no more than 5 feet into the front or non-primary front setback and are at least 10 feet above a sidewalk surface.
 - 4. Driveways.
 - 5. Eaves, if they encroach no more than 2 feet into the required setback.
 - 6. Flagpoles no greater than 35 feet in height.
 - 7. Mailboxes and newspaper racks.
 - 8. Minor utility facilities.
 - 9. Planters, if no greater than 30 inches in height.

10. Patios and decks, if uncovered and no greater than 30 inches in height.
11. Porches that encroach no more than 8 feet into the required front yard setback.
12. Retaining walls.
13. Walkways.
14. Walls, fences and entry features, if in compliance with Articles 6 and 7.
15. Window planter boxes that encroach no more than 2 feet and are at least 10 feet above a sidewalk surface.
16. Window wells necessary to meet requirements of the building code that encroach no more than 2 feet into the side setback, or 5 feet into the front, non-primary front or rear setback wells.

D. The Director may grant other exceptions similar to those listed above.

17.5.1.3: Setback Measurements

- A. Setbacks in Residential zone districts shall be measured as follows (See Figure 17.5.1):
1. Front and non-primary front setbacks shall be measured from the back of curb. If a curb does not exist, an additional 3 feet shall be added to the setback distance as measured from the edge of asphalt.
 2. Front setbacks for flag lots shall be measured from the portion of the lot, closest to the back of curb or edge of asphalt, where the lot width meets the minimum standard for the zone district.
 3. Side and rear setbacks shall be measured from the property line.

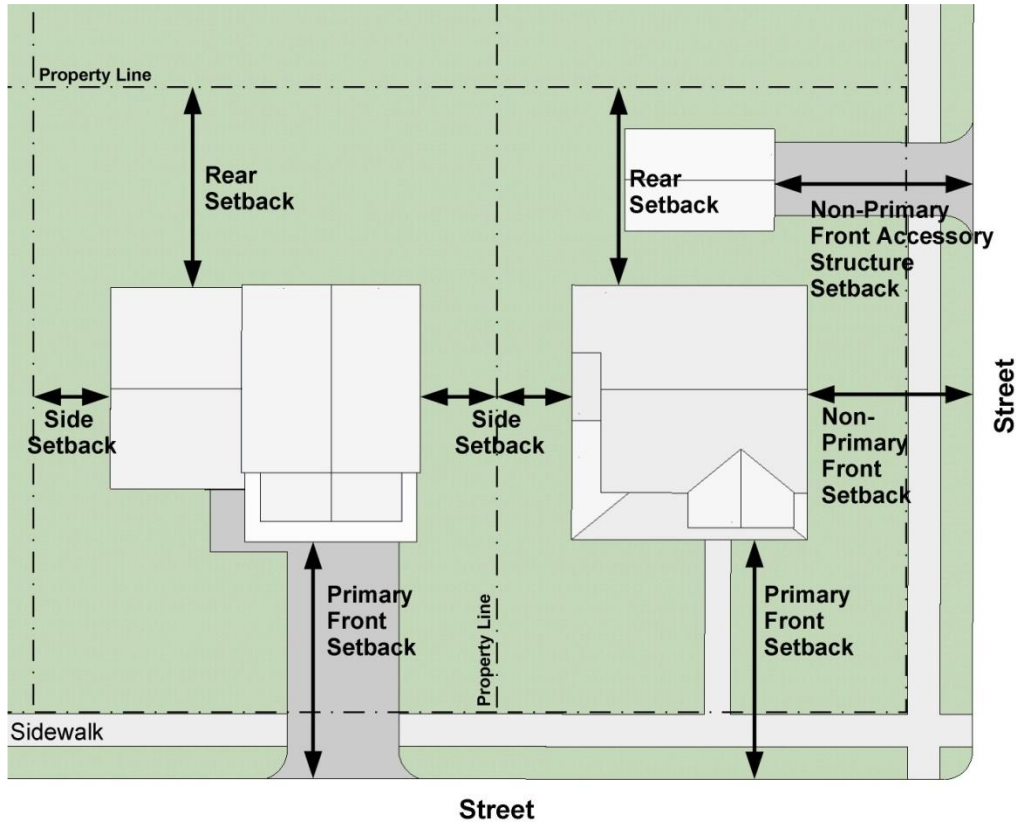


Figure 17.5.1: Residential Setback Measurements

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

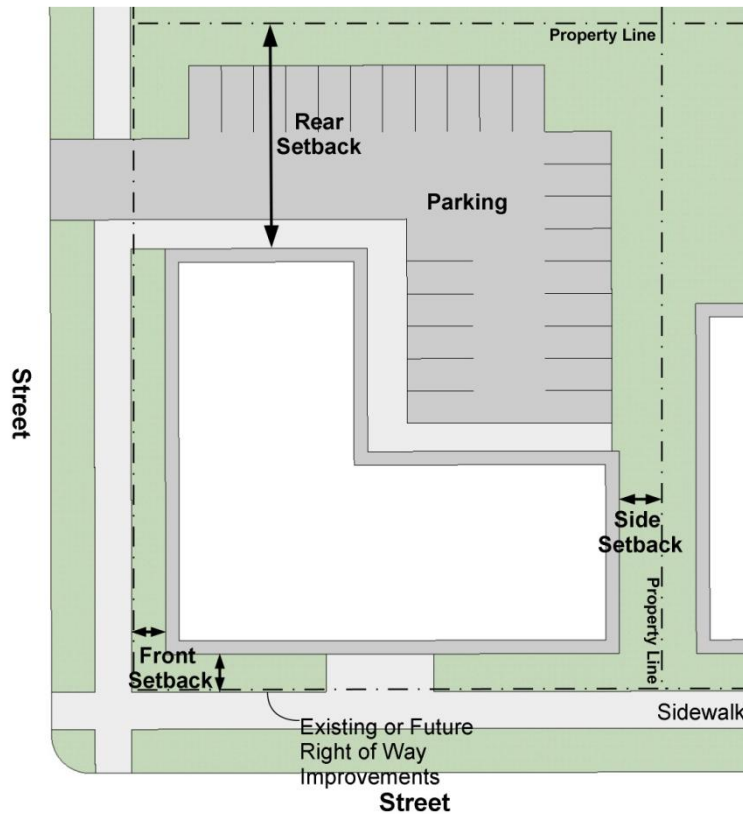


Figure 17.5.2: Commercial Setback Measurements

17.5.1.4: Height Requirements

The following height requirements apply to all zone districts:

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

6. Elevator penthouses.
 7. Flagpoles.
 8. Skylights.
 9. Spires.
 10. Ventilators.
 11. Roof mounted solar collection system, if otherwise in compliance with Section 17.5.5.3.
 12. Roof mounted wind-powered electric generator, if otherwise in compliance with Section 17.5.5.4.
 13. Roof mounted wireless communication systems on existing buildings that are non-conforming in height, if otherwise in compliance with Article 10.
 14. Necessary mechanical appurtenances and screening usually located above the roof level.
- C. Exceptions listed above, excluding spires, belfries, cupolas, domes, flagpoles, and chimneys, shall be set back from the perimeter of the building a minimum of 1 foot horizontally for every 1 foot of vertical height greater than the maximum height allowed in the applicable zone district.
- D. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment including vertical or sloped screen walls for such equipment shall not exceed a height of 15 feet above the permitted height of the building.
- E. The Director may grant other exceptions similar to those listed above.

17.5.1.5: Height Measurements

- A. Building and structure height shall be measured as follows:
1. Building and structure height shall be measured from average grade to the highest point of the structure; or 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 (See Figure 17.5.3).

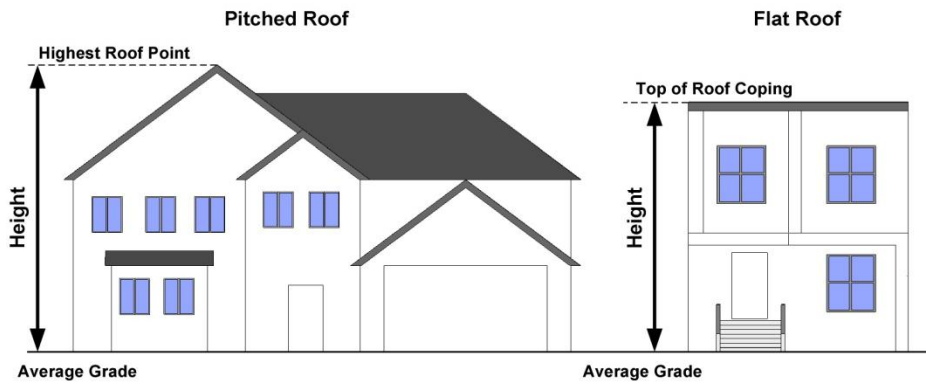


Figure 17.5.3: Example Height Measurements

2. Average grade shall be measured as follows:
 - a. Average grade shall be determined by calculating the average of the highest and lowest elevation points adjacent to the building or structure along the pre-development grade or the improved grade, whichever is more restrictive.
 - b. Within the height transition areas described in Sections 17.5.3.4 and 17.5.4.2 average grade may be calculated separately from the remainder of the building or structure.
 - c. Where significant grading has been approved by the City, the average grade shall be considered the improved grade following such approved grading.

- B. Fence and wall height shall be measured per Sections 17.6.5.2 for single-family and two-family development, and Section 17.7.9.2 for multifamily, mixed-use, commercial and light industrial development.

17.5.1.6: Mixed-Use, Commercial, and Light Industrial Sites with More Than Two Public Street Frontages

- A. A site shall have a minimum of two street frontages that must meet the front setback and building frontage requirements of this Article. If a site is bounded by more than two public streets, the Director may determine that additional frontages do not need to comply with the front setback and building frontage requirements, based on the following review criteria:
 1. The pedestrian and traffic volume on each street.
 2. The street classification, as identified in the Transportation Engineering Design Standards.
 3. The impact on any adjacent residential properties.
 4. The desired land use and pedestrian characteristic of each adjacent street.
 5. The street frontages that are most appropriately defined by buildings.

6. Any other applicable criteria that may affect building placement, as determined by the Director.
- B. A street frontage that is not required to meet the setback and frontage requirements shall be required to meet the front lot landscaping for the Suburban context as defined in Section 17.7.8.8 (See Figure 17.5.4).

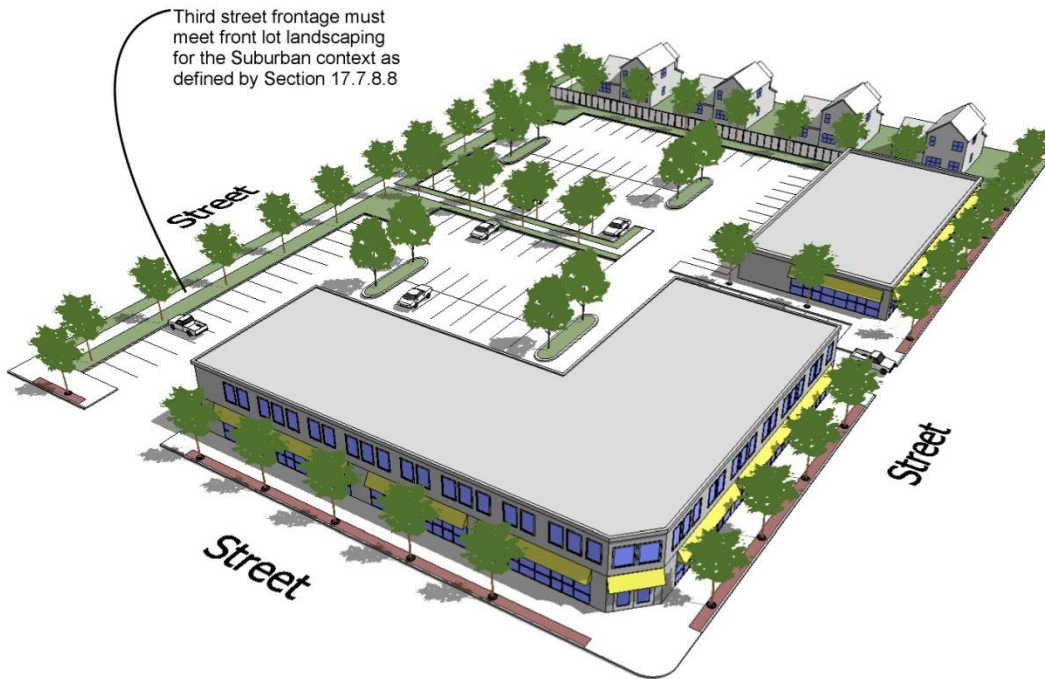


Figure 17.5.4: Example for Sites with More than 2 Public Street Frontages

17.5.2: Residential Standards

17.5.2.1: Dimensional Standards

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

17.5.2.2: Driveway Length Requirements

A driveway accessing an attached or detached front loaded garage for individual dwelling units shall be a minimum of 18 feet in length as measured from the back of sidewalk, or 29 feet in length, as measured from the edge of asphalt if no sidewalk or curb exists. Shared garage access for multifamily buildings shall be exempt from this requirement (See Figure 17.5.5).

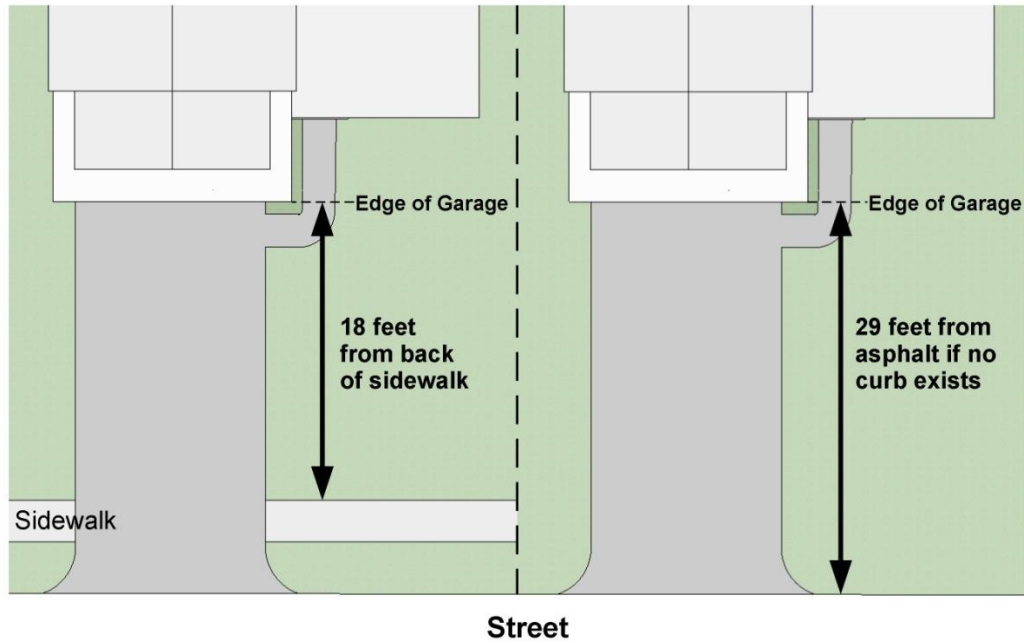


Figure 17.5.5: Driveway Length Measurements

Table 17.5.1: Residential Dimensional Standards

| Standard | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | Notes |
|---|--------|--------|--------|-------|-------|----------------------|---|--|---|
| Minimum Lot Size and Width | | | | | | | | | |
| Minimum Size for New Lots (Square Feet) | 43,560 | 18,000 | 12,500 | 9,000 | 6,000 | 5,000 ⁽¹⁾ | 3,630 | Minimum parcel size: 5 acres. Single wide dwelling: 2,400. Double wide dwelling: 3,600. | ⁽¹⁾ Refer to Section 17.4.3.CC for two-family minimum lot size requirements. |
| | | | | | | | | | |
| Minimum Width for New Lots (Feet) | 140 | 75 | 100 | 75 | 60 | 45 | Townhouse unit: 18. Detached and multifamily unit: 50. | Single wide: 35. Double wide: 40. | Refer to the Subdivision Ordinance for corner lot regulations. |

Table 17.5.1: Residential Dimensional Standards

| Standard | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | Notes | |
|---|---|--------|--------|-------|-------|--------------------|--------------------|------|--|------------------------------|
| | | | | | | | | | | |
| Primary Structure Setbacks (Feet) | | | | | | | | | | |
| Minimum Front | 25 | 25 | 25 | 25 | 25 | 25 | 25 | 25 | | Refer to Section 17.5.1.3.A. |
| Minimum Non-Primary Front | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | | |
| Maximum Front and Non-Primary Front | None | None | None | None | None | None | 140 | None | | |
| Minimum Side | 15 | 10 | 10 | 10 | 5 | 5/0 ⁽¹⁾ | 5/0 ⁽¹⁾ | 5 | ⁽¹⁾ No setback is required for common wall lot lines. | |
| Minimum Rear | 15 | 15 | 15 | 15 | 15 | 15 | 15 | 15 | Corner lots shall have one rear yard setback. | |
| Minimum Accessory Structure Setbacks (Feet) | | | | | | | | | | |
| Front | All accessory structures shall be located behind the front edge of the primary structure. | | | | | | | | | |
| Non-Primary Front | 20 | 20 | 20 | 20 | 20 | 20 | 20 | 20 | Refer to Section 17.5.5.1. | |
| Side | 10 | 10 | 5 | 5 | 5 | 5 | 5 | 5 | | |
| Rear | 10 | 10 | 5 | 5 | 5 | 5 | 5 | 5 | | |
| | | | | | | | | | | |

| Table 17.5.1: Residential Dimensional Standards | | | | | | | | | |
|---|----------------------------|--------|--------|-------|-------|-----|------|------|-------|
| Standard | R-1-43 | R-1-18 | R-1-12 | R-1-9 | R-1-6 | R-2 | R-MF | R-MH | Notes |
| | | | | | | | | | |
| Maximum Height (Feet) | | | | | | | | | |
| Primary Structure | 35 | 35 | 35 | 35 | 35 | 35 | 45 | 35 | |
| Accessory Structure | 35 | 25 | 20 | 20 | 20 | 20 | 20 | 20 | |
| Solar Collection System | | | | | | | | | |
| Ground Mounted | 10 | | | | | | | | |
| Roof Mounted | Refer to Section 17.5.5.3. | | | | | | | | |
| Wind-Powered Generators | 60 | | | | | | | | |
| Minimum Open Space | | | | | | | | | |
| Minimum Open Space (Percent) | 65 | 60 | 60 | 60 | 50 | 50 | 30 | 25 | |

17.5.3: Mixed-Use Standards

17.5.3.1: Dimensional Standards

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

Table 17.5.2: Mixed Use Dimensional Standards

| Standard | M-N | | | M-G | | | M-C | | M-E | | | M-R | | | Notes |
|---------------|-------|-------|-------------------|-------|-------|-----------------------|-------------------|-----------------------|-------|-------|-------------------|-------|-------|-------------------|---|
| | M-N-S | M-N-U | M-N-T | M-G-S | M-G-U | M-G-T | M-C-U | M-C-T | M-E-S | M-E-U | M-E-T | M-R-S | M-R-U | M-R-T | |
| | | | | | | | | | | | | | | | |
| Height (Feet) | | | | | | | | | | | | | | | |
| Minimum | None | None | 30 ⁽¹⁾ | None | None | 30 ⁽¹⁾ | 30 ⁽¹⁾ | 45 ⁽¹⁾ | None | None | 30 ⁽¹⁾ | None | None | 40 ⁽¹⁾ | ⁽¹⁾ Refer to Section 17.5.3.2 for additional requirements. |
| Maximum | 45 | 45 | 60 | 60 | 90 | Varies ⁽²⁾ | 120 | Varies ⁽²⁾ | 60 | 60 | 180 | 60 | 60 | 90 | ⁽²⁾ Maximum height varies by station area. Refer to Section 17.5.3.3. Refer to Section 17.5.3.4 when adjacent to an R zone district. Refer to Section 17.5.3.8 for incentive regulations regarding height. |

Table 17.5.2: Mixed Use Dimensional Standards

| Standard | M-N | | | M-G | | | M-C | | M-E | | | M-R | | | Notes |
|------------------------------|-------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|--------------------|-------|--------------------|--------------------|-------|--------------------|--------------------|--|
| | M-N-S | M-N-U | M-N-T | M-G-S | M-G-U | M-G-T | M-C-U | M-C-T | M-E-S | M-E-U | M-E-T | M-R-S | M-R-U | M-R-T | |
| | | | | | | | | | | | | | | | |
| Setbacks (Feet) | | | | | | | | | | | | | | | |
| Front | | | | | | | | | | | | | | | Refer to Section 17.5.1.3.B. Refer to Section 17.5.3.6 for additional setback regulations. (3) Buildings not located at the 0 foot setback, shall be located a minimum of 5 feet from the property line. |
| Minimum | 12 | 0 | 0 | 12 | 0 | 0 | 0 | 0 | 12 | 0 | 0 | 12 | 5 | 0 | |
| Maximum | 85 | 20 | 20 | 85 | 20 | 20 | 20 | 20 | 85 | 20 | 20 | 140 | 25 | 20 | |
| Minimum Side | 5 | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 5 | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 5 | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | |
| Minimum Rear | 10 | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 10 | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | 10 | 0/5 ⁽³⁾ | 0/5 ⁽³⁾ | |
| Open Space | | | | | | | | | | | | | | | |
| Minimum Open Space (Percent) | 20 | 15 | 10 | 20 | 15 | 10 | 15 | 10 | 20 | 15 | 10 | 25 | 20 | 15 | |

| Table 17.5.2: Mixed Use Dimensional Standards | | | | | | | | | | | | | | | |
|---|--------|--------|-------------------|-------|--------|-------------------|--------|-------------------|-------|--------|-------------------|-------|-------|-------|--|
| Standard | M-N | | | M-G | | | M-C | | M-E | | | M-R | | | Notes |
| | M-N-S | M-N-U | M-N-T | M-G-S | M-G-U | M-G-T | M-C-U | M-C-T | M-E-S | M-E-U | M-E-T | M-R-S | M-R-U | M-R-T | |
| Build-to-Zone | | | | | | | | | | | | | | | |
| Build-to-Zone Requirement (Percent) | 40 | 50 | 60 | 45 | 55 | 65 | 70 | 75 | 40 | 50 | 65 | 25 | 50 | 75 | Refer to Section 17.5.3.6 for additional regulations. |
| Maximum Non-Residential Building Footprint | | | | | | | | | | | | | | | |
| Maximum Building Footprint (Square Feet) | 15,000 | 15,000 | 30,000 | None | 75,000 | 40,000 | 60,000 | 40,000 | None | 40,000 | 40,000 | None | None | None | |
| Minimum Residential Density | | | | | | | | | | | | | | | |
| Minimum Residential Density (Dwelling Units per Acre) | None | None | 12 ⁽⁴⁾ | None | None | 25 ⁽⁴⁾ | None | 35 ⁽⁵⁾ | None | None | 20 ⁽⁴⁾ | 5 | 10 | 30 | ⁽⁴⁾ Only required if residential is provided. Refer to Section 17.5.3.5. ⁽⁵⁾ Refer to Section 17.5.3.7.A. |

| Table 17.5.2: Mixed Use Dimensional Standards | | | | | | | | | | | | | | | |
|---|-----------|-----------|--------------------------------|-------|----------------------------------|-----------------------------------|----------------------------------|--------------------------------|-------|-----------------------------------|-----------------------------------|-----------|-----------|-----------|--|
| Standard | M-N | | | M-G | | | M-C | | M-E | | | M-R | | | Notes |
| | M-N-S | M-N-U | M-N-T | M-G-S | M-G-U | M-G-T | M-C-U | M-C-T | M-E-S | M-E-U | M-E-T | M-R-S | M-R-U | M-R-T | |
| Maximum Retail Allowed | | | | | | | | | | | | | | | |
| Retail – Maximum Allowed per Business (Square Feet of Gross Floor Area) | 20,000(P) | 20,000(P) | 20,000(P); 20,001-40,000(S) | None | 75,000(P) More than 75,000(S) | 40,000(P); More than 40,000(S) | 60,000(P) More than 60,000(S) | 40,000(P); 40,001-60,000(S) | None | 40,000(P); More than 40,000(S) | 40,000(P); More than 40,000(S) | 20,000(P) | 20,000(P) | 20,000(P) | (P) Indicates Permitted; (S) Indicates Special Use Permit approval is required. |
| Standards for Single-Family Residential in Mixed Use Districts | | | | | | | | | | | | | | | |
| Maximum Size for New Lots (Square Feet) | 3,600 | 3,600 | 3,600 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |
| Setbacks (feet) | | | | | | | | | | | | | | | |
| Front | | | | | | | | | | | | | | | Refer to Section 17.5.1.4.B. |
| Minimum | 5 | 5 | 5 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |
| Maximum | 15 | 15 | 15 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |
| Minimum Side | 5 | 5 | 5 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |

| Table 17.5.2: Mixed Use Dimensional Standards | | | | | | | | | | | | | | | |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Standard | M-N | | | M-G | | | M-C | | M-E | | | M-R | | | Notes |
| | M-N-S | M-N-U | M-N-T | M-G-S | M-G-U | M-G-T | M-C-U | M-C-T | M-E-S | M-E-U | M-E-T | M-R-S | M-R-U | M-R-T | |
| Minimum Rear | 10 | 10 | 10 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |
| Height (feet) | | | | | | | | | | | | | | | |
| Maximum | 40 | 40 | 40 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |
| Open Space | | | | | | | | | | | | | | | |
| Minimum Open Space (Percent) | 25 | 25 | 25 | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | N/A | |

17.5.3.2: Minimum Building Floor Requirement

In addition to the minimum height identified in Table 17.5.2, the following minimum number of occupiable floors shall be required as identified in Table 17.5.3:

| Table 17.5.3: Minimum Building Floor Requirement | |
|---|---------------------------------|
| Zone District | Minimum Height in Floors |
| M-N-T | 2 |
| M-G-T | 2 |
| M-C-U | 2 |
| M-C-T | 3 |
| M-E-T | 2 |
| M-R-T | 3 |

The minimum height in floors shall not apply to the expansion of existing single-family detached residential structures.

17.5.3.3: Maximum Building Height in Defined Station Areas

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

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

17.5.3.4: Height Transition to Adjacent Residential Districts

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

- A. A building located in the M zone district and within 125 feet of the zone district boundary shall be required to demonstrate compatibility with any adjacent residential property through an analysis of building bulk and plane, potential buffering through the use of landscaping or decorative walls, building and parking orientation, and other similar site specific conditions.

- B. Any portion of a building located in the M zone district and within 75 feet of the zone district boundary shall have a maximum height no greater than the maximum height allowed in the adjacent residential district (See Figure 17.5.6). Where a street separates the zone districts, the measurement shall be from the right-of-way line opposite the M district site (See Figure 17.5.7).

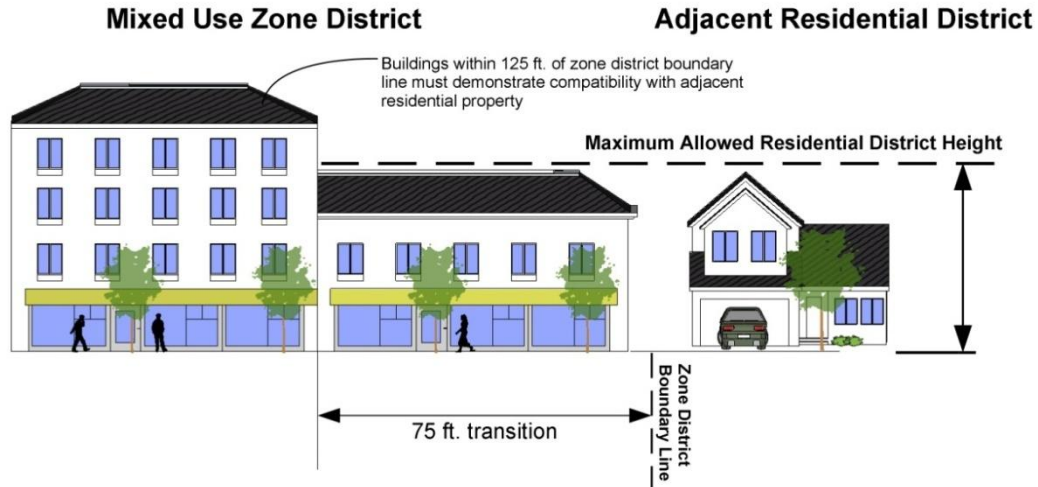


Figure 17.5.6: Example of Height Transition in Mixed Use District Abutting a Residential District

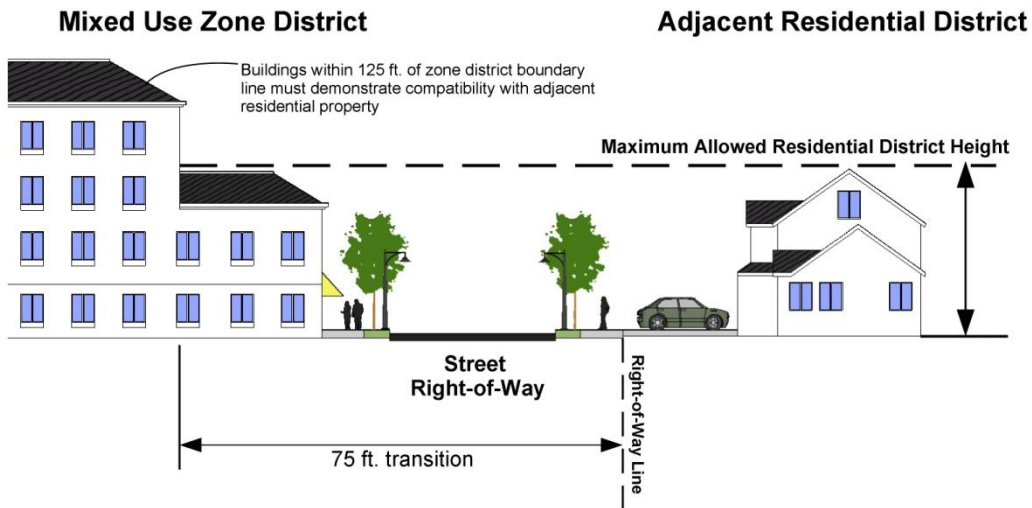


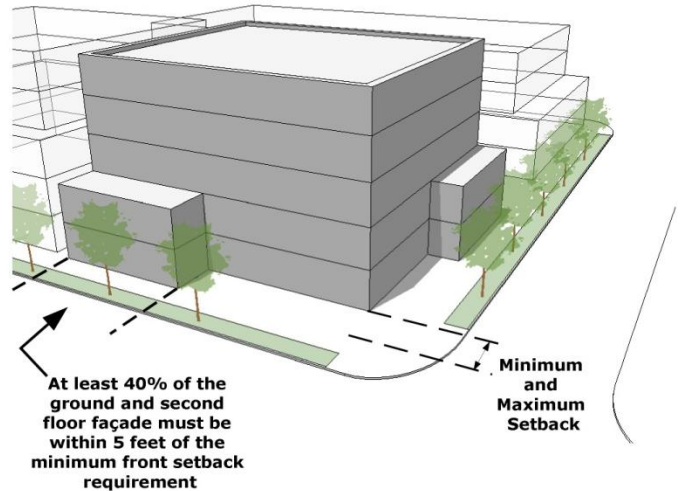
Figure 17.5.7: Example of Height Transition in Mixed Use District Separated by Right-of-Way

17.5.3.5: Minimum Residential Density Requirements

If a residential use is included within a mixed-use building or on a mixed-use site, the minimum residential density identified in Table 17.5.2 shall be provided.

17.5.3.6: Additional Building Setback Regulations

- A. Within the M-N-T and M-C-T zone districts, at least 40 percent of the length of a building's ground and second floor façade facing a public or private street must be located within five feet of the minimum setback distance as required by Table 17.5.2 (See Figure 17.5.8). However, within 300 feet of a light rail station platform the setback distance shall be measured from either the back of sidewalk or from the edge of a pedestrian plaza provided as part of the building site plan.
- B. Within any Suburban or Urban context, buildings located interior to a site shall not be required to meet the front setback requirements or, where applicable, the minimum height as required by Table 17.5.2, provided that liner buildings meeting the requirements of Table 17.5.2 are provided. The liner buildings shall have a minimum depth of 60 feet. Within the Urban context, the liner buildings shall be designed as multi-tenant structures.



17.5.3.7: Requirements for Specific Mixed-Use Zone District Contexts

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

Figure 17.5.8: Setback Regulations for M-N-T and M-C-T Zone Districts

- A. The following shall apply to all M-C-T zones:
 1. A vertical mix of residential, commercial and/or public/civic/institutional uses as allowed in M-C-T zone district shall be required for all buildings adjacent to arterial or collector streets.
 2. All buildings adjacent to arterial or collector streets shall include ground floor space designed for retail occupancy fronting on the street(s) and meet the following requirements:
 - a. The ground floor space shall have a minimum depth of 60 feet.
 - b. The minimum floor to ceiling height of the ground floor space shall be 14 feet.
 - c. The ground floor space shall meet the building code requirements for retail occupancy.
 3. Amenities associated with the building may occupy up to 50 percent of the space designed for retail occupancy (See Figure 17.5.9).

4. Other portions of the ground floor not required to be designed for retail occupancy may be designed for any allowed use.

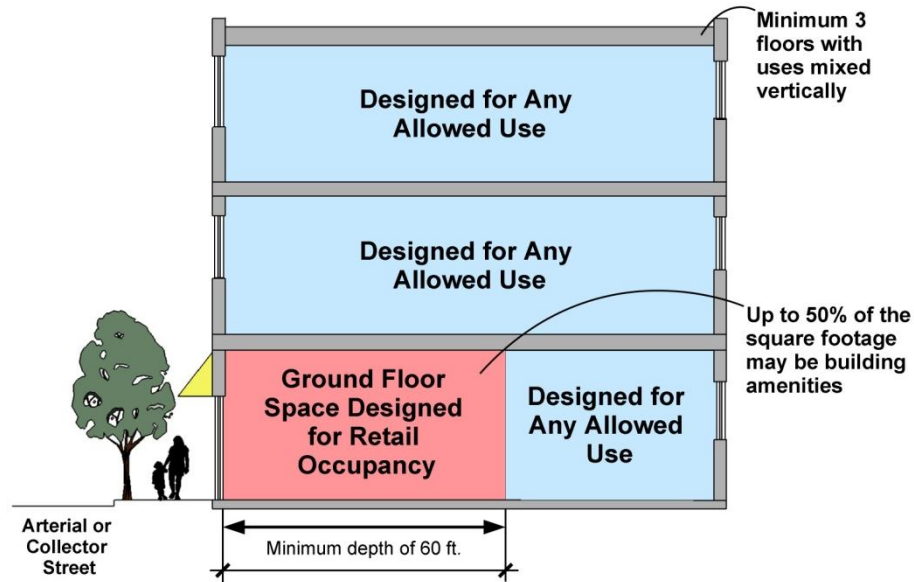


Figure 17.5.9: Mixed-Use Requirement and Minimum Commercial Use Depth in M-C-T

5. Where a building is located at the intersection of an arterial or collector street with a local street, the ground floor commercial space shall extend along the local street a minimum length of 60 feet (See Figure 17.5.10).

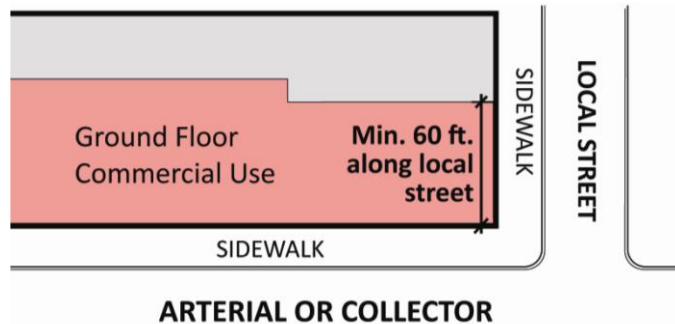


Figure 17.5.10: Minimum Commercial Depth Along a Local Street

6. Single-use buildings are allowed within the zone district, provided that the requirements of 17.5.3.7.A.1 through 3 above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.

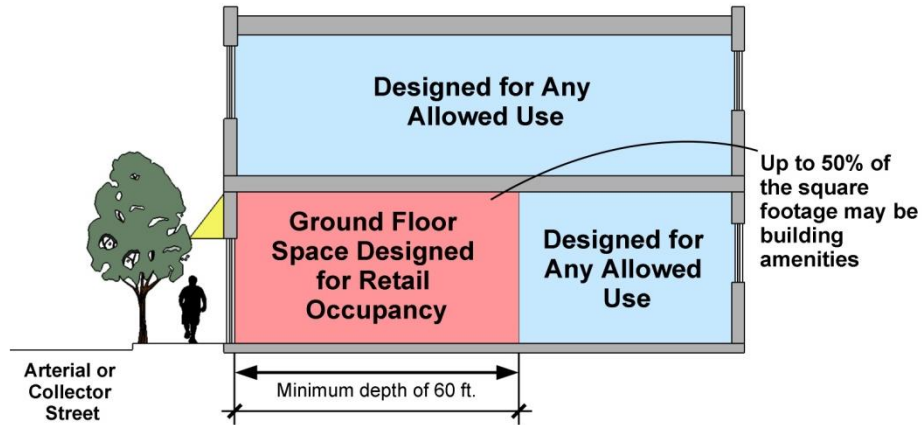


Figure 17.5.11: Commercial Use Requirement and Minimum Commercial Depth in M-G-T

- B. The following shall apply to all M-G-T zones:
1. All buildings adjacent to arterial or collector streets shall include ground floor space designed for retail occupancy fronting on the street(s) and meet the following requirements:
 - a. The ground floor space shall have a minimum depth of 60 feet.
 - b. The minimum floor to ceiling height of the ground floor space shall be 14 feet.
 - c. The ground floor space shall meet the building code requirements for retail occupancy.
 2. Amenities associated with the building may occupy up to 50 percent of the space designed for retail occupancy (See Figure 17.5.11).
 3. Other portions of the ground floor not required to be designed for retail occupancy may be designed for allow other use.
 4. Single-use buildings are allowed within the zone district, provided that the requirements of 17.5.3.7.B.1 above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.

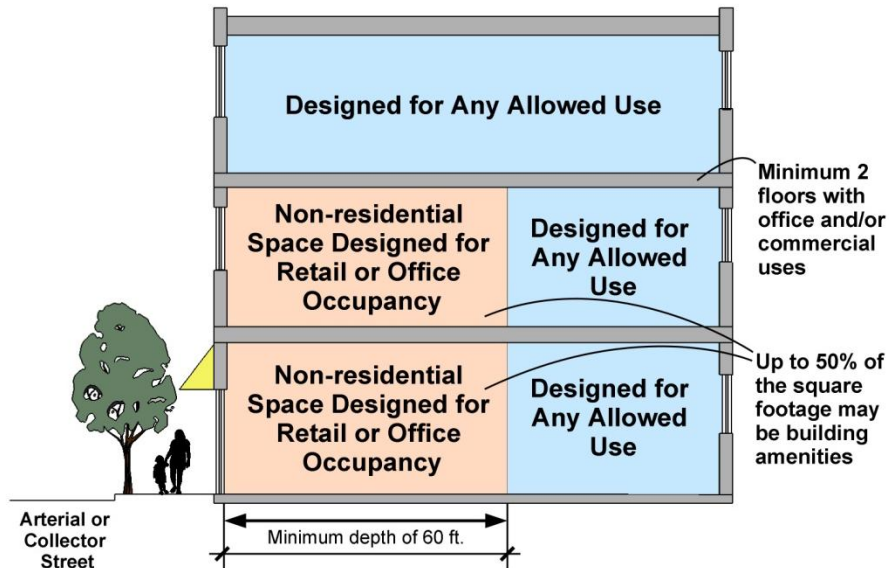


Figure 17.5.12: Commercial or Office Use Requirement in M-E-T

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

1. The lower two floors of all buildings adjacent to arterial or collector streets shall be designed to contain non-residential space and meet the following:
 - a. The space shall have a minimum depth of 60 feet.
 - b. The minimum floor to ceiling height of the ground floor space shall be 14 feet.
 - c. The space shall meet the building code requirements for retail or office occupancy.
2. Amenities associated with the building may occupy up to 50 percent of the space designed for retail or office occupancy (See Figure 17.5.12).
3. Other portions of the lower two floors not required to be designed for retail or office occupancy may be designed for any other use.
4. Single-use buildings are allowed within the zone district, provided that the requirements of 17.5.3.7.C.1 above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.

D. The following shall apply to all M-R zones:

1. All buildings located adjacent to an arterial street may contain leasable commercial and/or office space on the ground floor adjacent to the arterial street. However, the amount of commercial and/or office space shall not exceed 30 percent of the total building gross floor area (See Figure 17.5.13).

2. For buildings located adjacent to collector or local streets, the amount of commercial and/or office space shall not exceed 20 percent of the total building gross floor area (See Figure 17.5.13).

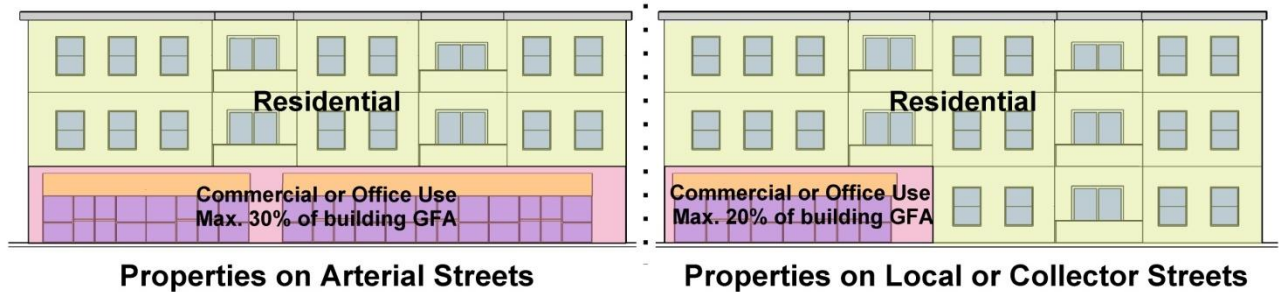


Figure 17.5.13: Commercial or Office Space Allowance in M-R zones

17.5.3.8: Incentives for Increased Height

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

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

17.5.4: Commercial and Light Industrial Standards

17.5.4.1: Dimensional Standards

All development in C and LI zone districts must comply with the dimensional and density standards of Table 17.5.5, except as otherwise expressly provided.

| Table 17.5.5: Commercial and Light Industrial Dimensional Standards | | | | |
|---|------|------|-------|--|
| Standard | C-R | LI | LI-RD | Notes |
| Height (Feet) | | | | |
| Minimum | None | None | None | |
| Maximum | 90 | 60 | 60 | Refer to Section 17.5.4.2 when adjacent to an R zone district. |
| Setbacks (Feet) | | | | |
| Front | | | | Refer to Section 17.5.1.4.B. |
| Minimum | 15 | 15 | 10 | |
| Maximum | None | None | None | |
| Minimum Side | 5 | 5 | 5 | |
| Minimum Rear | 5 | 5 | 5 | |
| Open Space | | | | |
| Minimum Open Space (Percent) | 20 | 20 | 15 | |

17.5.4.2: Height Transition Requirements Adjacent to Residential Zone Districts

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

- A. A building located in the C or LI zone district and within 125 feet of the zone district boundary shall be required to demonstrate compatibility with any adjacent residential property through an analysis of building bulk and plane, potential buffering through the use of landscaping or decorative walls, building and parking orientation, and other similar site specific conditions.

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

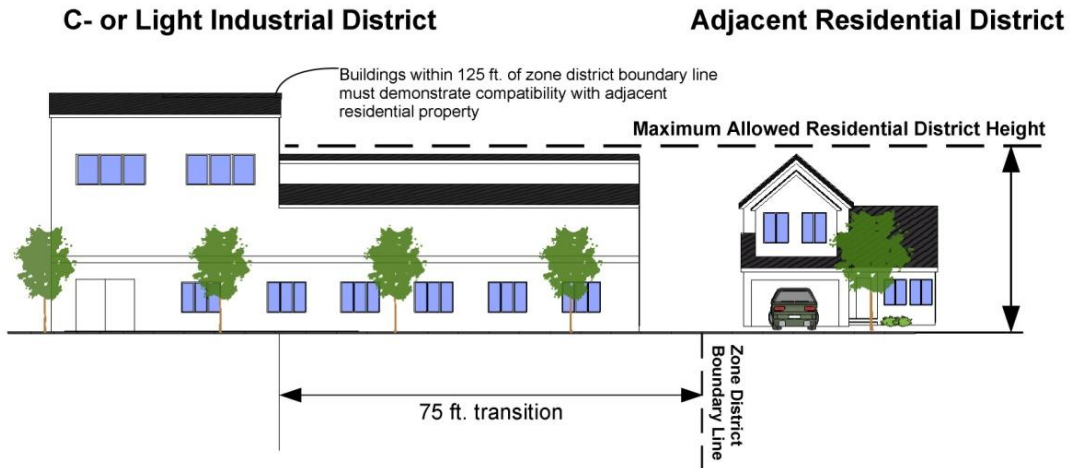


Figure 17.5.14: Example of Height Transition in Commercial or Light Industrial District Abutting a Residential District

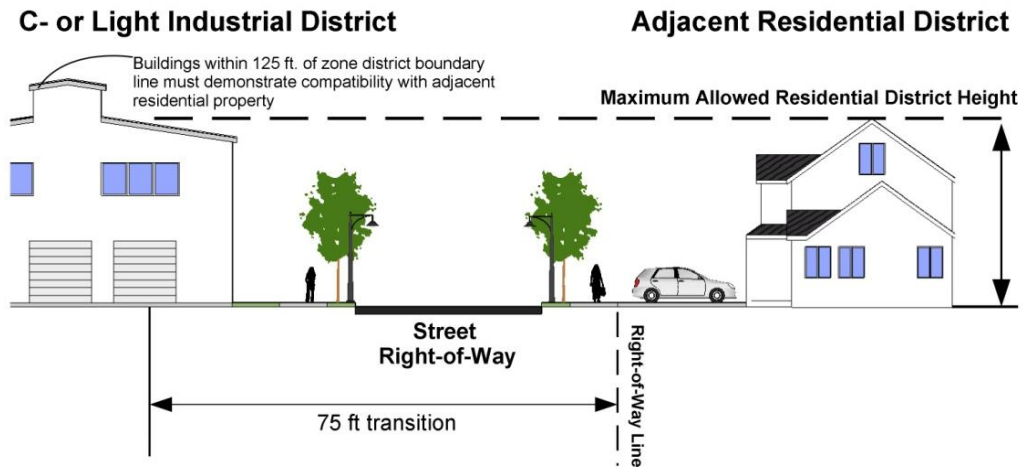


Figure 17.5.15: Example of Height Transition in Commercial or Light Industrial District Separated by Right-of-Way

17.5.5: Accessory Structures and Elements

17.5.5.1: Detached Structures

- A. A detached accessory structure shall be located a minimum of three feet from the primary structure as measured from the closest adjacent walls and a minimum of two feet from the primary structure as measured from the closest adjacent eaves.
- B. A detached accessory structure located on a single-family, two-family, townhouse, or live/work lot shall be subject to the following standards:
 - 1. An accessory structure or combination of accessory structures shall not exceed more than 50 percent coverage of the rear, side, and non-primary front yard area of a lot, and no more than 10 percent of the total lot area (See Figure 17.5.16).

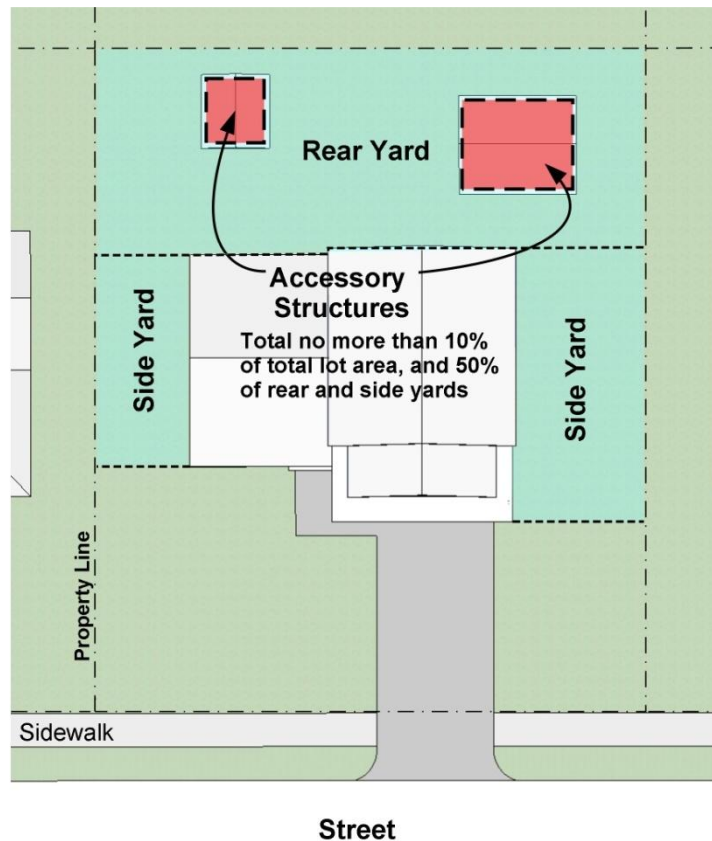


Figure 17.5.16: Determination of Accessory Structure Lot Coverage

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

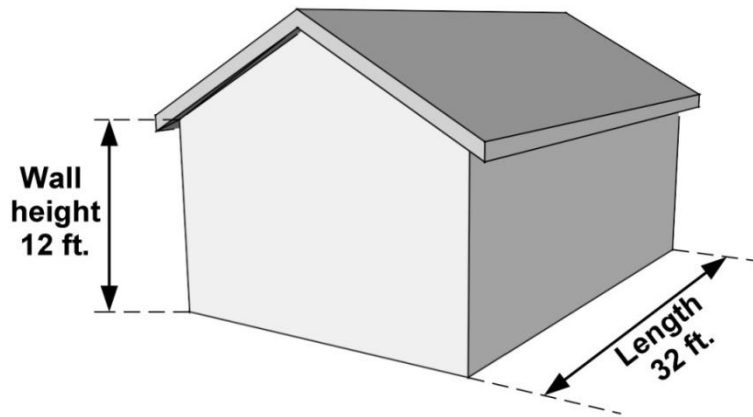


Figure 17.5.17: Measurement of Wall Height and Length

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

17.5.5.2: Satellite Dish Antenna

- A. A satellite dish antenna located on a single-family, two-family, townhouse, or live/work lot shall be subject to the following:
1. Satellite dish antennas with a diameter of 40 inches or less shall be allowed without restrictions.
 2. One dish antenna greater than 40 inches in diameter shall be allowed per dwelling unit.
 3. A satellite dish antenna with a diameter greater than 40 inches shall be ground-mounted, shall be no greater than 10 feet in height, and shall comply with the accessory structure dimensional standards identified in Table 17.5.1.

- B. A satellite dish antenna located on a multifamily, mixed-use, commercial, or light industrial lot shall be subject to the following:
1. Satellite dish antennas with a diameter of 40 inches or less shall be allowed without restrictions.
 2. A ground-mounted satellite dish antenna with a diameter greater than 40 inches shall comply with the dimensional standards identified in Table 17.5.1 for R-MF zones, Table 17.5.2 for mixed-use zones, or Table 17.5.3 for commercial and light industrial zones.
 3. A ground-mounted satellite dish shall not be located in an area required for parking, landscaping, buffering, or water detention.
 4. A ground-mounted satellite dish antenna shall not exceed 12 feet in height.
 5. A ground-mounted satellite dish antenna shall be screened from any adjacent public street or residential use through the installation of landscaping or decorative solid fencing. Landscaping shall be capable of reaching a height of 8 feet within two years of the installation of the dish antenna. Fencing shall be constructed to a height equal to the dish antenna, or to the maximum height allowed within the zone district, whichever is less.
 6. A roof-mounted satellite dish antenna greater than 40 inches in diameter shall be screened. This screening can be accomplished through the utilization of parapet walls, through the installation of mechanical equipment screens, or other means to the extent that the dish antenna is hidden from view from all adjacent public streets or residential uses.

17.5.5.3: Solar Collection System

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

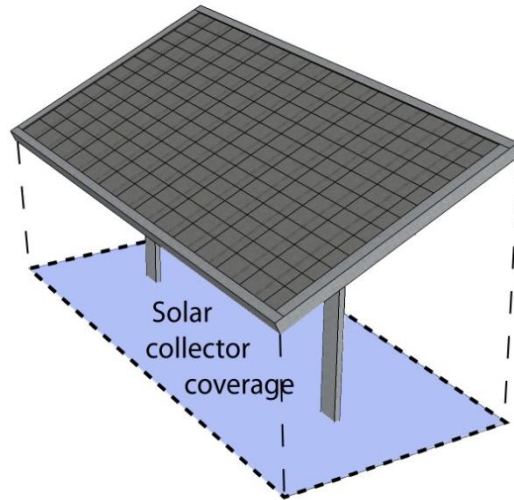


Figure 17.5.18: Measurement of Solar Collector Coverage

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

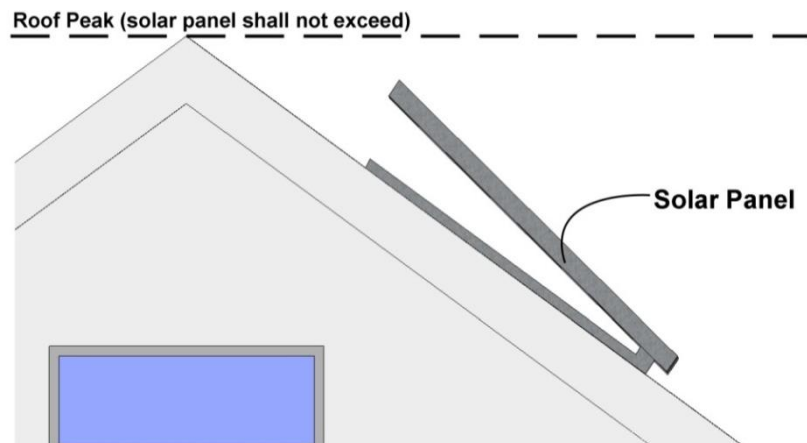


Figure 17.5.19: Solar Collector Projection Above Roof Peak

3. Solar easements:

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

B. A solar collection system located on a multifamily, mixed-use, commercial, or light industrial lot shall be subject to the following:

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

17.5.5.4: Wind-Powered Electric Generator

- A. A wind-powered electric generator located on a single-family, two-family, townhouse, or live/work lot shall be subject to the following:
1. No wind-powered electric generator shall exceed 60 feet in height measured from ground level to the top of the blade diameter.
 2. No wind-powered electric generator blade shall be located closer than 15 feet above the finished grade of the surrounding property.
 3. No wind-powered electric generator or portion thereof may extend or encroach into the accessory building setbacks or onto any adjacent property.

4. Sound produced by the turbine under normal operating conditions, as measured at the nearest property line and at ground level of any adjacent property improved with a dwelling unit at the time of the issuance of a building permit, shall not exceed 55 dBA sound level for any period of time, except during short-term events out of the owner's control, such as utility outages or strong windstorms.
 5. A turbine and tower shall be of a neutral color.
 6. All electrical wiring shall be located underground and within the tower.
 7. A wind-powered electric generator shall be subject to the minor site plan process, as described in Article 2.
- B. A wind-powered electric generator located on a multifamily, mixed-use, commercial, or light industrial lot shall be subject to the following:
1. No ground-mounted wind-powered electric generator shall exceed 60 feet in height measured from ground level to the top of the blade diameter.
 2. All roof mounted wind-powered electric generators shall comply with the dimensional requirements of the zone district in which it is located.
 3. No wind-powered electric generator or portion thereof may extend or encroach into the building setbacks or onto any adjacent property.
 4. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a dwelling unit at the time of the issuance of a building permit, shall not exceed 55 dBA sound levels for any period of time. The 55 dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages or strong windstorms.
 5. A turbine and tower shall be of a neutral color.
 6. All electrical wiring shall be underground or contained within the building to which the generator is attached.
 7. A wind-powered electric generator shall be subject to the minor site plan process, as described in Article 2.

ARTICLE 6: SINGLE-FAMILY AND TWO-FAMILY BUILDING AND SITE DESIGN STANDARDS

17.6.1: General

17.6.1.1: Purpose and Intent

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

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

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

17.6.1.2: Applicability

This Article establishes building and site design standards for all single-family and two-family residential development in the City. The design standards shall be applied to any addition or new construction except where explicitly superseded by an approved Official Development Plan or as identified in this Article.

For nonconforming buildings and sites, see Article 12.

Additions or new construction shall follow the site plan process outlined in Article 2 of this Zoning Ordinance.

17.6.1.3: Design and Development Manuals

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

17.6.2: Building Design Standards

17.6.2.1: Architecture

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

- A. All elevations of single-family or two-family dwelling units shall have a similar level of architectural treatment and detail.
- B. Single-family and two-family dwelling units on flag lots that are located away from the street shall maintain a street presence, be oriented toward the street, and be visible from the street.
- C. Architectural treatment and detail for side and rear elevations shall be accomplished through:
 - 1. The incorporation of windows and/or doors;
 - 2. A change in the use of material types or textures;
 - 3. The use of offsets or insets, such as bays;
 - 4. A vertical or horizontal change to a wall plane; and/or
 - 5. Vertical breaks or changes to roof lines.
- D. Dwelling Unit Variation:

Single-family and two-family dwelling units shall not have the same color, model or building footprint on more than three consecutive lots on a street.

- E. Garages:
 - 1. Not more than 50 percent of a linear street facade of a residential structure is allowed to be a garage door opening.
 - 2. An attached front-loaded garage shall not project more than 8 feet in front of the habitable portion of a house and must meet the required front setback.
 - 3. The street-facing façade of an attached side-loaded garage shall include at least one window and a similar architectural treatment as the remainder of the single-family house or two-family house (See Figure 17.6.1).
 - 4. Detached garages shall be setback behind the front edge to the primary residential structure.

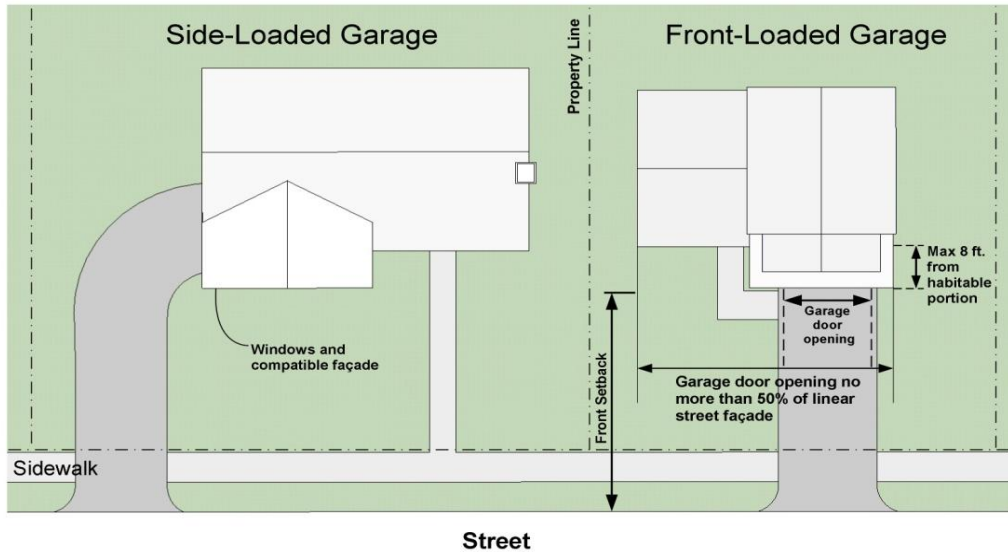


Figure 17.6.1: Attached Garages - Front and Side Loaded

17.6.3: Parking Layout and Design

17.6.3.1: General Standards

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

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

17.6.3.2: Improved Parking Surfaces

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

- A. The purpose of this Section is to ensure that a dust-free, weed-free, and mud-free surface is provided for parking. Parking shall not be allowed in an area intended for other purposes such as landscaping or open space. Additionally, parking shall not be allowed on grass, weeds, mud or dirt. This includes, but is not limited to, the parking of trailers, campers and camper shells, and recreational vehicles.
- B. Approved all weather surfaces include concrete paving, asphalt paving and rock, and shall be applied at a minimum thickness of $\frac{3}{4}$ of an inch and minimum depth of 3 inches. Approved all weather surfaces shall not include materials such as carpet, shingles, wood or cardboard.

- C. A property owner shall comply with the requirement for an improved parking surface within 30 days of a posting or receipt of a notice of violation of this subsection 17.6.3.2.

17.6.4: Landscape Design Standards

17.6.4.1: General Standards

A. Front Yard Landscaping:

1. Drought tolerant landscaping and design is required as part of the overall landscape theme. Drought tolerant landscaping techniques include but are not limited to using native and / or low-water plants, using living and non-living pervious ground covers, employing water-conserving irrigation techniques and systems, and reducing the percentage of turf coverage.
2. The front yard shall be landscaped with a minimum of 50 percent living ground cover.
3. Evergreen trees shall not be used in the tree lawn or within 8 feet of a public walk.
4. Each single family or two-family lot shall provide at least two trees in the front yard.
 - a. One deciduous tree shall be planted as follows:
 - i. If a tree lawn exists, the tree shall be planted in the tree lawn.
 - ii. If an attached sidewalk exists, the tree shall be planted along the street within 3 feet of the back of the sidewalk, but no closer than 2 feet.
 - iii. If no sidewalk exists, the tree shall be planted along the street within 8 feet of the edge of asphalt or back of curb.
 - b. One tree shall be planted elsewhere in the front yard.
5. Existing trees, shrubs, turf, or plants shall count toward fulfilling the minimum requirements for landscaping in the front yard.
6. No artificial trees, shrubs, turf or plants shall be used to fulfill the minimum requirements for landscaping in the front yard (See Figure 17.6.2).

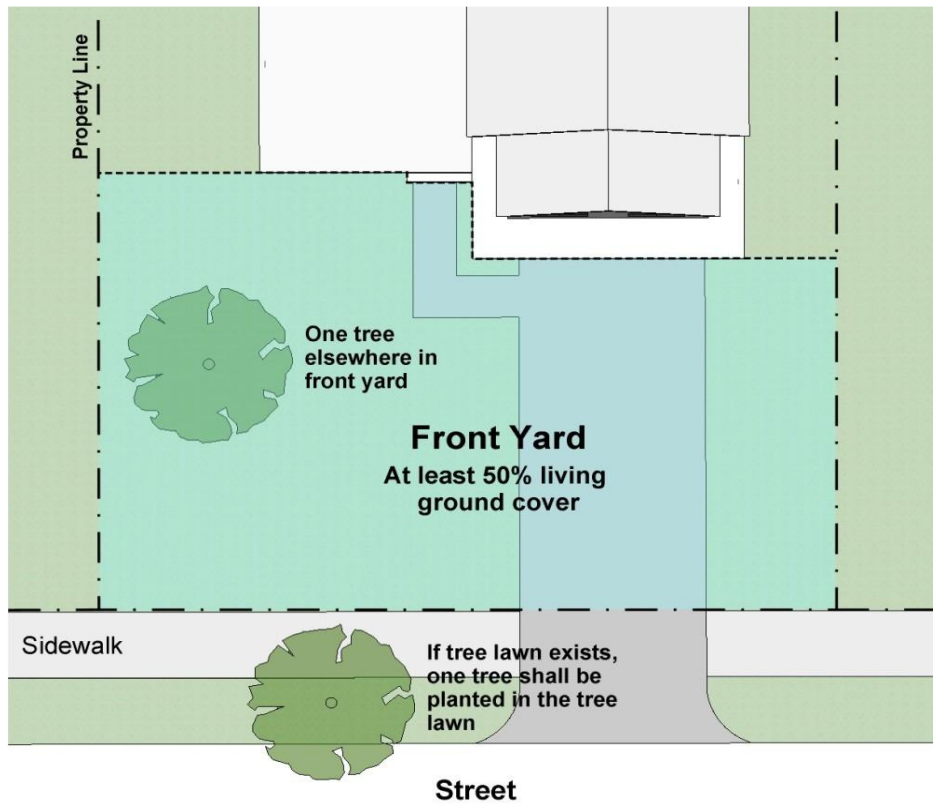


Figure 17.6.2: Front Yard Landscaping

17.6.4.2: Landscape Materials

- A. The selection of plant materials shall be based on the City of Lakewood's climate, site conditions and recommended plant material list approved by the Director.
- B. All plants shall be free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Nursery and Landscape Association standards.
- C. To prevent uniform insect or disease susceptibility and eventual uniform maturity and agedness on a development site or in the adjacent area or the district, species diversity is required and monocultures are prohibited. The requirements identified in Table 17.6.1 shall apply to site development plans:

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

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

| Table 17.6.2: Tree and Shrub Size | |
|--|--|
| Type | Minimum Size |
| Canopy Shade (Deciduous) Tree | 2.5" caliper balled and burlapped or equivalent |
| Evergreen Tree | 6.0' height balled and burlapped or equivalent |
| Ornamental Tree | 1.5" caliper balled and burlapped or equivalent |
| Shrubs | 5 gallon or a size consistent with design intent |
| Note: Any tree or shrub plantings that are in addition to the minimum required by this Article are exempt from the foregoing size requirements. | |

17.6.4.3: Landscape Installation

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

17.6.4.4: Landscape Maintenance

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

- A. Trees and vegetation, irrigation systems, and other landscape elements shall be considered elements of the project in the same manner as parking, building materials, and other site details. The landowner shall be responsible for the regular and proper maintenance of all landscaping elements.

- B. All landscaping shall be maintained free from disease, pests, weeds, litter, and all landscape structures shall be repaired and replaced as necessary to maintain a structurally sound condition.
- C. Any required element that fails, dies, or is otherwise damaged or removed, shall be replaced within 30 days or by May 31st of the next calendar year if it is found dead during the winter months.
- D. Landscape and utility plans shall be coordinated to provide ease of future maintenance and to prevent conflicts between tree and shrub plantings and utilities. Tree/utility separations shall not be used as a means of avoiding the planting of required street trees.

17.6.4.5: Landscape Replacement

- A. Healthy, mature trees that are removed shall be replaced with not less than one or more than six replacement trees sufficient to mitigate the loss of value of the removed tree.
- B. The applicant shall select either the City Forester or a qualified landscape appraiser to determine such loss based upon an appraisal of the removed tree, using the most recent published methods established by the Council of Tree and Landscape Appraisers.
- C. When the development causes any disturbance within any natural area on a property replacement shall occur as required in this Section.

17.6.4.6: Existing Tree Preservation

- A. Existing trees with trunks greater than 4-inch caliper, measured 1 foot above grade, within a development shall be preserved to the extent reasonably feasible and will help satisfy the landscaping requirements of this Section. Such trees shall be considered "protected" trees within the meaning of this Section. Streets, buildings, and lot layouts shall be designed to minimize the disturbance to protected trees.
- B. The Director shall determine through consultation with the City Forester when it is not feasible to preserve and retain protected tree(s) or to transplant them to another on site location. If it is determined that it is not feasible to preserve or transplant protected tree(s), the applicant shall replace such tree(s) according to this section. Replacement trees shall be used to satisfy the tree planting standards of this Section.
- C. Trees that meet one or more of the following removal criteria shall be exempt from the requirements of this subsection.
 - 1. Dead, dying or naturally fallen trees, or trees determined by the City to be a threat to public health, safety, or welfare;
 - 2. Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;

3. Tree species that constitute a nuisance to the public as determined by the City include Cottonwoods, Siberian Elms, Russian Olives, and Female Box Elders. Native cotton bearing Cottonwood trees and Female Box Elder trees as well as any other species of tree, are not considered nuisance trees when they are located near a property line and are used to create a buffer between any land uses.
- D. All existing street trees that are located on City rights of way or easements adjacent to a development and all trees located on private property shall be accurately identified by species, size, location, and condition on required landscape plans.
- E. The following tree protection standards shall be followed for all projects with protected existing trees:
 1. Within the drip line of any “protected” tree, there shall be no cut or fill over a 4-inch depth unless the City Forester has evaluated and approved the disturbance.
 2. Prior to and during construction, a fenced tree protection zone, formed by barriers, shall be erected and maintained around all protected trees at the drip line.
 3. The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of 24 inches.

17.6.5: Single-Family and Two-Family Fence and Wall Standards

17.6.5.1: General Standards

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

- A. No fence, wall, trellis, pergola or arbor shall be erected including replacement and repair without a building permit unless these structures are less than 8 feet long and 6 feet high.
- B. Retaining walls greater than 3 feet in height require a building permit and must satisfy all engineering design requirements.
- C. A temporary fence permit may be issued in conjunction with an active building permit. A temporary fence permit may be granted for a one year renewable period. All temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.
- D. Fences and walls shall be installed so that a finished side faces a public street or public space.
- E. Fences and walls shall follow the contour of the ground as far as practicable. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- F. Permanent fencing and walls shall not be erected which restricts access by emergency equipment to any building.

- G. Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and / or protruding pickets, missing sections of fence, sagging or leaning pickets and supports, extending into a traveled sidewalk or creating a hazard for a pedestrian or motor vehicle.
- H. Solid fencing or wall sections along a street totaling more than 200 linear feet shall include architectural features, such as masonry, brick or wood-framed columns for every 50 feet of length. The minimum separation between those features shall be no less than 10 feet.
- I. Approved columns or posts may exceed the height of the fence by 1 foot and must meet all permit and setback requirements.

17.6.5.2: Fence and Wall Height

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

- A. All fence, wall and structure heights shall be measured from the lowest finished grade at the location of the fence, wall or structure.
- B. If a minimum linear distance of 10 feet separates a fence and retaining wall, a fence may be erected to a height of 6 feet above the highest finished grade.
- C. All fences in the primary front yard shall be a maximum of 4 feet high and a minimum 50 percent open (See Figure 17.6.3).
- D. All fences in the rear yard, side yard, and non-primary front yard may be solid and shall not exceed 6 feet in height (See Figure 17.6.3).
- E. A combination fence and retaining wall may be erected to a height of 6 feet above the highest finished grade or 8 feet above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed 6 feet above the highest finished grade at any point (See Figure 17.6.4).
- F. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed by Section 17.6.5.2.E.
- G. An entry feature or trellis may exceed the 6 foot height standard indicated in Section 17.6.5.1. An entry feature or trellis may have a maximum height of 10 feet and maximum width of 10 feet.

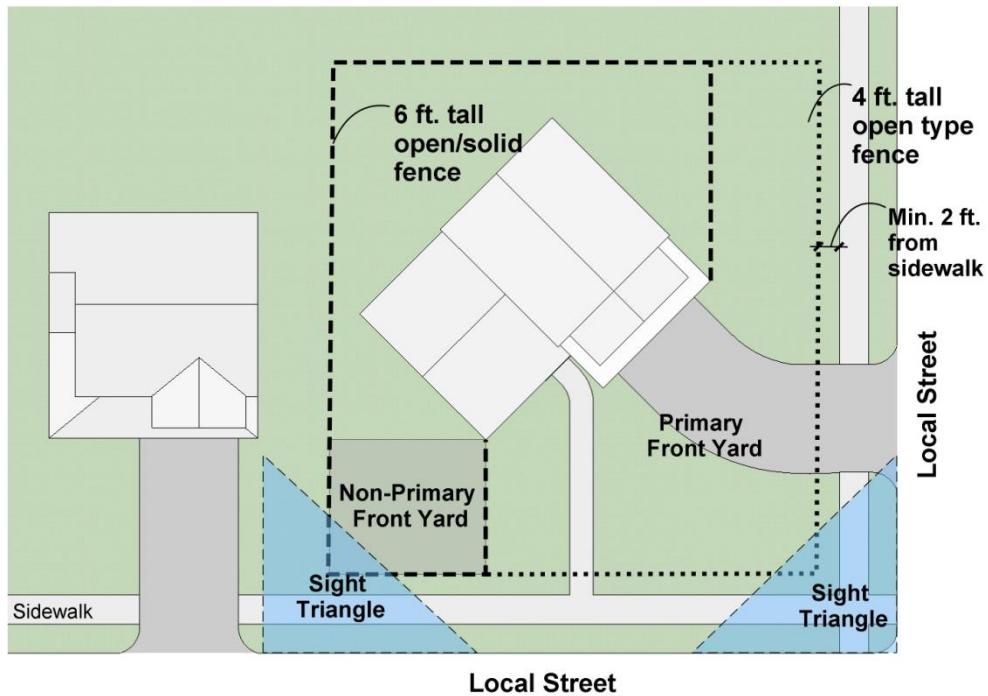


Figure 17.6.3: Single-Family and Two-Family Fence Location

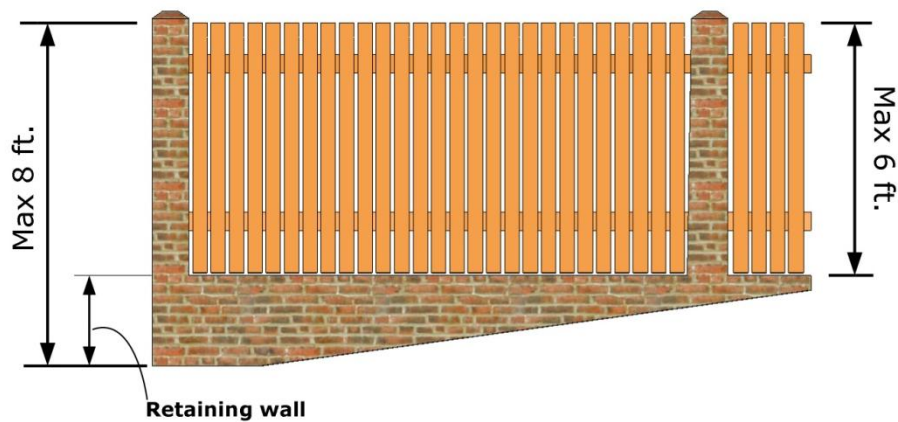


Figure 17.6.4: Fence Wall Combination

17.6.5.3: Fence and Wall Placement

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

- A. No portion of a fence shall extend beyond the property line of the fenced property into the public right-of-way without approval of the Director. It may also be necessary to obtain a License Agreement prior to erecting a fence in the public right-of-way.

- B. All fences and walls including fence support systems such as posts, pillars and columns shall be set back at least to the property line and a minimum of 2 feet from the back edge of the sidewalk to allow for safe passage by persons on a sidewalk or traveled walkway or where no sidewalk exists then 2 feet behind the edge of asphalt.
- C. Vehicular gates must be setback at a minimum 20 feet from flowline of the street or back of curb in order to meet vehicle stacking requirements.
- D. Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
- E. All fence locations on through-lots shall be reviewed on a case-by-case basis by the Director following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance
- F. Solid fences and walls may be erected to a height of 8 feet to separate a property from an arterial street or a frontage road adjacent to US 6 and US 285 highways. The Director shall consider the aesthetic, visual, and noise reduction characteristics of the fence or wall.
- G. A 4-foot fence that is a minimum of 50 percent open may be permitted within a sight triangle with review and approval of the City of Lakewood Traffic Engineering Division (See Figure 17.6.5).

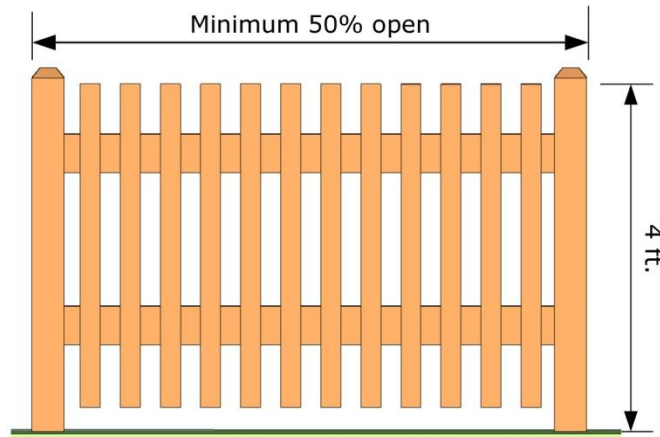


Figure 17.6.5: Fifty-percent Open Fence

- H. Where a corner lot is permitted to have a solid fence along a non-primary front property line that coincides with an adjacent property's primary front yard, no fence will be permitted that creates a site distance hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walk way.

17.6.5.4: Fence and Wall Materials

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

- A. Approved materials for fence construction include, but are not limited to, commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl or PVC fence material or any other material approved by the Director following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance.
- B. Barbed wire shall be allowed to a height of 12 inches above a 72 inch tall fence on non-primary front, side and rear property lines in the R-1-43 zone district only.
- C. Combination fences of lattice and other decorative materials may be used in conjunction; however, at no time shall the combination exceed the fence height limitation for that zone district.
- D. All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance.
- E. Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle parts, smooth face concrete masonry units/blocks, cloth or plastic tarps, scrap wood or any other material not customarily sold for fencing in the Denver Metropolitan area.
- F. Plastic or temporary construction fence may not be used as a permanent fence material.
- G. Approved materials for wall construction include, but are not limited to: commercial quality brick, decorative masonry units, or decorative concrete or any other material approved by the Director following the waiver criteria specified in Section 17.2.5 of this Zoning Ordinance.
- H. Prohibited wall materials shall include, but are not limited to, landscape timbers, smooth face concrete masonry units/blocks, and other materials not customarily sold for retaining walls.

17.6.6: Exterior Lighting Standards

17.6.6.1: General Standards

The following lighting standards shall apply to all single-family and two-family uses:

- A. Unless specifically excluded by this Zoning Ordinance, any building or structure, including any accessory building or structure, shall conform to the lighting requirements for the applicable use as set forth in this Zoning Ordinance.
- B. Light sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way.

- C. Lighting sources shall be positioned in such a manner as to direct light away from adjacent property.
- D. No direct rays of light shall extend beyond the boundaries of the property from where the light originates.
- E. Excluding single-family and two-family dwelling units and associated accessory structures, light fixtures on structures, walls canopies, poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.

17.6.6.2: Exceptions

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

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

17.6.6.3: Prohibitions

The following lighting sources are prohibited:

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

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ARTICLE 7: MULTIFAMILY, MIXED-USE, COMMERCIAL AND LIGHT INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS

17.7.1: General

17.7.1.1: Purpose and Intent

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

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

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

17.7.1.2: Applicability

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

For nonconforming building or site expansions refer to Article 12.

Additions or new construction shall follow the site plan process outlined in Article 2 of this Zoning Ordinance.

17.7.1.3: Design and Development Manuals

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

17.7.2: Building Design Standards

17.7.2.1: Architecture

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

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



Figure 17.7.1: Façade Design

17.7.2.2: Materials and Colors

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

17.7.2.3: Exterior Building Elements

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

- A. Private utility boxes or equipment shall not be located along a public street frontage.
- B. Private utility meters shall not be visible from a public street, shall be painted a color to blend with the building façade and shall be screened from view to the greatest extent possible.
- C. All rooftop mechanical equipment shall be screened from public view through the use of parapets or enclosures that are equal to, or greater than, the height of the equipment to be screened. The parapet or enclosure shall use one of the predominant materials or colors used on the primary façade of the building.
- D. On all structures exceeding 30 feet in height, roofs shall have drainage systems that are architecturally integrated into the building design.
- E. Any external stairwells, corridors and circulation components of a building shall be architecturally compatible with the overall structure, through the use of similar materials, colors, and other building elements.

17.7.2.4: Additional Standards for Mixed-Use Zone Districts

- A. Building Transparency:

Any building façade oriented towards a public or private street and located within the required build-to-zone shall be designed so that the first floor façade includes clear glass windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least 50 percent of that portion of the façade located within 2 and 10 feet above grade (See Figure 17.7.2).

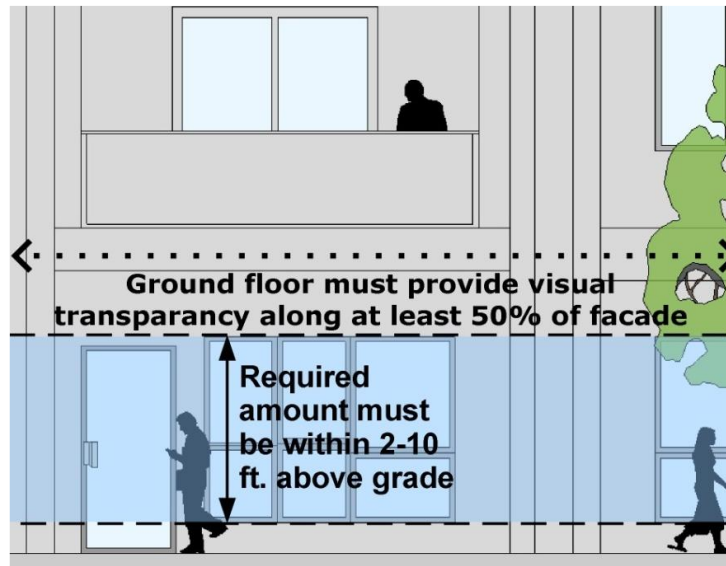


Figure 17.7.2: Ground Floor Transparency

B. Building Entrances:

1. Within the Suburban context, all buildings and ground floor users shall have a primary entrance either facing an adjacent street, placed at an angle not more than 45 degrees from an adjacent street, or within 100 feet of the adjacent street on a perpendicular façade.
2. Within the Urban context, except the M-C-U district, all buildings and ground floor users shall have a primary entrance either facing an adjacent street, placed at an angle not more than 45 degrees from an adjacent street, or within 50 feet of the adjacent street on a perpendicular façade.
3. Within the Transit context and the M-C-U district, all buildings and ground floor users shall provide a primary entrance facing an adjacent street or placed at an angle up to 45 degrees from an adjacent street.

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

17.7.3.1: General Standards

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

- A. Landscape and structural elements shall be used to screen utility structures, service areas, loading docks, outdoor storage, recycling facilities, and trash containers.
- B. Screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a solid gate or door shall be required.

- C. Required screening shall result in an opaque barrier to a minimum height of 6 feet and be provided in the form of new or existing plantings, walls, fences, topographic changes, buildings, horizontal separation, or a combination of these techniques.
- D. Where structural forms of screening are utilized, the materials shall match the primary building materials and colors, or provide a comparable level of quality.
- E. Trash enclosures shall be covered with a roof, lid, or they shall be self-contained.

17.7.4: On-Site Circulation Standards

17.7.4.1: General Standards

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

- A. Internal sidewalk connections shall be required:
 - 1. Between the front doors of primary buildings;
 - 2. From buildings to all on-site facilities, such as parking areas, bicycle facilities, and open space;
 - 3. To connect to any transit stop that is adjacent to a site; and
 - 4. To provide direct access from all buildings on the site to existing or planned public sidewalks, adjacent multi-use trails, parks, and greenways.
- B. Internal sidewalks shall be barrier-free and unblocked at all times.
- C. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.
- D. In order to create a safe pedestrian environment, multifamily residential buildings shall be placed and sited so that all required internal sidewalks are in view of at least one unit's living area windows.

17.7.4.2: Sidewalks Parallel to Streets or Drive Aisles

Where internal sidewalks are parallel and adjacent to a street or drive aisle, the internal sidewalk shall use a raised walk or be separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps.

17.7.4.3: Required Sidewalk Width

Internal sidewalks must be hard surfaced, and a minimum of 5 feet in width. When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of 7 feet when parking is located on one side, and a minimum of 9 feet when parking is located on both sides.

17.7.4.4: Pedestrian Corridors between Buildings

Where pedestrian access is provided between two buildings, there shall be a minimum distance between buildings of 15 feet. The sidewalk shall have a minimum width of 5 feet.

17.7.4.5: Internal Street Connectivity for Mixed-Use Zone Districts

In the Urban and Transit contexts, any development 5 acres or greater in size shall provide for public and private street connections into and through the site at a maximum of every 600 feet to increase pedestrian and vehicular connectivity and all spacing standards shall be met (See Figure 1.7.3). New streets shall connect to the existing street network, unless one or more of the following factors applies:

- A. Grade changes within the site make it impossible to connect with adjacent streets.
- B. The area surrounding the site already has patterns of through streets allowing circulation and the Director determines that additional street connections through the site would not significantly improve circulation or reduce congestion on surrounding streets.

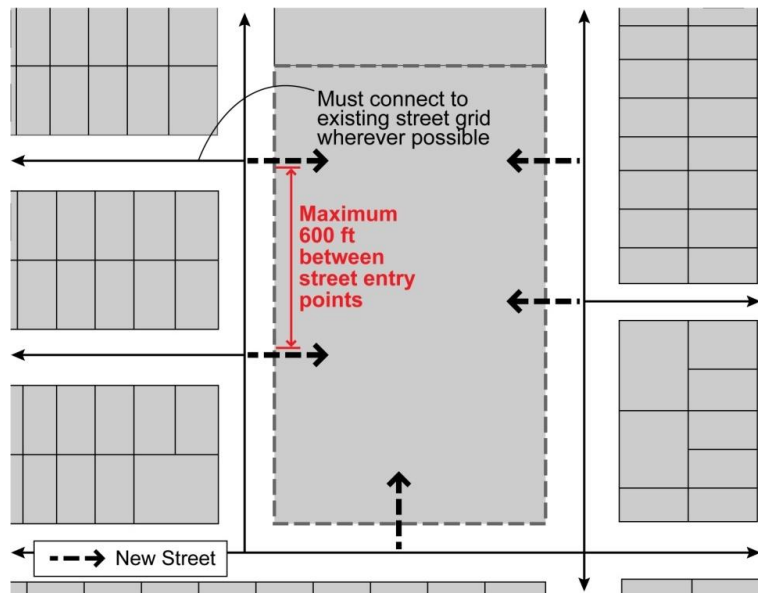


Figure 17.7.3: Street Connectivity

17.7.5: Open Space and On-Site Amenities

17.7.5.1: General Standards

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

- A. All development or redevelopment requiring a site plan per Article 2 of this Zoning Ordinance must meet the open space requirements set forth in Article 5.

- B. Open space areas should be visible from adjacent streets or pedestrian areas to the greatest extent possible.
- C. Stormwater detention areas should be integrated into the site design and used as an amenity to the greatest extent possible.

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

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

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

| Table 17.7.1: Plaza Space Requirement | |
|--|---|
| Zone District or Context | Minimum Percentage of Overall Open Space Requirement |
| C-R | 25% |
| Suburban | 35% |
| Urban | 45% |
| Transit | 55% |

- B. Plaza spaces shall incorporate at least three of the following elements:
 1. At least one seating space for each 250 square feet of plaza or public space area. The seating space requirement can be met through the use of benches, chairs, or seat-walls.
 2. A mixture of areas that provide shade, through the use of canopies, awnings, arcades, or other similar elements.
 3. In addition to those trees required to satisfy the open space requirement, trees shall be provided at a rate of one tree per 800 square feet of plaza or public space area.
 4. A water feature or piece of public art.
 5. Outdoor dining areas.
 6. Pedestrian-scale information kiosk.

17.7.6: Standards for Motor Vehicle Design Elements

17.7.6.1: General Standards

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

17.7.6.2: Drive-Through Facility

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

- A. Uses with drive-through facilities shall be located only on properties with frontage on an arterial or collector street.
- B. Speakers shall not be oriented towards an adjacent residential zone district unless an intervening building exists. Where an intervening building does not exist, the following shall also apply to minimize the speaker noise impact on an adjacent residential property:
 - 1. If the speaker is located within 15 feet of the property line, a solid wall with a minimum height of 6 feet shall be installed on the property line.
 - 2. If the speaker is located 15 feet or more from the property line, a solid fence with a minimum height of 6 feet shall be installed on the property line.
- C. In mixed-use zone districts, a drive-through facility shall be subject to the following:
 - 1. In the Suburban context, a drive-through lane may be located in the area between a building and a public street. The drive-through lane shall be screened from the public street by landscaping or a low decorative wall to a minimum height of 42 inches and a maximum height of 48 inches. If a low screen wall is installed, the construction material shall match the first floor exterior color and materials used on the primary building or provide a comparable level of quality (See Figure 17.7.4).
 - 2. In the Urban context, a drive-through lane shall not be located in the area between a building and a public street and the drive-through windows shall not face a public street (See Figure 17.7.5).
 - 3. In the Transit context, a drive-through lane shall be designed so that it is enclosed within the envelope of the building, the drive-through windows are not visible from adjacent public streets and the drive-through lane shall not be located in the area between a building and a public street (See Figure 17.7.6).

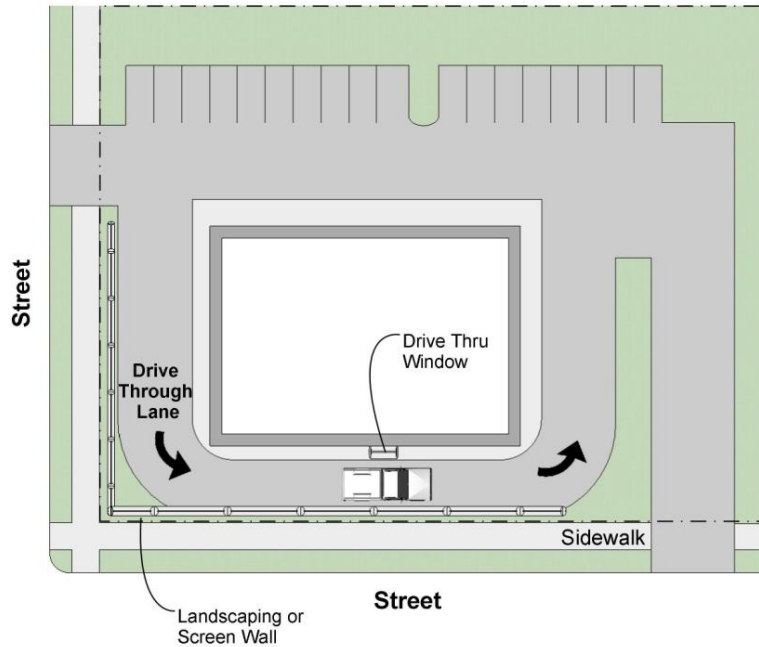


Figure 17.7.4: Suburban Context – Landscaping or Screen Wall and Drive-Through Location

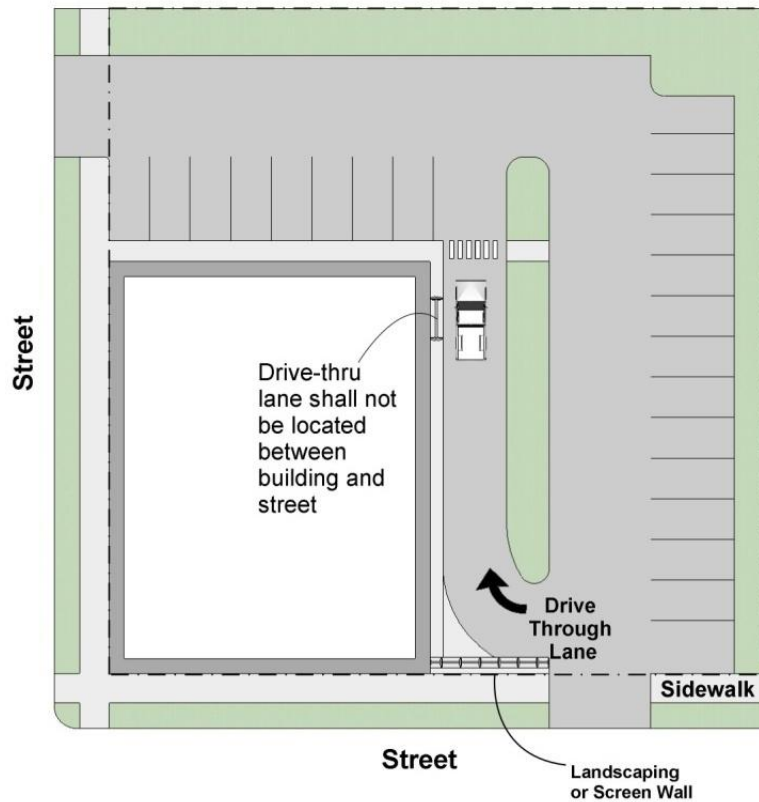


Figure 17.7.5: Urban Context – Landscaping or Screen Wall and Drive-Through Location

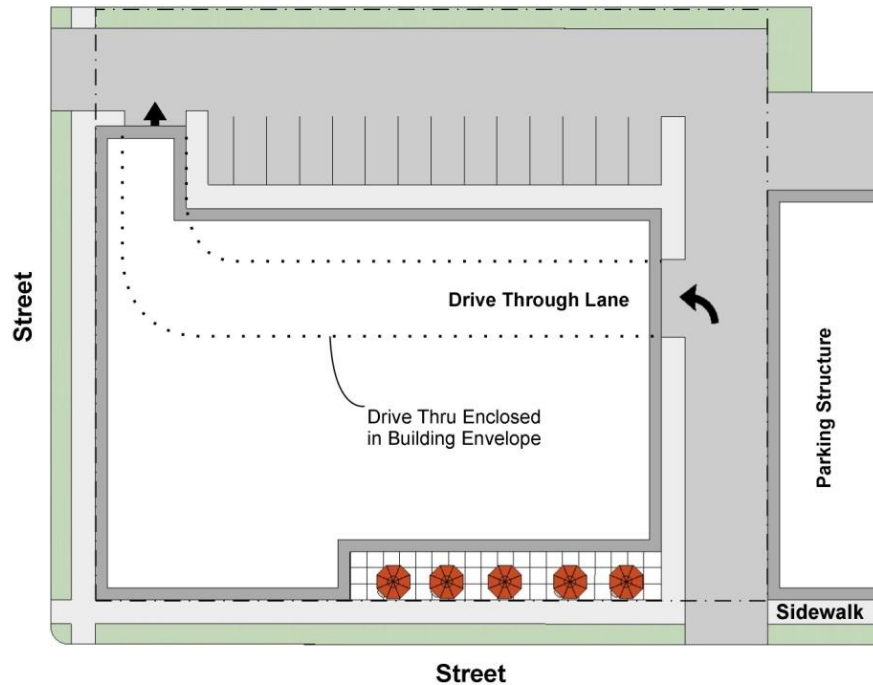


Figure 17.7.6: Transit Context – Drive-Through Enclosed in Building Envelope

17.7.6.3: Motor Vehicle Service Facility

A. Car Wash Facility:

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



Figure 17.7.7: Car Wash Bay Location

B. Fueling Station:

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

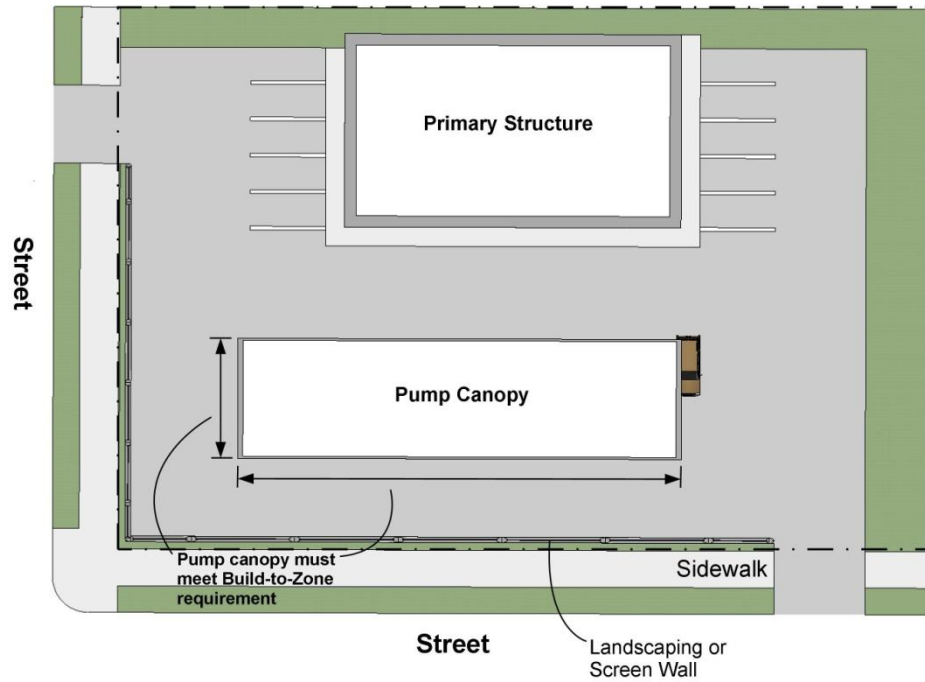


Figure 17.7.8: Fueling Stations in Suburban Context

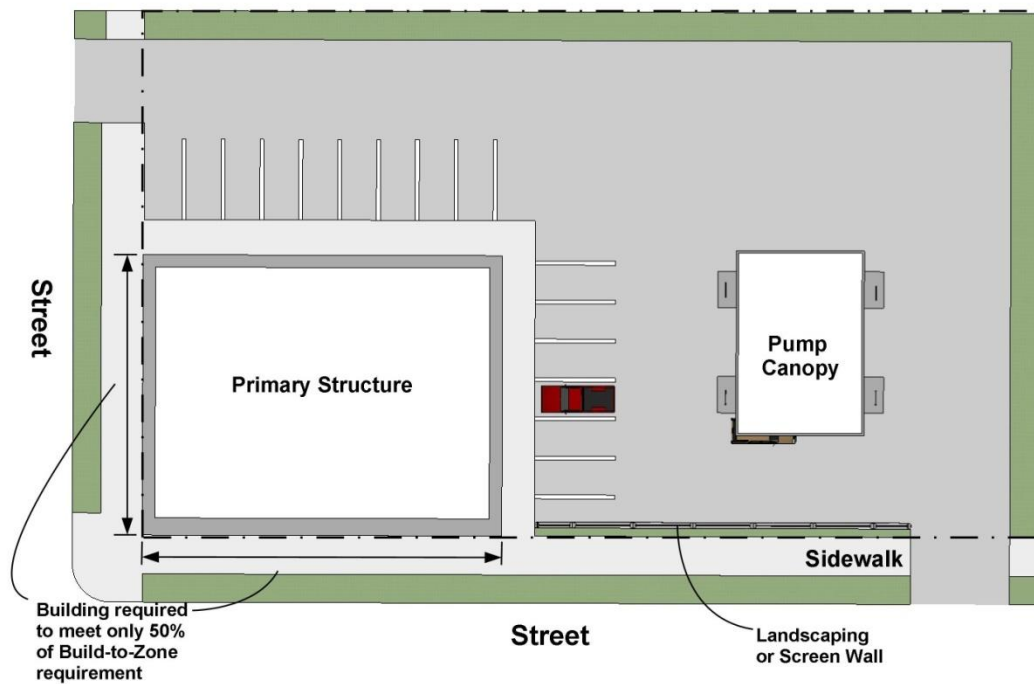


Figure 17.7.9: Fueling Stations in Urban Context

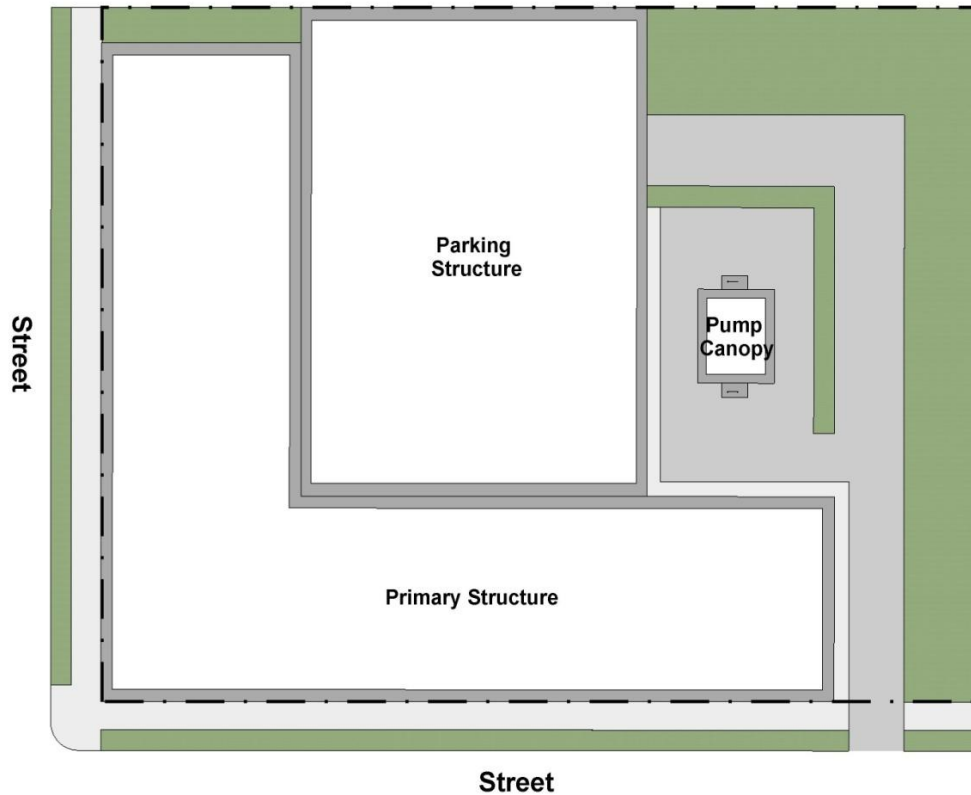


Figure 17.7.10: Fueling Stations in Transit Context

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

17.7.6.4: Parking Structures

- A. Façade openings that face a public street or open space shall be vertically and horizontally aligned and all floors fronting on those facades shall be level, not inclined.

- B. The first floor façade of a parking structure located adjacent to a public street shall be designed to encourage and complement pedestrian-scale interest and activity through the inclusion of at least three architectural elements such as arcades, windows, awnings, overhangs, screens, grills, louvers or other similar non-opaque features.
- C. Parking structures shall be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of 42 inches.
- D. Within the Urban context of the mixed-use zone districts, the ground floor façade of a structured parking facility that abuts a public sidewalk, street, or open space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed to permit a minimum finished ceiling height of 10.5 feet in order to allow occupancy by uses other than parking that are allowed in the underlying zone district.
- E. Within the Transit context of mixed-use zone districts, structured parking facilities located adjacent to a public street shall contain retail or office uses on the first floor fronting the street, or be wrapped with development of equal or greater height than the parking structure. At least 50 percent of a street-level facing a public sidewalk, street, or open space area shall contain retail or office uses to a minimum depth of 60 feet.

17.7.7: Parking Lot Layout and Design

17.7.7.1: General Standards

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

- A. Vehicular drive aisles, parking areas, stacking areas, and loading areas shall be surfaced with asphalt, concrete, brick, stone pavers or an equivalent material including pervious materials. Gravel is not an acceptable parking surface.
- B. Raised curb islands shall be required to define the ends of each parking row.
- C. The perimeter of the parking lot and any raised curb islands shall have concrete curb. Gaps in a concrete curb are allowed if landscape and open space areas or islands have been designed to provide for infiltration and filtration of rainwater.
- D. Parking spaces shall be defined on the pavement surface with striping, change of color or material.
- E. Bumper blocks are not permitted in parking lots.
- F. Parking lots and loading areas shall have access from a clearly defined drive aisle not less than 18 feet in width for one-way traffic and 24 feet in width for two-way traffic.
- G. The size of a parking stall, its angle, and the width of the access aisle shall conform to the parking layout dimensions listed in Table 17.7.2 and illustrated in Figure 17.7.11.

| Table 17.7.2: Parking Lot Layout Dimension | | | | | | |
|--|----------------|------|------|------|------|------|
| Dimension | Figure 17.7.11 | 0° | 45° | 60° | 75° | 90° |
| Stall width, parallel to aisle | A | 9.0 | 12.7 | 10.4 | 9.3 | 9.0 |
| Stall length of line | B | 24.0 | 24.5 | 21.5 | 19.5 | 18.0 |
| Stall depth to wall | C | 9.0 | 17.0 | 18.5 | 19.0 | 18.0 |
| Aisle width between stall lines | D | 12.0 | 12.0 | 16.0 | 22.0 | 24.0 |
| Stall depth interlock | E | 9.0 | 14.8 | 17.0 | 18.3 | 18.0 |
| Module, wall to interlock | F | 30.0 | 43.8 | 51.5 | 59.3 | 60.0 |
| Bumper overhang (typical) | G | 0.0 | 1.5 | 1.8 | 2.0 | 2.0 |
| Offset | H | -- | 6.3 | 2.7 | 0.5 | 0.0 |
| Setback | I | 24.0 | 11.0 | 8.3 | 5.0 | 0.0 |
| Cross aisle one-way | J | 18.0 | 18.0 | 18.0 | 18.0 | 18.0 |
| Cross aisle two-way | K | 24.0 | 24.0 | 24.0 | 24.0 | 24.0 |

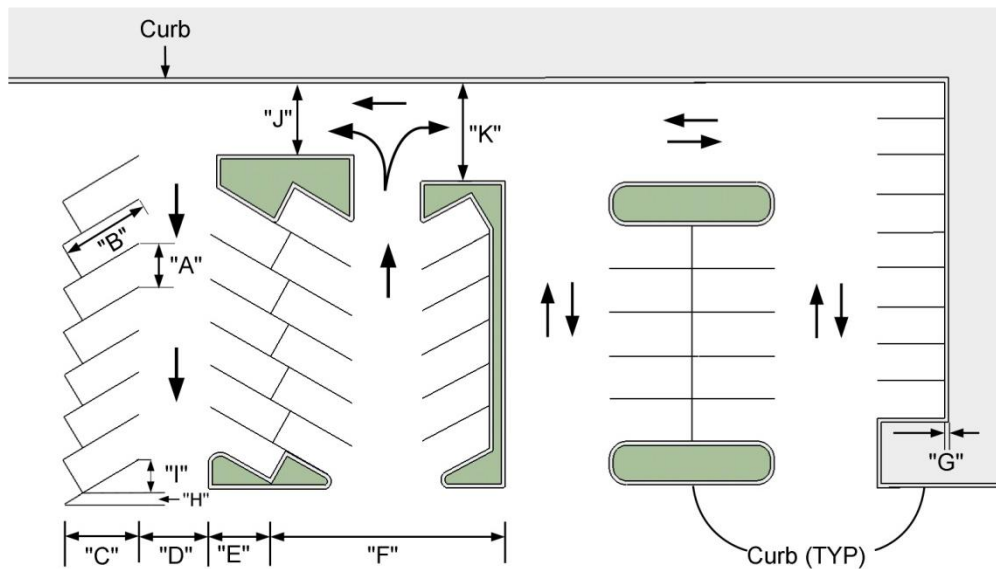


Figure 17.7.11: Parking Lot and Layout Dimensions

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

17.7.7.2: Parking Lot Design and Circulation

Parking areas for sites requiring more than 25 parking spaces shall be grouped in blocks of parking spaces according to the following:

- A. Multifamily developments shall group the parking lots in blocks of no more than 50 contiguous parking spaces. These spaces may be in a linear row or two or more parallel rows. A landscaped area of at least 12 feet wide shall separate parking areas (See Figure 17.7.12).
- B. Mixed-use, commercial or light industrial developments shall group the parking lots in blocks that average no more than 75 parking spaces per block.
 - 1. A grade-separated sidewalk at least 5 feet in width shall be installed from the front of the primary building(s) to the farthest perimeter point of the parking lot. Additional grade-separated sidewalks at least 5 feet in width from the front of the primary building(s) to the farthest edge of the parking lot shall be required to ensure that no parking space is located more than 200 feet from a grade-separated sidewalk leading to the front of the primary building(s).

2. The grade-separated sidewalk shall be buffered from parking or traffic by a landscape strip with a minimum of 5 feet in width. The sidewalk shall be placed so that a 5 foot wide planting area is created (See Figure 17.7.13).

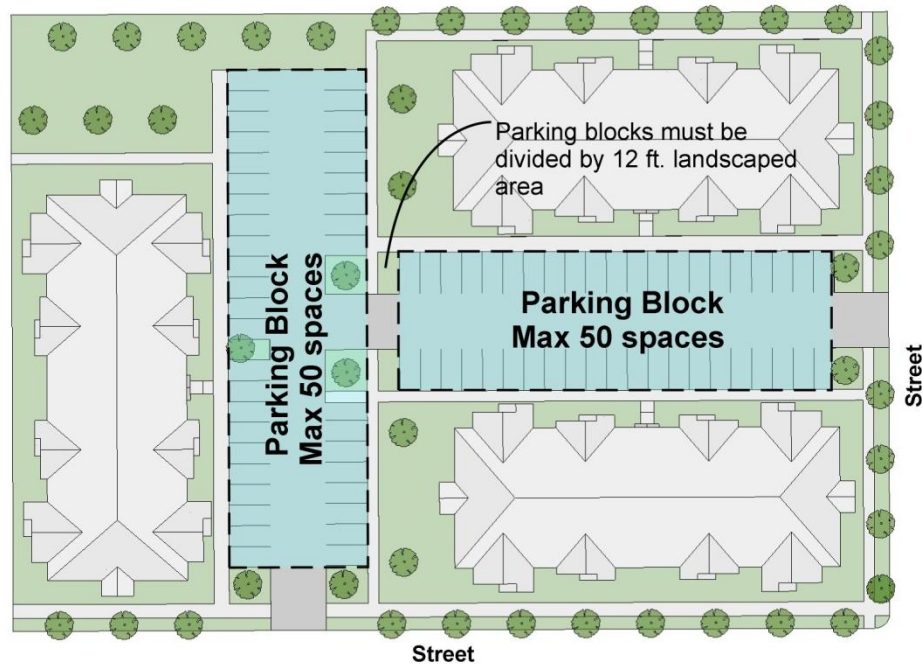


Figure 17.7.12: Multifamily Residential Parking Lot Design

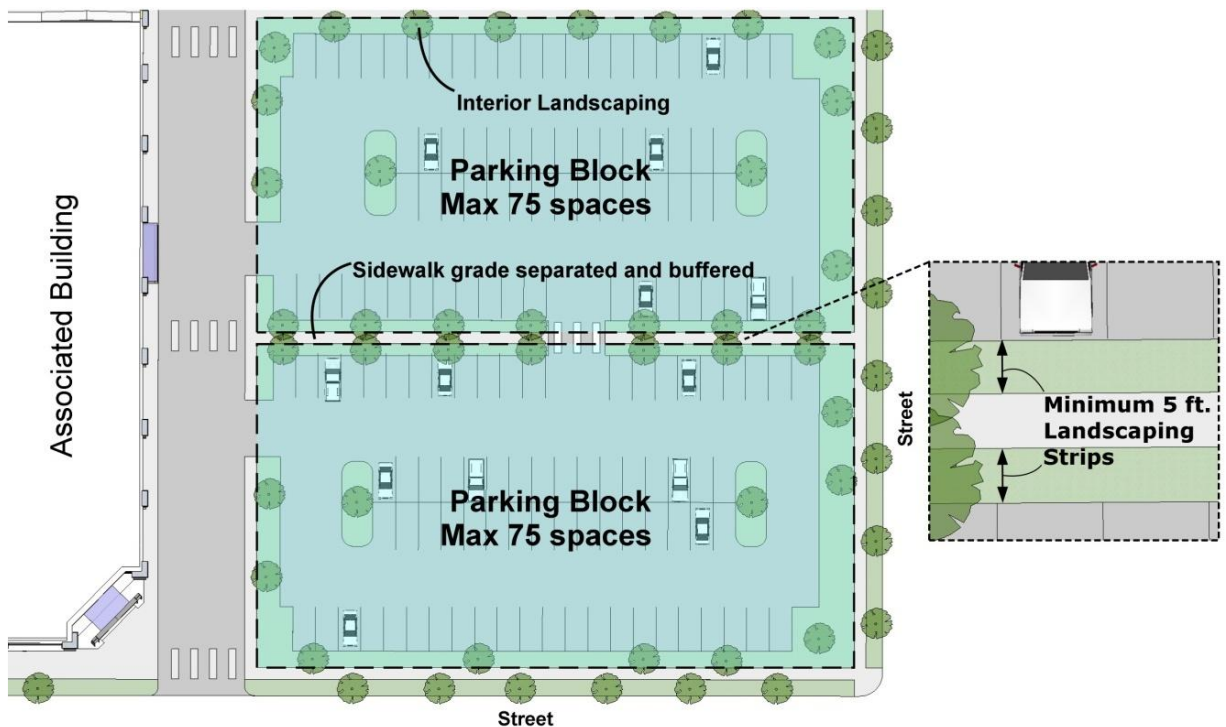


Figure 17.7.13: Mixed-use, Commercial and Light Industrial Parking Lot Design

- C. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.

17.7.7.3: Parking Lot Location

Surface parking lots in mixed-use zone districts shall be located in the configurations identified in Table 17.7.3 and Figure 17.7.14.

| Table 17.7.3 Surface Parking Lot Location | | | |
|---|----------|-------|------------------|
| Regulations | Contexts | | |
| | Suburban | Urban | Transit |
| X = Applicable -- = Not Applicable | | | |
| Parking may be located behind the rear plane of a building. | X | X | X ⁽¹⁾ |
| Parking may be located at the side of a building. | X | X | -- |
| Parking may be located in the area between the street and building. | X | -- | -- |
| ⁽¹⁾ Within the M-C-T zone district, surface parking areas shall be limited to short-term, convenience parking lots with fewer than 10 spaces per building. All other parking shall be accommodated for in parking structures. Convenience spaces may be located behind or to the side of a building and shall be clearly marked for short-term use only. | | | |

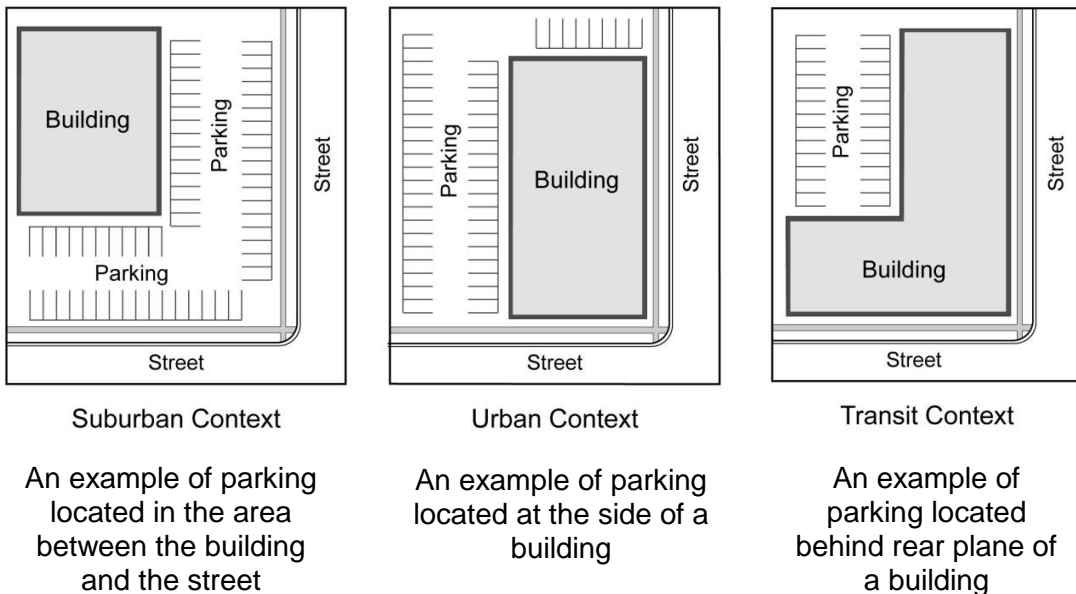


Figure 17.7.14: Example Parking Locations by Context

17.7.7.4: Landscaping in Parking Lots

- A. Sites requiring more than 25 parking spaces shall be required to have the following amount of landscaping in parking lots:
1. For parking lots with fewer than 150 parking spaces, landscaping islands shall be a minimum of 10 percent of the parking area.
 2. For parking lots with 150 parking spaces or more, landscaping islands shall be a minimum of 12 percent of the parking area.
- B. The size and number of landscape islands shall be required as identified below. These requirements shall not apply when a row of parking spaces is located under a structure or at the end of a parking row that coincides with a required front, side or rear buffer:
1. A parking row containing fewer than 15 contiguous parking spaces shall be terminated by a landscape island with a minimum dimension of 9 feet in width by 18 feet in length.
 2. A parking row containing between 15 and 30 contiguous parking spaces shall be:
 - a. Terminated by a landscape island with a minimum dimension of 12 feet in width by 18 feet in length (See Option A in Figure 17.7.14); or
 - b. Terminated by a landscape island with a minimum dimension of 9 feet in width by 18 feet in length and shall contain one landscape island in the middle of the row with a minimum dimension of 9 feet in width by 18 feet in length (See Option B in Figure 17.7.14).

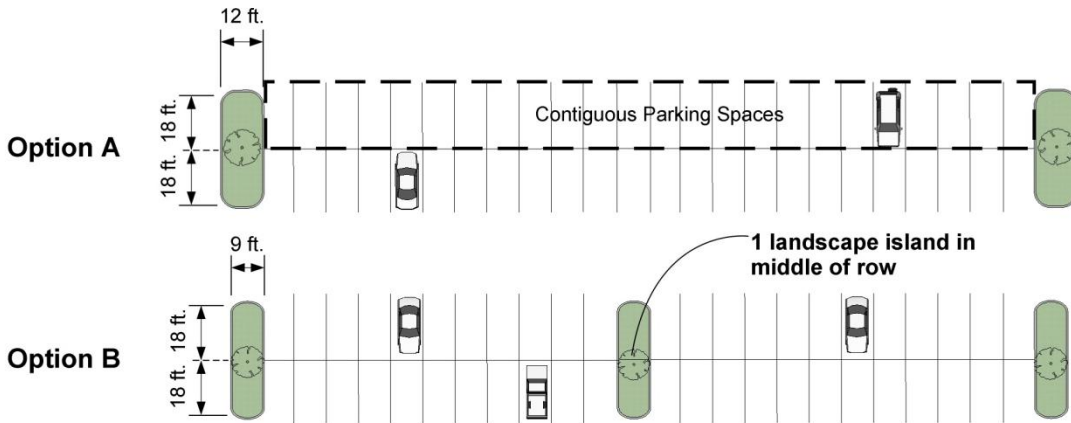


Figure 17.7.14: Parking Lot Landscape Island Locations

3. A parking row containing over 30 contiguous parking spaces shall include islands with a minimum dimension of 9 feet in width by 18 feet in length every 15 parking spaces.

- C. Landscape islands shall include at least one canopy shade tree and a landscape surface of turf, living ground cover, or shrubs in mulch beds.

17.7.7.5: Screening of Parking Lots

- A. When adjacent to a public or private street, surface parking shall be screened through one or any of a combination of the following (See Figure 17.7.15):

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

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

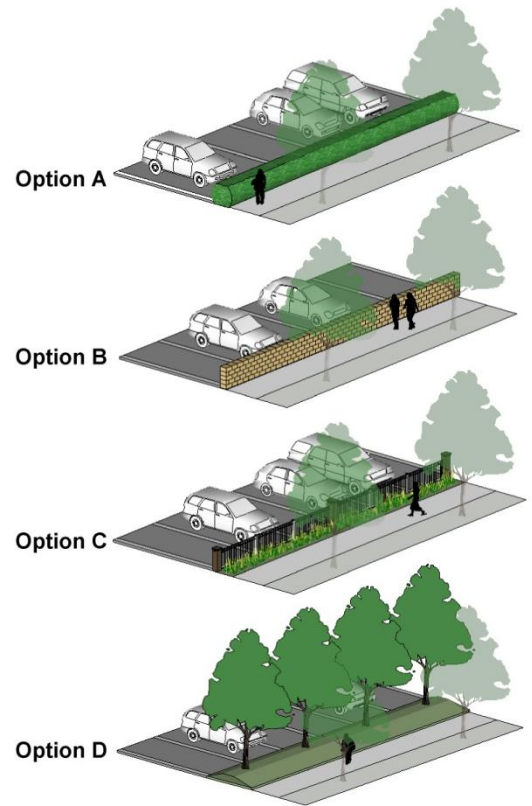


Figure 17.7.15: Screening of Parking Lots

17.7.8: Landscape Design Standards

17.7.8.1: General Standards

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

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

17.7.8.2: Landscape Materials

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

- A. The selection of plant materials shall be based on the City of Lakewood's climate, site conditions and recommended plant material list approved by the Director.
- B. All plants shall be free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Nursery and Landscape Association standards.
- C. To prevent uniform insect or disease susceptibility and eventual uniform maturity and agedness on a development site or in the adjacent area or the district, species diversity is required and monocultures are prohibited. The following tree species requirements identified in Table 17.7.4 shall apply to site development plans:

| Table 17.7.4: Tree Species | |
|-----------------------------------|---|
| Number of required trees | Maximum percentage of any tree species |
| 10 - 19 | 75 % |
| 20 - 39 | 60 % |
| 40 or more | 50 % |

- D. The following minimum tree and shrub sizes identified in Table 17.7.5 shall be required.

| Table 17.7.5: Tree and Shrub Sizes | |
|--|--|
| Type | Minimum Size |
| Canopy Shade (Deciduous) Tree | 2.5" caliper balled and burlapped or equivalent |
| Evergreen Tree | 6.0' height balled and burlapped or equivalent |
| Ornamental Tree | 1.5" caliper balled and burlapped or equivalent |
| Shrubs | 5 gallon or a size consistent with design intent |
| Note: Any tree or shrub plantings that are in addition to the minimum required by this Article are exempt from the foregoing size requirements. | |

17.7.8.3: Landscape Installation

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

17.7.8.4: Landscape Maintenance

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

- A. Trees and vegetation, irrigation systems, and other landscape elements shall be considered elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular and proper maintenance of all landscaping elements installed on the right-of-way, or on private property from the back of curb of the street to keep them in good and healthy condition.
- B. All landscaping shall be maintained free from disease, pests, weeds, litter and all landscape structures shall be repaired and replaced as necessary to maintain a structurally sound condition.
- C. Any required element that fails, dies, or is otherwise damaged or removed, shall be replaced within 30 days, or by May 31st of the next calendar year, if it is found dead during the winter months.
- D. Landscape and utility plans shall be coordinated to provide ease of future maintenance and to prevent conflicts between tree and shrub plantings and utilities. Tree/utility separations shall not be used as a means of avoiding the planting of required street trees.

17.7.8.5: Landscape Replacement

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

- A. Healthy, mature trees that are removed shall be replaced with not less than one or more than six replacement trees sufficient to mitigate the loss of value of the removed tree.
- B. The applicant shall select either the City Forester or a qualified landscape appraiser to determine such loss based upon an appraisal of the removed tree, using the most recent published methods established by the Council of Tree and Landscape Appraisers.
- C. When the development causes any disturbance within any natural area on a property, replacement shall occur as required in this Section.

17.7.8.6: Existing Tree Preservation

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

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

17.7.8.7: Street Tree Placement

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

- A. One deciduous street tree shall be provided for every 35 lineal feet of street frontage, excluding lineal frontage required for site access. Street trees shall be evenly spaced at 35 feet on center.
- B. Wherever the sidewalk is attached to the street, canopy shade trees shall be established in an area ranging from 4 to 8 feet behind the sidewalk.
- C. Wherever the sidewalk is attached to the street and is 9 feet or more in width, canopy shade trees shall be established in planting cutout areas that are a minimum of 4 feet in width and 8 feet in length.
- D. The Director shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees.
- E. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. A tree canopy may project over a right-of-way or easement.
- F. Ornamental trees may be planted in substitution of the canopy shade trees where overhead lines and fixtures prevent normal growth and maturity.
- G. Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of 8 feet at maturity.

17.7.8.8: Front Lot Landscaping

In addition to the general landscape standards, this Section establishes the standards for landscaping that is provided in the area behind the sidewalk along public streets. All landscape areas in the front lot area shall meet the following minimum requirements.

- A. Front lot landscape areas shall be provided along public street frontages. The dimensional and design standards for front lot landscaping are provided in Table 17.7.6 and Figure 17.7.16.

| Table 17.7.6: Front Lot Landscaping Area Requirements | | | | | |
|--|----------------------|------------------------------|-------------------------------|---|---|
| Regulation | R-MF District | C-R and L-I Districts | Zone District Contexts | | |
| | | | Suburban | Urban | Transit |
| Front Lot Landscape Depth - Measured from Back of Walk | 10 to 20 feet | 5 to 15 feet | 5 to 15 feet | None | None |
| Average Front Lot Landscape Depth - Measured from Back of Walk | 15 feet | 10 feet | 10 feet | None | None |
| Front Lot Tree Placement (See Figure 17.7.17) | Formal or Informal | Formal or Informal | Formal or Informal | Formal - Where landscaping is provided. | Formal - Where landscaping is provided. |

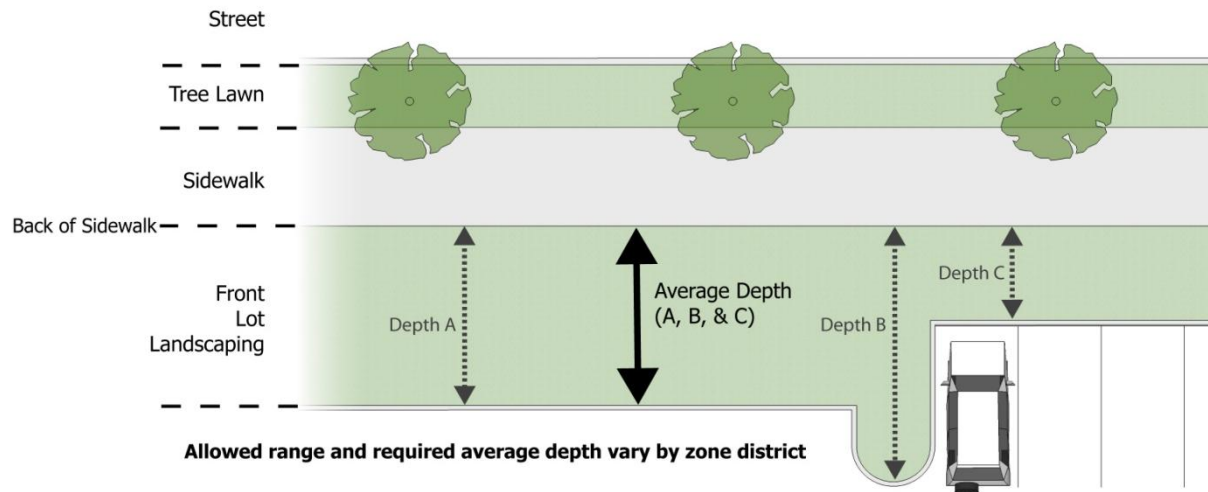


Figure 17.7.16: Front Lot Landscaping Area

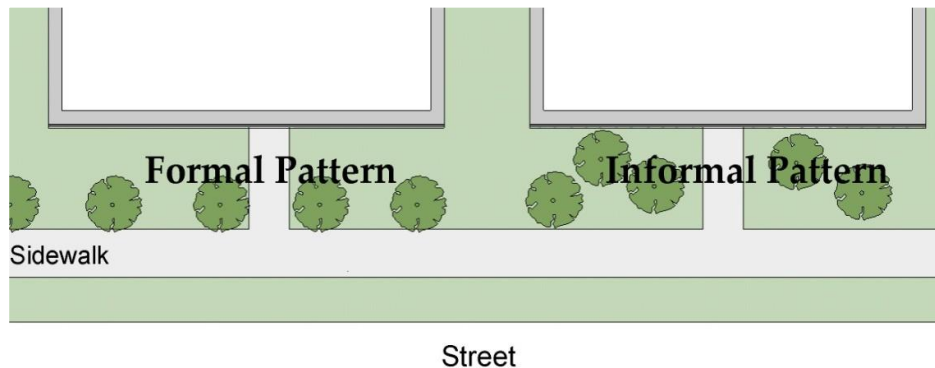


Figure 17.7.17: Formal and Informal Front Lot Landscape Placement

- B. The plantings for front lot landscaping shall be provided as follows:
 - 1. One tree per 75 lineal feet of street frontage along arterial streets.
 - 2. One tree and three shrubs per 100 lineal feet of street frontage along non-arterial public streets.

17.7.8.9: Rear and Side Lot Landscaping

In addition to the general landscape standards, this Section establishes the standards for landscaping that is provided in side and rear yards. All landscape areas in the rear and side yard shall meet the following minimum requirements:

- A. Side and rear lot lines shall have a minimum landscape depth of 5 feet, except where a building is located at a zero setback.
- B. One ornamental tree shall be provided every 20 lineal feet or one shade tree shall be provided every 35 lineal feet.
- C. Four shrubs shall be provided for every 20 lineal feet
- D. A ground cover shall be placed over the entire landscaped area.
- E. Whenever a multifamily, mixed-use, commercial or light industrial zone district directly abuts a single-family or two-family residential zone district, one of the following transition options shall be installed in lieu of the general side and rear lot landscaping requirements (See Figure 17.7.18):
 - 1. Option A: A landscaped area with a width of 30 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:
 - a. Four and one-half trees, and
 - b. Twenty shrubs.
 - 2. Option B: A landscaped area with a width of 20 feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:
 - a. Six trees, and
 - b. Twenty four shrubs.

3. Option C: A landscaped area with a width of 10 feet shall be provided along the property line. Adjacent to the property line a 6-foot tall solid fence with brick or stone columns placed every 16 feet, or a 6-foot tall brick or stone or comparable level of quality wall shall be installed. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per 100 lineal feet of adjacency:
 - a. Three trees, and
 - b. Ten shrubs.
4. Option D: A 6-foot tall brick or stone or comparable level of quality wall may be installed in-lieu of landscaping for sites containing 25 or fewer parking spaces.

17.7.9: Fence and Wall Design Standards

17.7.9.1: General Standards

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

- A. No fence, wall, trellis, pergola or arbor shall be erected without a building permit unless these structures are less than 8 feet long and 6 feet high.
- B. Retaining walls greater than 3 feet in height require a building permit and must satisfy all engineering design requirements.
- C. A temporary fence permit may be issued in conjunction with an active building permit. A temporary fence permit may be granted for a one-year renewable period. All temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.
- D. Walls, when applicable, shall be constructed using the same or similar materials as the main building.
- E. Fences and walls shall be installed so that a finished side faces a public street or public space.

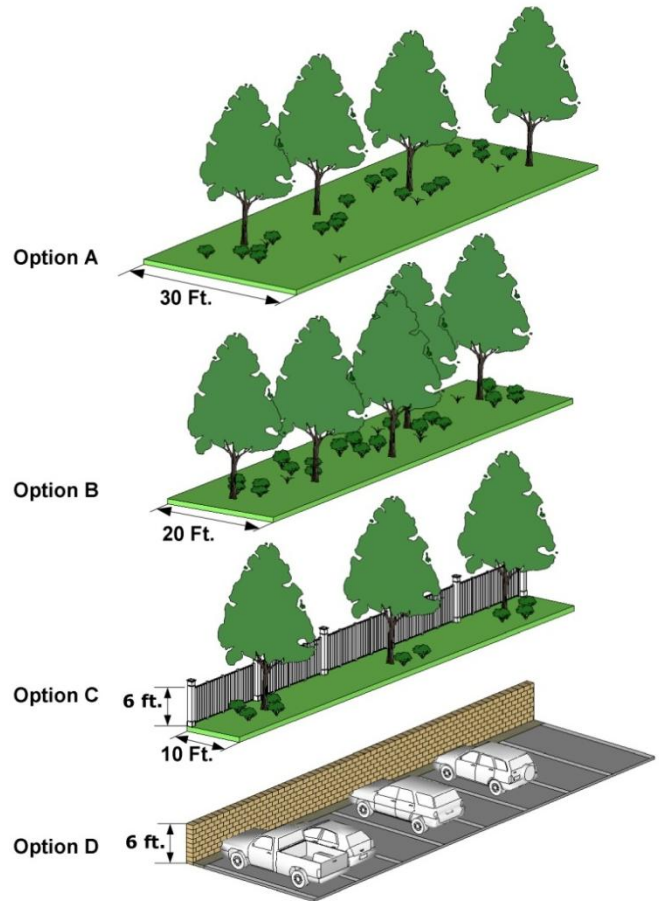


Figure 17.7.18: Side and Rear Transition Areas

- F. Fences and walls shall follow the contour of the ground as far as practicable. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- G. Permanent fencing and walls shall not be erected which restricts access by emergency equipment to any building.
- H. Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and/or protruding pickets, missing sections of fence, sagging or leaning pickets and supports, extending into a traveled sidewalk or creating a hazard for a pedestrian or motor vehicle.
- I. Solid fencing or wall sections along a street totaling more than 200 linear feet shall include architectural features, such as masonry, brick or wood-framed columns for every 50 feet of length. The minimum separation between those features shall be no less than 10 feet.
- J. Approved columns or posts may exceed the height of the fence by 1 foot and must meet all setback requirements.

17.7.9.2: Fence and Wall Height

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

- A. Table 17.7.7 identifies the permitted location, type of fence, maximum height and minimum setback for fences (See Figure 17.7.20).
- B. All fence, wall and structure heights shall be measured from the lowest finished grade at the location of the fence, wall or structure.
- C. An entry feature or entry trellis may exceed the 6 foot height standard in 17.7.9.2(A) by up to 4 feet for a maximum height of 10 feet and the entry feature or entry trellis may be a maximum width of 10 feet.
- D. Solid fences and walls may be erected to a height of 8 feet to separate a property from an arterial street or a frontage road adjacent to US 6 and US 285 highways. The Director shall consider the aesthetic, visual, and noise reduction characteristics of the fence or wall.
- E. A combination fence and retaining wall may be erected to a height of 6 feet above the highest finished grade or 8 feet above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed 6 feet above the highest finished grade at any point (See Figure 17.7.19).
- F. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed by this Section.

| Table 17.7.7: Fence and Wall Standards | | | | |
|---|--|---|-----------------------|--|
| LAND USE | PERMITTED LOCATION | TYPE OF FENCE PERMITTED | MAXIMUM HEIGHT | MINIMUM SETBACK |
| Mixed Use, Office and Commercial | Side, rear and non-primary front yards | Open, solid | 6' | Property line and 2' back of walk |
| | Front yard or build to zone | Open, solid (Director discretion) | 6' | Property line and 2' back of walk |
| Industrial | Side and rear yards | Solid | 7' | Property line and 2' back of walk |
| | Side and rear yards | Barbed Wire | 7', but not below 6' | Property line and 2' back of walk |
| | Front and non-primary front yard or build to zone | Open, solid (at the discretion of the Director) | 7' | Property line and 2' back of walk |
| Public Utility Installations | Front, side and rear yards or build to zone | Open, Solid | 7' | |
| | Side and rear yards | Barbed Wire | 7', but not below 6' | |
| Recreational Facilities | Side and rear yards | Open | 10' | 15' from property line and 2' back of walk |
| Noise Control Walls and Fences | Rear and non-primary front yards adjacent to arterial streets; Any yard adjacent to frontage roads on US 6 and US 285 | Solid masonry or wood with pickets on both sides of the horizontal boards. Pickets must be a minimum of 3/4 inch thick and staggered from the opposite pickets. | 8' | |

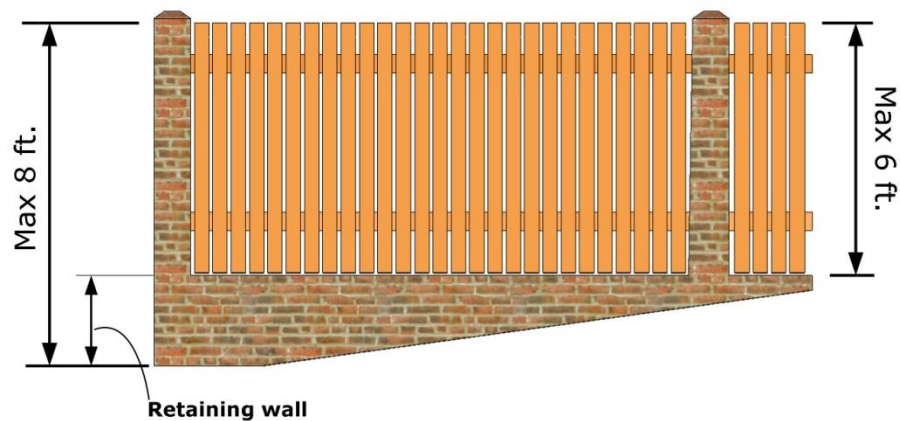


Figure 17.7.19: Fence Wall Combination

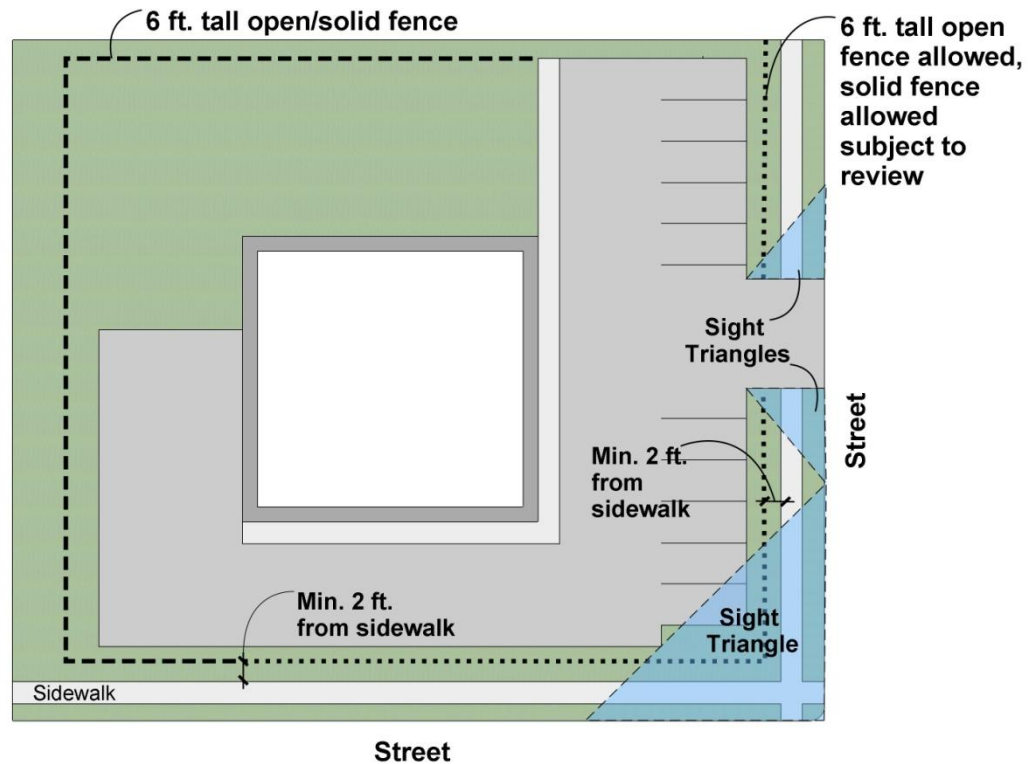


Figure 17.7.20: Commercial Fence Setbacks and Height Restrictions

17.7.9.3: Fence and Wall Placement

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

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

- F. A 4 foot fence that is a minimum of 50 percent open may be permitted within a sight triangle with review and approval of the City of Lakewood Traffic Engineering Division (See Figure 17.7.21).
- G. Where a corner lot is permitted to have a solid fence along a non-primary front property line that coincides with an adjacent property's primary front yard, no fence will be permitted that creates a hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walkway.



Figure 17.7.21: Fifty-percent Open Fence

17.7.9.4: Fence and Wall Materials

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

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

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

17.7.10: Exterior Lighting Standards

17.7.10.1: General Standards

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

- A. Unless specifically excluded by this Zoning Ordinance, any building or structure, including any accessory building or structure, shall conform to the lighting requirements for the applicable zone district as set forth in this Zoning Ordinance.
- B. All light fixtures shall be fully shielded and direct light downward toward the earth's surface (See Figure 17.7.22).
- C. All lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way.
- D. All lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way.
- E. All light fixtures on structures, canopies, poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.
- F. Lighting under awnings and canopies shall primarily illuminate a building front, landscaping, a sign under an awning or canopy, or the sidewalk, and not directly illuminate the awning or canopy itself.
- G. Light pole height shall not exceed 25 feet in height except in industrial zones districts where light pole height shall not exceed 35 feet.
- H. Light poles shall be measured from the base of the light pole at ground level to the top of the light fixture.
- I. Light poles adjacent to single-family and two-family uses shall be setback from the property line the same distance as the pole height or if fully shield a minimum of 5 feet.
- J. All parking area light fixtures shall be designed and located to confine emitted light to the parking area.

K. Light meter readings shall not exceed:

1. One-half foot-candles at a single-family or two-family residential property line; or
2. One foot-candle at a multifamily residential property line; or
3. Two foot-candles at all other non-residential property lines.

It should be understood that, with all of these measurements, light will still be visible at or beyond property lines.

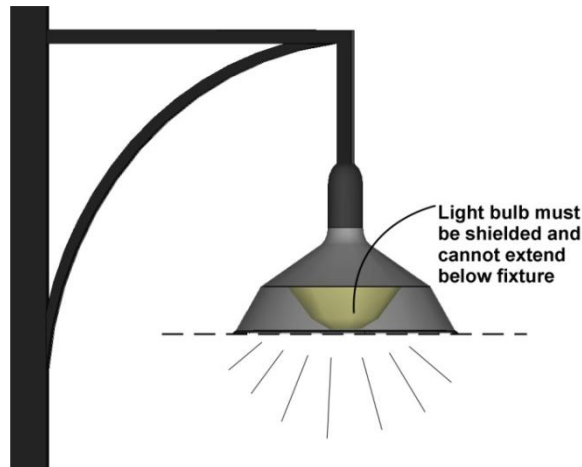


Figure 17.7.22: Lighting – Downcast and Shielded

17.7.10.2: Exceptions

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

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

17.7.10.3: Prohibitions

The following lighting sources are prohibited:

Lakewood Zoning Ordinance - Adopted December 10, 2012

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

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ARTICLE 8: PARKING AND LOADING STANDARDS

17.8.1: General

17.8.1.1: Purpose and Intent

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

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

17.8.1.2: Applicability

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

Additions or new construction shall follow the site plan process outlined in Article 2 of this Zoning Ordinance.

17.8.1.3: Design and Development Manuals

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

17.8.2: Parking Standards

The minimum and maximum off-street vehicle and bicycle parking standards identified in Table 17.8.1 shall apply to all new development and redevelopment.

For building or site expansions refer to the standards in Section 17.12.6.

Parking standards that are based on building square footage, outdoor recreational field square footage, and/or outdoor entertainment area shall be calculated on the gross floor area of a building, field or entertainment area.

| Table 17.8.1: Parking Standards | | | | | | |
|---------------------------------|--------------------------------------|---|--------------------------------------|--------------------------------------|-------------------------------------|-------------------------------------|
| Land Use | Vehicle Parking | | | | Bicycle Parking | |
| | Minimum | Maximum | | | Long-Term | Short-Term |
| | All Districts | Residential, Commercial, Light Industrial and Suburban Context | Urban Context | Transit Context | All Districts | All Districts |
| NA - Not Applicable | | NP - Not Permitted | | NM - No Maximum | | |
| Residential | | | | | | |
| Dwelling Unit | | | | | | |
| Single-Family | 1 space per unit | 7 spaces per unit | NA | NA | NA | NA |
| Two-Family | 1 space per unit | 4 spaces per unit | NA | NA | NA | NA |
| Mobile Home | 1 space per unit | 2 spaces per unit | NA | NA | NA | NA |
| Multifamily | 1 space per unit | 3 spaces per unit | 2 spaces per unit | 1 space per unit | 1 space per 5 units | 1 space per 10 units |
| Accessory | 1 space per unit | 2 spaces per unit | 2 spaces per unit | 2 spaces per unit | NA | NA |
| Live/Work | 2 spaces per unit | 3 spaces per unit | 2.5 spaces per unit | 2.5 spaces per unit | NA | NA |
| Group Home | | | | | | |
| 1 – 8 client residents | 2 spaces per unit | 5 spaces per unit | 4 spaces per unit | 3 spaces per unit | NA | NA |
| 9 – 12 client residents | 2 spaces per unit | 5 spaces per unit | 4 spaces per unit | 3 spaces per unit | NA | NA |
| Group Residential Facility | 0.50 spaces per bedroom | 2.0 spaces per bedroom | 1.5 spaces per bedroom | 1.0 space per bedroom | 1 space per 10 bedrooms | 1 space per 20 bedrooms |
| Shelter | 0.25 spaces per 1,000 square feet | 1.5 space per 1,000 square feet | 0.75 spaces per 1,000 square feet | 0.50 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Commercial | | | | | | |
| Adult Business | 1 space per 1,000 square feet | 3 space per 1,000 square feet | 2.5 spaces per 1,000 square feet | 2.0 space per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 5,000 square feet |

| Table 17.8.1: Parking Standards | | | | | | |
|--|-----------------------------------|---|-----------------------------------|-------------------------------------|-------------------------------|-------------------------------|
| Land Use | Vehicle Parking | | | | Bicycle Parking | |
| | Minimum | Maximum | | | Long-Term | Short-Term |
| | All Districts | Residential, Commercial, Light Industrial and Suburban Context | Urban Context | Transit Context | All Districts | All Districts |
| NA - Not Applicable | | NP - Not Permitted | | NM - No Maximum | | |
| Animal Care | | | | | | |
| Indoor | 2 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3.5 space per 1,000 square feet | 3 spaces per unit | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Outdoor | 2 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3.5 spaces per 1,000 square feet | 3 spaces per unit | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Bar | 2 spaces per 1,000 square feet | 6 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | NA | 1 space per 5,000 square feet |
| Bed and Breakfast | 2 spaces plus 1 space per bedroom | 4 spaces plus 1 space per bedroom | 3 spaces plus 1 space per bedroom | 2.5 spaces plus 1 space per bedroom | NA | NA |
| Cemetery | NA | NA | NP | NP | NA | NA |
| Club, Lodge, or Service Organization | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Contractor Shop | 1 space per 1,000 square feet | 3 spaces per 1,000 square feet | NP | NP | 1 space per 2,500 square feet | NA |
| Crematory | 1 space per 1,000 square feet | 3 spaces per 1,000 square feet | NA | NA | NA | NA |
| Day Care Facility, Adult and Child | 2 spaces per 1,000 square feet | 4 space per 1,000 square feet | 3 space per 1,000 square feet | 2.5 space per 1,000 square feet | 1 space per 1,000 square feet | 1 space per 5,000 square feet |
| Emergency Medical Facility | 1 space per 1,000 square feet | 4 space per 1,000 square feet | 3 space per 1,000 square feet | 2 spaces per 1,000 square feet | 1 space per 2,000 square feet | 1 space per 5,000 square feet |

| Table 17.8.1: Parking Standards | | | | | | |
|--|-------------------------------------|---|-----------------------------------|-----------------------------------|-------------------------------------|--------------------------------------|
| Land Use | Vehicle Parking | | | | Bicycle Parking | |
| | Minimum | Maximum | | | Long-Term | Short-Term |
| | All Districts | Residential, Commercial, Light Industrial and Suburban Context | Urban Context | Transit Context | All Districts | All Districts |
| NA - Not Applicable | | NP - Not Permitted | | NM - No Maximum | | |
| Entertainment Facility | | | | | | |
| Indoor | 2.5 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 5,000 square feet | 1 space per 1,000 square feet |
| Outdoor | 2 space per 1,000 square feet | 6 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | NA | 1 space per 5,000 square feet |
| Fitness or Athletic Facility, Private | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 1,000 square feet |
| Gallery or Studio | 1 space per 1,000 | 4 per spaces 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 space per 5,000 square feet | 1 space per 5,000 square feet |
| Golf Course | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 5,000 square feet | 1 space per 5,000 square feet |
| Hotel | 1 per 1,000 square feet | 4 per 1,000 square feet | 3 per 1,000 square feet | 2 per 1,000 square feet | 1 per 5,000 square feet | 1 space per 10,000 square feet |
| Junkyard or Motor Vehicle Wrecking | 0.25 per 1,000 square feet | 2 per 1,000 square feet | NP | NP | NP | 1 space per 10,000 square feet |
| Manufacturing | | | | | | |
| Light | 1 per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 per 2,500 square feet | NA |
| Heavy | 1 per 1,000 square feet | 4 spaces per 1,000 square feet | NP | NP | 1 per 2,500 square feet | NA |

| Table 17.8.1: Parking Standards | | | | | | |
|--|--------------------------------|---|----------------------------------|--------------------------------|-------------------------------|--------------------------------|
| Land Use | Vehicle Parking | | | | Bicycle Parking | |
| | Minimum | Maximum | | | Long-Term | Short-Term |
| | All Districts | Residential, Commercial, Light Industrial and Suburban Context | Urban Context | Transit Context | All Districts | All Districts |
| NA - Not Applicable | | NP - Not Permitted | | NM - No Maximum | | |
| Medical Marijuana Business | 1.5 per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 5,000 square feet |
| Micro-Brew Restaurant | 3 spaces per 1,000 square feet | 8 spaces per 1,000 square feet | 6 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 1 space per 2,000 square feet | 1 space per 2,000 square feet |
| Mini-Warehouse or Storage | 0.25 per 1,000 square feet | 2 per 1,000 square feet | NP | NP | 1 per 5,000 square feet | 1 space per 10,000 square feet |
| Mortuary | 1 per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 5,000 square feet |
| Motel | 1 per 1,000 square feet | 4 per 1,000 square feet | NP | NP | 1 per 5,000 square feet | 1 space per 10,000 square feet |
| Motor Vehicle Rental or Leasing | 1 per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 5,000 square feet |
| Motor Vehicle Sales | | | | | | |
| Indoor Display | 0.25 per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 5,000 square feet |
| Outdoor Display and Storage | 0.25 per 1,000 square feet | 3 spaces per 1,000 square feet | 2.5 spaces per 1,000 square feet | NP | 1 per 2,500 square feet | 1 space per 5,000 square feet |

| Table 17.8.1: Parking Standards | | | | | | |
|--|--------------------------------|---|--------------------------------|----------------------------------|-------------------------------|--------------------------------|
| Land Use | Vehicle Parking | | | | Bicycle Parking | |
| | Minimum | Maximum | | | Long-Term | Short-Term |
| | All Districts | Residential, Commercial, Light Industrial and Suburban Context | Urban Context | Transit Context | All Districts | All Districts |
| NA - Not Applicable | | NP - Not Permitted | | NM - No Maximum | | |
| Motor Vehicle Service | | | | | | |
| Fueling Station | 0.25 per 1,000 square feet | 3 spaces per 1,000 square feet | 1 spaces per 1,000 square feet | 1 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 5,000 square feet |
| Major | 0.25 per 1,000 square feet | 3 spaces per 1,000 square feet | 1 spaces per 1,000 square feet | 1 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 5,000 square feet |
| Minor | 0.25 per 1,000 square feet | 4 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 5,000 square feet |
| Office | 2 per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2.5 spaces per 1,000 square feet | 1 per 2,000 square feet | 1 space per 5,000 square feet |
| Parking Structure, Free-Standing | NA | NM | NM | NM | NA | 1 space per 5,000 square feet |
| Pawnbroker | 1 per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 2,000 square feet |
| Personal Service | 1 per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 per 2,500 square feet | 1 space per 2,000 square feet |
| Plant Nursery | 1 space per 2,500 square feet | 4 spaces per 1,000 square feet | NP | NP | 1 space per 5,000 square feet | 1 space per 10,000 square feet |
| Restaurant | 3 spaces per 1,000 square feet | 8 spaces per 1,000 square feet | 6 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 1 space per 2,000 square feet | 1 space per 2,000 square feet |

| Table 17.8.1: Parking Standards | | | | | | |
|---|-----------------------------------|---|--------------------------------|--------------------------------|-------------------------------|-------------------------------|
| Land Use | Vehicle Parking | | | | Bicycle Parking | |
| | Minimum | Maximum | | | Long-Term | Short-Term |
| | All Districts | Residential, Commercial, Light Industrial and Suburban Context | Urban Context | Transit Context | All Districts | All Districts |
| NA - Not Applicable | | NP - Not Permitted | | NM - No Maximum | | |
| Retail | 3 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 2,000 square feet |
| With Outdoor Storage | 1 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 2,000 square feet |
| Rental, Service, or Repair of Large Items | 1 space per 1,000 square feet | 5 spaces per 1,000 square feet | NP | NP | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Storage, Outdoor | 0.25 spaces per 1,000 square feet | 2 spaces per 1,000 square feet | NP | NP | NA | NA |
| Vehicle Dispatch Facility | 0.50 spaces per 1,000 square feet | 1.5 spaces per 1,000 square feet | 1 spaces per 1,000 square feet | 1 space per 1,000 square feet | 1 space per 5,000 square feet | NA |
| Warehouse or Distribution | 0.25 spaces per 1,000 square feet | 1 space per 1,000 square feet | NP | NP | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Public / Civic / Institutional | | | | | | |
| Community Building | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Convention or Exposition Center | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 1,000 square feet | 1 space per 5,000 square feet |

| Table 17.8.1: Parking Standards | | | | | | |
|--|--------------------------------|---|--------------------------------|--------------------------------|-------------------------------|--------------------------------|
| Land Use | Vehicle Parking | | | | Bicycle Parking | |
| | Minimum | Maximum | | | Long-Term | Short-Term |
| | All Districts | Residential, Commercial, Light Industrial and Suburban Context | Urban Context | Transit Context | All Districts | All Districts |
| NA - Not Applicable | | NP - Not Permitted | | NM - No Maximum | | |
| Correctional Institution | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 5,000 square feet |
| Hospital | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 5,000 square feet | 1 space per 10,000 square feet |
| Park and Open Space | NA | NA | NA | NA | NA | NA |
| Religious Institution | 2 spaces per 1,000 square feet | 8 spaces per 1,000 square feet | 7 spaces per 1,000 square feet | 6 spaces per 1,000 square feet | 1 space per 2,000 square feet | NA |
| School, Public or Private | 2 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 2,000 square feet | 1 space per 1,000 square feet |
| School, Vocational or Trade | 2 space per 1,000 square feet | 6 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 1 space per 2,000 square feet | 1 space per 1,000 square feet |
| Solar Garden | NA | NA | NA | NA | NA | NA |
| Transportation Facility, Public | NA | NA | NA | NA | NA | NA |
| University or College | 1 spaces per 1,000 square feet | 5 spaces per 1,000 square feet | 4 spaces per 1,000 square feet | 3 spaces per 1,000 square feet | 1 space per 2,500 square feet | 1 space per 1,000 square feet |
| Utility Facility | | | | | | |
| Major | NA | NA | NA | NA | NA | NA |
| Minor | NA | NA | NA | NA | NA | NA |

17.8.3: Bicycle Parking

17.8.3.1: General Standards

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

- A. Bicycle parking shall be designed so that bicycles may be securely locked and safeguarded from intentional or accidental damage.
- B. Each required bicycle parking space shall be accessible without moving another bicycle.
- C. There shall be an aisle at least 5 feet behind all bicycle parking areas to allow room for bicycle maneuvering.
- D. Short-term bicycle parking shall be provided in lockers or racks that meet the standards of this Article.
- E. Short-term bicycle parking spaces shall be located within 50 feet of the main entrance to the building. With the permission of the City, bicycle parking may be located in the public right of way. Where there is more than one main entrance to a building, short-term spaces should be split between building entrances.

17.8.3.2: Long-term Bicycle Parking

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

- A. Long-term bicycle parking is not required on a site when:
 - 1. Non-residential gross building area is less than 5,000 square feet or there are fewer than ten residential units.
 - 2. Dwelling units provide comparable bicycle storage space within the unit.
- B. Long-term bicycle parking shall be located on the site or in an area within 250 feet of the building.
 - 1. Covered bicycle parking may be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. When covered bicycle parking is not located within a building or locker, the cover shall be:
 - a. Designed to protect bicycles from precipitation.
 - b. High enough to provide at least 10 feet of clearance above the floor or ground.

- c. Posted with a sign indicating the location of the bicycle parking when not directly visible at a transit facility or main building entrance.
- 2. To provide security, long-term bicycle parking shall be in at least one of the following locations:
 - a. In a locked room;
 - b. In an area that is enclosed by a fence with a locked gate;
 - c. Within view of an attendant or security guard;
 - d. Within 100 feet of an attendant or security guard;
 - e. In an area that is monitored by a security camera; or
 - f. In an area that is visible from employee work areas.

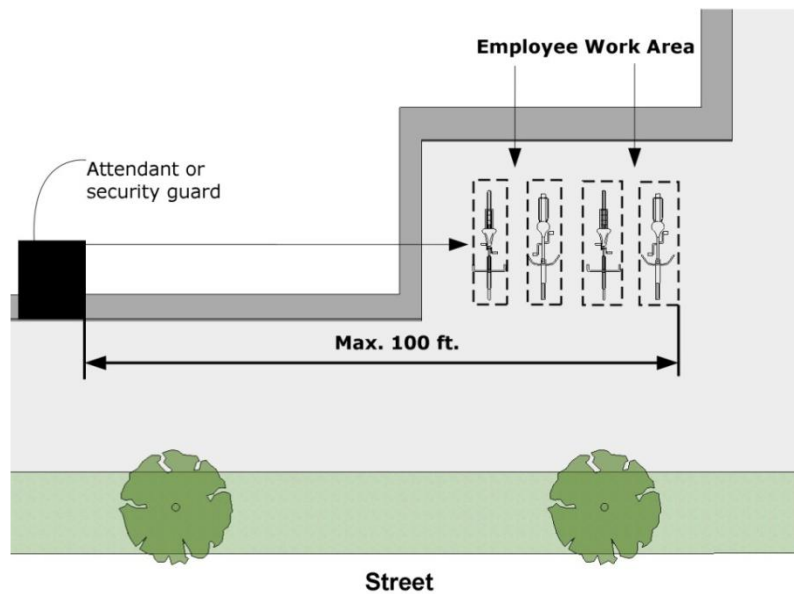


Figure 17.8.1: Long-term Bicycle Parking

17.8.4: Multifamily, Mixed-Use, Commercial, and Light Industrial Parking and Loading Standards

17.8.4.1: General Standards

- A. Provision of parking spaces within an integrated parking and access system is required. The total number of spaces provided shall be the sum total of the individual standards. Mixed developments, shopping centers, and industrial or office parks, shall be evaluated on individual uses, however shared parking agreements, and the relationship between specific uses shall be used to determine parking standards. Off-street parking standards are indicated in Tables 17.8.1.

- B. When measurements of the number of required spaces result in a fractional number, any fraction of one-half or less will be rounded down to the next lower whole number and any fraction of more than one-half will be rounded up to the next higher whole number.
- C. Unless specified elsewhere in this Article, parking spaces provided within a parking structure shall not be counted towards the maximum parking requirement.
- D. On-site parking shall be maintained in good condition free of weeds, dust, trash and debris, and major surfacing defects.
- E. No person shall construct, pave or repave a parking lot without first obtaining a building permit. Newly paved and repaved parking lots shall comply with Americans with Disabilities Act Parking Standards.

17.8.4.2: Parking Substitutions and Reductions

- A. Motorcycle and scooter parking spaces may substitute for up to five percent of the required vehicle parking requirement.
- B. For every four motorcycle and scooter spaces provided, the vehicle parking requirement is reduced by one space.
- C. Each motorcycle and scooter space must be at least 4 feet wide and 8 feet deep. Existing parking may be converted to take advantage of this standard.
- D. At the discretion of the Director, on-street parking available along the portion of a public or private street abutting the use may be counted toward the minimum number of parking spaces required.
- E. The parking requirements may be met on-site or off-site at a distance of up to 600 feet from the use provided that a shared parking agreement is obtained prior to approval of the site plan or tenant improvement permit.
- F. The minimum parking count in Table 17.8.2 is used to determine the parking count for each individual land use for a development application. The minimum number of parking spaces required may be reduced by the percentage indicated for each column of the five time periods in the parking reduction schedule as shown below in Table 17.8.2.

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

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

17.8.4.3: Americans with Disabilities Act Parking Standards

All places of public accommodation must comply with the Department of Justice published revised regulations for Titles II and III of the Americans with Disabilities Act (ADA). Table 17.8.3 shall illustrate the minimum number of required ADA accessible spaces unless modified by 42 U.S.C.S. 12101, et. seq.

Table 17.8.3: ADA Parking

| Total Parking Spaces | Minimum Number of ADA Accessible Spaces |
|-----------------------------|--|
| 1 to 25 | 1 (must be van accessible) |
| 26 to 50 | 2 (1 must be van accessible) |
| 51 to 75 | 3 (1 must be van accessible) |
| 76 to 100 | 4 (1 must be van accessible) |
| 101 to 150 | 5 (1 must be van accessible) |
| 151 to 200 | 6 (1 must be van accessible) |
| 201 to 300 | 7 (1 must be van accessible) |
| 301 to 400 | 8 (1 must be van accessible) |
| 401 to 500 | 9 (2 must be van accessible) |
| 501 to 1,000 | 2 percent of total (1 out of 8 must be van accessible) |
| 1001 and over | 20 plus 1 for each 100 over 1000 (same as above) |

17.8.4.4: Loading Space Standards

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

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

17.8.4.5: Vehicle Stacking

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

- A. Adequate space must be provided for on-site stacking, storage and queuing of vehicles.
- B. The required stacking distance for the site may be distributed between access points serving the site, provided a minimum stacking of 20 feet is provided at all access points.
- C. Stacking spaces must be a minimum of 8 feet in width and 20 feet in length.
- D. Vehicles using drive-thru facilities shall not encroach on or interfere with the on-site or off-site use of streets, and sidewalks by vehicles and pedestrians.
- E. Stacking spaces for internal drive-through services shall be measured from the point of service and within a designated drive aisle (See Figure 17.8.2). Stacking spaces are shown in Table 17.8.4.

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

- F. Stacking distances for individual parking lots are indicated in Table 17.8.5 (See Figure 17.8.3).

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

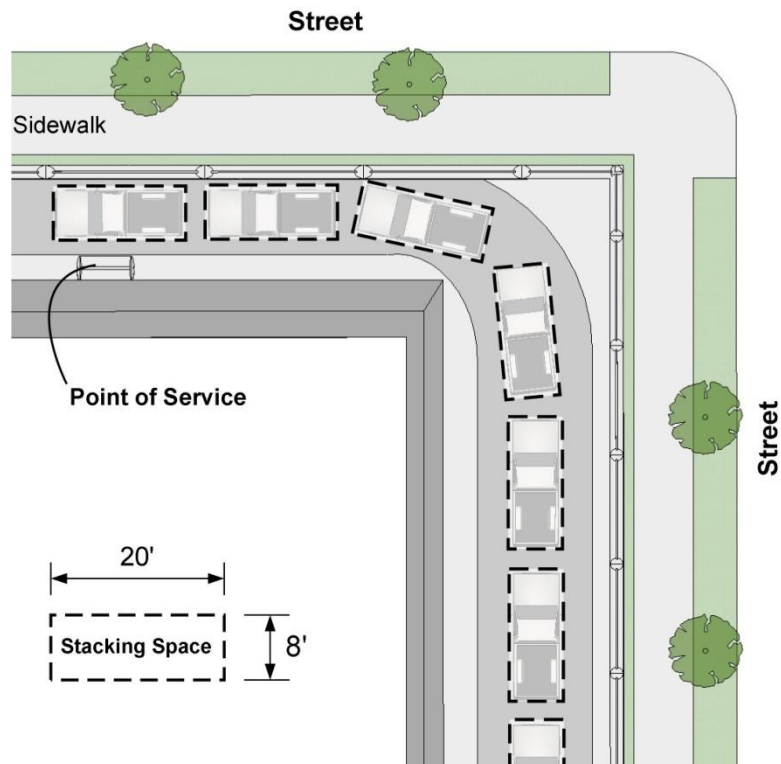


Figure 17.8.2: Drive -Through Stacking Spaces

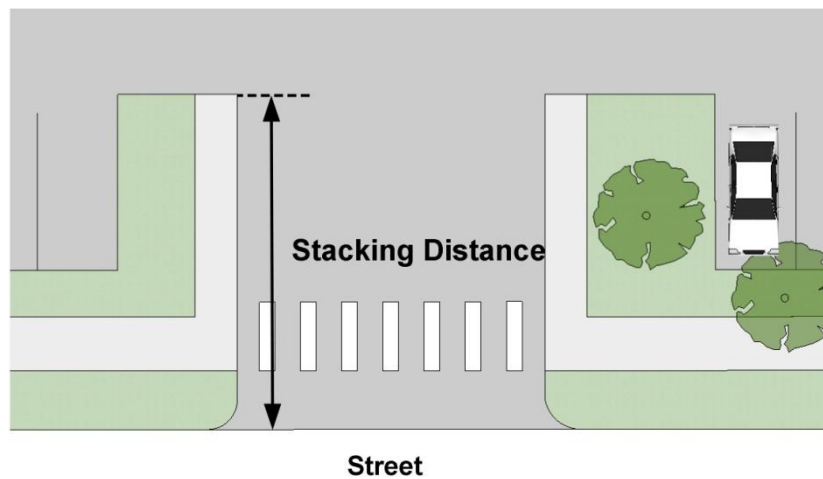


Figure 17.8.3: Stacking Distance

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ARTICLE 9: SIGN STANDARDS

17.9.1: General

17.9.1.1: Purpose and Intent

This Article establishes the standards for the design, location, installation and maintenance of signs on private property. Signs are an important means of visual communication for organizations and businesses for location identification and way-finding. The intent of this Article is to provide standards that result in a reasonable balance between the right of an individual to identify a business or activity location and the right of the public to be protected from the visual discord that results from the unrestricted proliferation of signs. Regulations contained in this Article are a result of consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area and the entire community.

The purpose of these sign standards is to:

- A. Protect the public from hazardous conditions which result from structurally unsafe signage;
- B. Ensure that signage does not obscure or distract the vision of motorists, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a severe traffic hazard;
- C. Protect the public from profuse signage which distracts rather than facilitates identification of businesses and other land uses;
- D. Provide appropriate identification in pedestrian-oriented areas as well as in vehicular-oriented areas, and
- E. Provide a process for large commercial developments to propose signage that complements and is compatible with the site design and architecture; and
- F. Generally ensure that signage is appropriate to a particular use and location so that the cumulative effect is an attractive City environment, thereby reinforcing community values.

17.9.1.2: Applicability

This Article shall govern and control the design, location, alteration, installation and maintenance of all signs permitted within all zone districts established by this Zoning Ordinance and any amendments thereto except where explicitly superseded by an approved official development plan or as identified in this Article.

17.9.1.3: Severability

If any standard of this Zoning Ordinance regulating signs is declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining standards of this Zoning Ordinance regulating signs and all of such standards shall remain in full force and effect.

17.9.1.4: Prohibited Signs

This Section identifies signage and devices that are determined to be a nuisance by the City and are prohibited in all zone districts. The City shall require the removal of any sign which is determined to be prohibited.

- A. Pennants, streamers, lighter-than-air objects, and wind signs.
- B. Signs with light bulbs that have intermittent, flashing, rotating, scintillating, blinking or strobe illumination.
- C. Off-premises advertising, except as provided for in Section 17.9.6.
- D. Roof signs.
- E. Search lights.
- F. Signs painted on fences.
- G. Portable signs, except as provided for in Section 17.9.2.3.C.
- H. Signs which are located on, or projecting over the public right-of-way, that are not considered a public sign, bus bench sign or transit shelter sign as described in this Article, unless specifically approved by the City.
- I. Signs painted on, or attached to, a licensed or unlicensed motor vehicle and parked adjacent to a public right-of-way and not driven off-site during any two day period shall be considered to be primarily functioning as a sign.
- J. Wheeled advertising devices, except for permanent signs on licensed, operable vehicles which are used daily for service and/or delivery purposes.

17.9.2: Types of Signs

17.9.2.1: Purpose and Intent

This Section identifies the types of signs allowed in the city. The Section is organized by signs that are exempt from the sign permit requirement and signs that require a sign permit. The Section also includes general standards for the signs. The specific standards by zone district on the number, size, height, location and illumination of signs are identified in Section 17.9.6.

17.9.2.2: Signs Exempt from the Sign Permit Process

The following types of signage are determined to have minimal impact on the public, do not create traffic, safety or other hazards, are temporary in nature, and constitute a unique medium and, therefore, are exempt from the sign permit process. The following signage may be erected as described below in all zone districts without a sign permit. This signage is in addition to other allowed signs.

A. Cornerstone Signs:

1. Cornerstone signs or tablets, giving the name of the building and date of erection, when cut into any masonry surface or attached or inlaid so as to be part of the building. Cornerstone signs shall not exceed 12 square feet.
2. Cornerstone signs greater than 12 square feet shall be considered wall signs and regulated according to this Article.

B. Directional Signs:

1. Directional signs for way-finding shall not exceed 6 square feet in size and 3 feet in height, and shall not contain advertising.
2. Directional signs that do not meet the standards listed above shall be considered monument signs and regulated according to this Article.

C. Election Signs:

1. Election signs shall be limited to wall, window, fence and freestanding signs and shall not exceed 8 square feet in size and 42 inches in height when freestanding or the height of the fence when located on a fence.
2. Election signs shall not extend outside the property line and shall not be in any public right-of-way.
3. Election signs shall not be a paper or cloth, except where banners are otherwise allowed as temporary signs.
4. Election signs shall be removed within five days after the election to which they relate.
5. Election signs that do not meet standards listed above are prohibited.

D. Flags:

1. Flags of nations, states or cities or an organization of nations, states or cities shall be allowed.
2. A maximum of three flagpoles shall be allowed per property.
3. Flagpoles shall not exceed 35 feet in height.

E. Holiday Signs and Lights:

1. Signs and lights in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday shall be allowed.
2. Holiday signs and lights shall not advertise or identify a product or a business.

3. Holiday signs and lights shall be located so as not to conflict with traffic regulatory devices.
4. Holiday signs shall comply with the size limitation of banners as identified in Section 17.9.6.
5. Within M, C, and LI districts, holiday signs and lights shall be removed within 10 days following the holiday.

F. Ideological Signs:

1. Signs expressing ideological views shall be limited to wall, window, freestanding and monument signs not to exceed 12 square feet and 42 inches in height.
2. Ideological signs shall not extend outside the property line and shall not be in any public right-of-way.
3. Ideological signs shall not be a paper or cloth banner.

G. Internal Signs:

1. Indoor signs located within buildings shall not be located closer than 12 inches from a window.
2. Signs not visible from a public right-of-way or any adjacent property.

H. Public Signs:

Public signs required or authorized for a public purpose by any law, statute or ordinance.

I. Real Estate Signs:

1. Real estate signs shall advertise only the sale or lease of real property.
2. Real estate signs shall be limited to one sign per street frontage.
3. Real estate signs on property within the R districts shall not exceed 6 square feet per face in size and 6 feet in height.
4. Real estate signs on property within the M, C, and LI districts shall not exceed 32 square feet in size if single sided or 16 square feet per face in size if double sided, and 8 feet in height.
5. Existing sign cabinets, monument or pole signs on property within the M, C and LI districts may contain temporary real estate signs. The signs shall not exceed 16 square feet per face.
6. Real estate signs shall be located a minimum of 2 feet from the back of the adjacent sidewalk and a minimum of 10 feet from any public right-of-way.

7. Real estate signs shall be removed from a property within three days of the sale of the property or the move in date for rental properties.

J. Scoreboards:

Scoreboards shall be located adjacent to athletic fields or courts.

K. Symbols:

1. Symbols or crests of national, state, religious, fraternal and civic organizations shall be allowed.
2. Symbols or crests shall not exceed 32 square feet.

L. Bus Bench, Transit Shelter and Other Similar Signs:

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

M. Window Signs:

1. Window sign(s) shall not exceed 25 percent of the area of first floor windows on which it is located.
2. Window signage is not allowed in windows above the first floor of the building.
3. Illumination directed at window signs shall not be allowed.

N. Works of Art, Architectural Features and Building Decoration:

1. Architectural features or building decoration which are integral to the design of a building or provide an artistic accent shall be allowed.

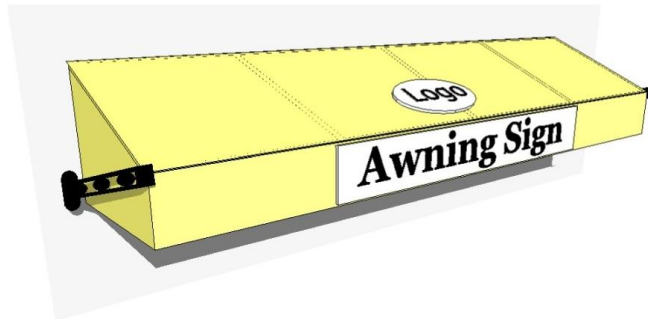
2. Works of art which in no way identify a business, business activity, or product are not considered a sign and shall be allowed. Works of art which contain text or logos that portray a commercial message suggestive of the on-site business shall be interpreted to constitute a sign, shall be counted toward the number and size of signs permitted for the premises and shall comply with building height limits and setback requirements applicable to the property on which they are located.

17.9.2.3: Signs Requiring a Sign Permit

A. Building Signs:

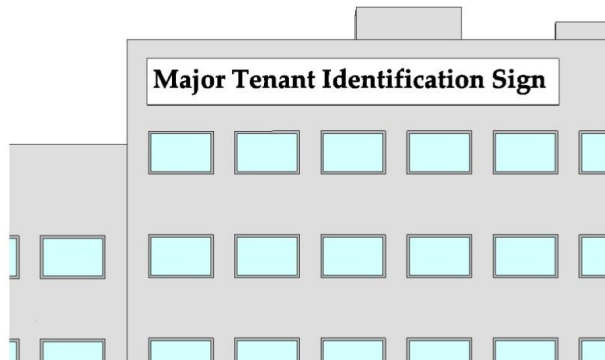
1. Awning Signs:

- a. Awning signs shall be parallel to the face of the awning upon which such signs are displayed.
- b. Awning signs shall not project above or below the vertical face of the awning and shall not occupy more than 50 percent of the width of the awning.
- c. Graphical logos shall be allowed on a maximum of 10 percent of the sloped awning panel area.



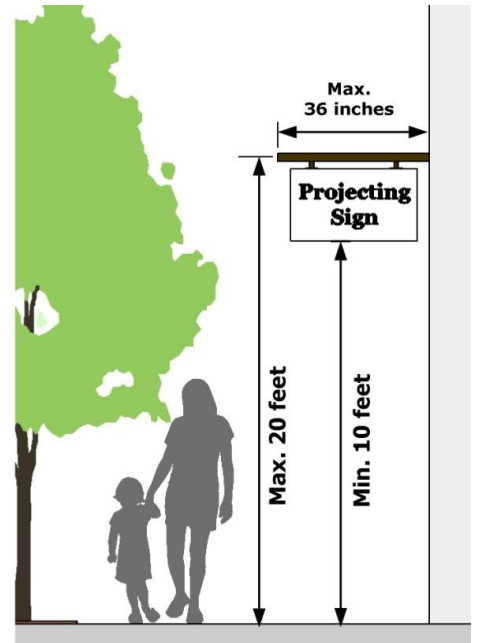
2. Major Tenant Identification Signs:

- a. Major tenant identification signs shall be allowed on buildings containing three or more floors.
- b. Major tenant identification signs shall be located at the top of the building below the parapet.
- c. Major tenant identification signs shall not occupy more than 75 percent of the width of the building façade on which it is located.



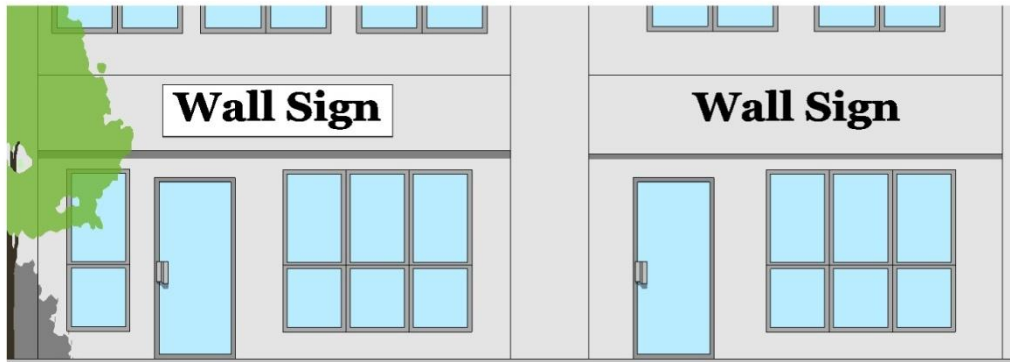
3. Projecting Signs:

- a. Projecting signs shall be attached to the building façade and must not obscure major architectural details or extend above the roof line.
- b. Projecting signs shall have a clearance of 10 feet from grade level to the bottom of the sign. Maximum projection shall be 36 inches from the building to which it is attached. A license agreement may be required for projecting signs.
- c. The maximum height shall be 20 feet.



4. Wall Signs:

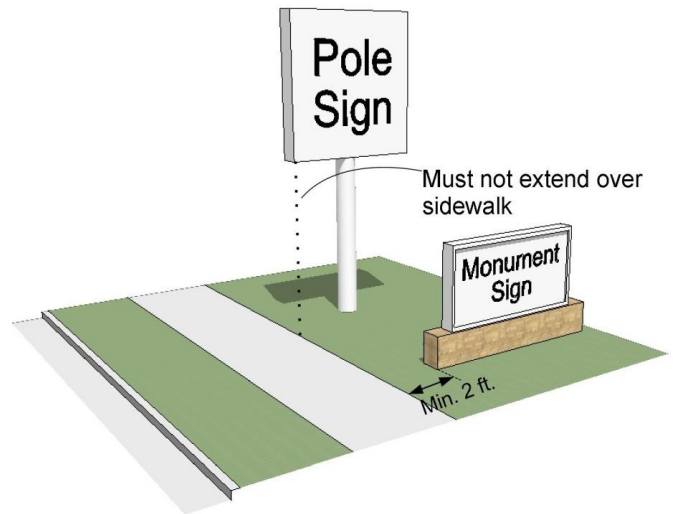
- a. Wall signs shall be placed only in signable areas of a building façade, as defined in b, c and d below.
- b. Wall signs shall not occupy more than 75 percent of the width of the building façade of the storefront or tenant space on which it is located.
- c. Wall signs shall not project more than 18 inches from the supporting wall.
- d. Wall signs shall not extend above the roof line or parapet wall of a building up to two stories in height. However, no wall sign shall be located more than 25 feet above grade.
- e. Wall signs may consist of cabinets or individually mounted letters and/or logos except as regulated by Section 17.9.6.



B. Freestanding Signs:

1. Pole and Monument Signs:

- a. Pole and monument signs shall be setback a minimum of 10 feet from the adjacent right-of-way and on private property. No portion of a sign cabinet shall extend into the adjacent right-of-way or within 2 feet of a sidewalk.
- b. The base of a monument sign shall meet the grade plane of the ground on which it is located.
- c. The pole structure and base of a monument sign shall be architecturally compatible with the building to which it is associated.



2. Digital Display Boards:

- a. Digital display boards shall be incorporated into a freestanding or wall sign and shall not constitute more than 50 percent of the sign size.
- b. The text display of the message shall not change more frequently than once per eight seconds. Each message shall transition to the next message instantaneously.



3. Menu Boards:

- a. Menu boards are allowed in the area adjacent to an order station for a drive through.
- b. Signage or advertising contained on a menu board shall not be readable from an adjacent street.



C. Temporary Signs:

1. Banners and Banner Flags:

- a. Permits for banners and banner flags shall be issued for any time frame not to exceed a cumulative 90 days in a one calendar year period per tenant. Only one banner or banner flag shall be allowed at any time.
- b. Banner signs shall be attached flat against the side of the building or fence. However, no more than one banner can be located on a fence at any time.
- c. Banner flags shall only be allowed with the written consent of the property owner or the property owner's management company.

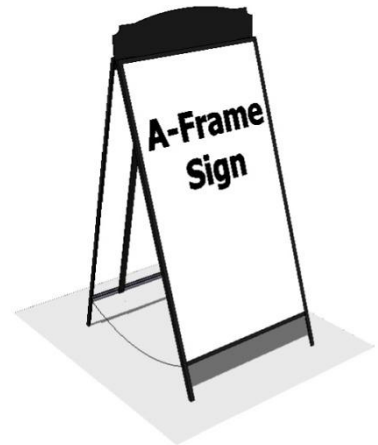


2. Special Event Signs:

- a. Permits for special event signs shall be issued for any time frame not to exceed a cumulative 90 days in a one calendar year period per business.
- b. Special event signs for private events may be staked on private property.
- c. Special event signs for civic events may be staked on public property or suspended over public right-of-way.

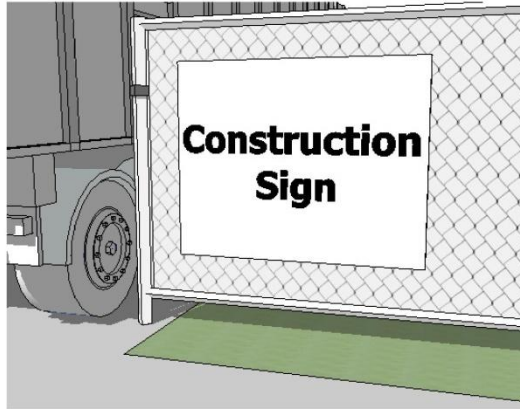
3. Portable A-Frame Signs:

- a. Only one portable A-frame sign shall be allowed per business.
- b. A-frame signs shall be displayed during business hours only.
- c. A-frame signs shall be located within 10 linear feet parallel to the front entrance to the business that the sign advertises.
- d. A-frame signs shall be located so as not to create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way.
- e. A-frame signs shall be located as to allow a 5-foot clear passageway for pedestrians.
- f. A-frame signs may be located within the public right-of-way, if specifically approved by the City. Portable signs may also be located on the private property where the use the sign is advertising is located.



4. Construction Signs:

- a. Construction signs are allowed as temporary signage to display the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
- b. Construction signs may be installed no earlier than issuance of a grading permit, or at issuance of a building permit if a grading permit is not required, and shall be removed when a certificate of occupancy is issued.



17.9.3: Sign Design Standards

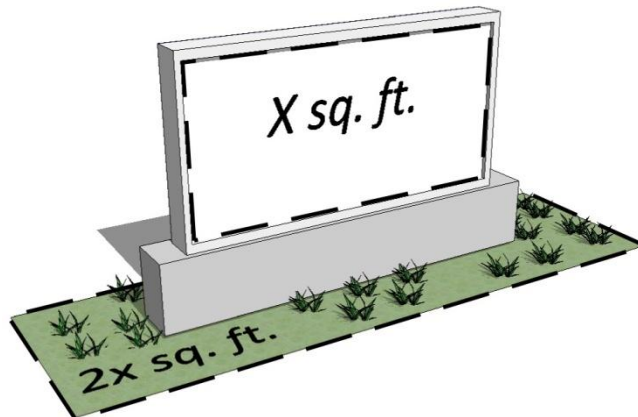
17.9.3.1: Architecture and Landscaping

A. Compatibility with Architecture:

The design of signs shall be complementary to the architectural style of the main building or buildings upon the site through the use of materials, colors and detailing.

B. Landscaping:

Each freestanding sign shall be located in a landscaped area at least two times the size of the area of the sign, unless the Director determines that landscaping is inappropriate for the sign context.



C. Sight Triangle:

Placement of any sign shall not interfere with the vision clearance requirements stated in the Transportation Engineering Design Standards.

17.9.3.2: Sign Lighting

This Section establishes the general standards for sign lighting. The specific standards for sign illumination by zone district are identified in Section 17.9.6. Sign illumination shall complement, not overpower, the overall composition of the site.

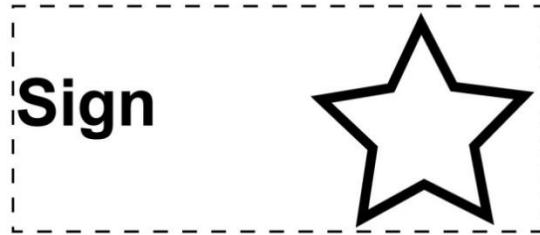
- A. The light source of signs shall not be visible from adjacent properties.
- B. The light reading at 10 feet from the property line on an adjacent property shall be 1 foot candle of light or less.
- C. Permanent freestanding signs within residential zone districts may be illuminated if they meet the following criteria:
 - 1. The sign is at least 100 feet away from the closest building occupied as a residence, provided however that the Director may authorize a smaller distance if it is determined that the orientation and character of the sign and nearby residence is such that the sign will not adversely impact the residence.
 - 2. The sign identifies a use which lawfully exists in a residential zone district as a permitted or nonconforming use.
 - 3. The source of illumination is within the sign cabinet or mounted on the ground. Illumination by means of neon tubing is not allowed except where indicated in the Tables in Section 17.9.6.
 - 4. The use which is identified by the sign has frontage on an arterial or collector street.
 - 5. Illumination ceases between the hours of 9:00 p.m. and 6:00 a.m, except signs permitted for medical services and public services such as police and fire, which are provided on a 24hour basis, and signs for other traffic safety purposes.

17.9.3.3: Measuring Signs

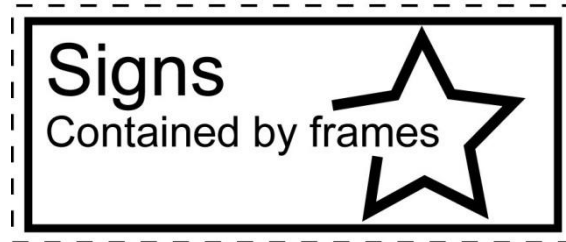
The area of a sign shall be measured in conformance with the regulations identified in this Section. The structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign.

A. Area Measurements of Signs:

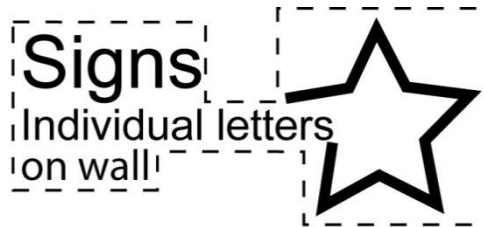
- 1. Each area of a sign face that can be enclosed by a line or an imaginary line shall be considered one sign.



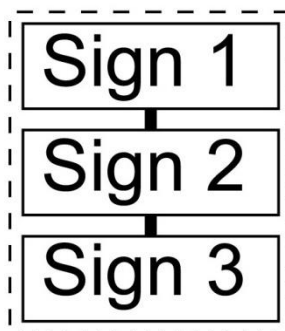
2. The area measurement of a sign contained within a cabinet or frame shall include the total area of the cabinet or frame.



3. The area measurement of a sign that displays individual letters on a wall, awning or canopy or as pan channel letters shall be determined by encompassing all the letters in a geometric form of no more than 12 rectilinear lines at right angles to each other.

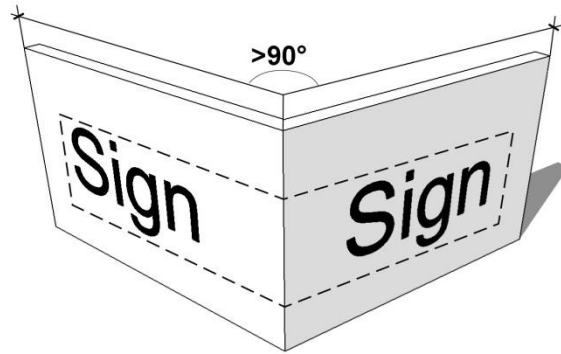


4. The total surface area of multiple unit signs includes vertical and horizontal spacing between signs.



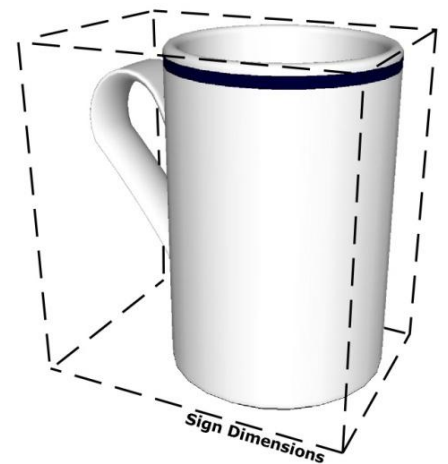
5. The area measurement of freestanding and projecting signs that have two parallel faces shall be measured by the area of one sign face.

6. The area measurement of freestanding and projecting signs that have two faces that are not parallel, such as a V-shaped, triangles or cubes, and the angles where the sides meet is greater than 90 degrees shall be determined by the smallest circle, square or rectangle that could enclose the shape as viewed by a viewer.



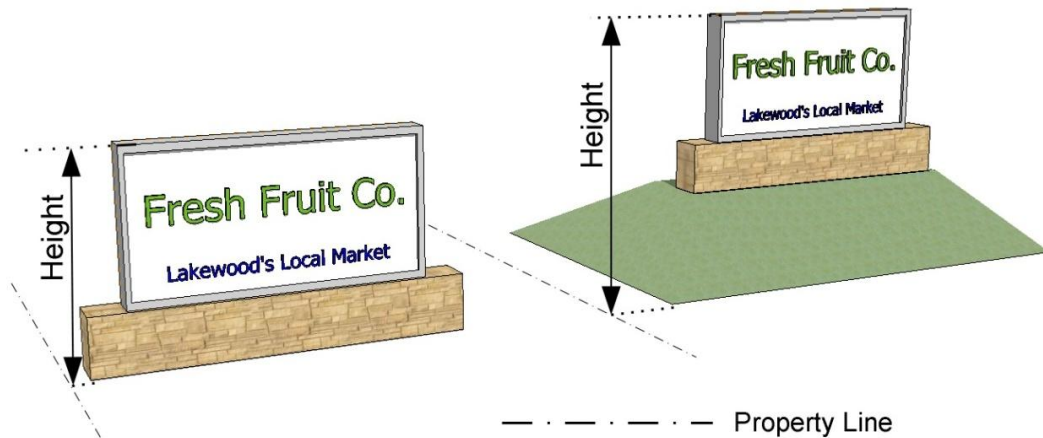
B. Spherical, Free-form, Sculptural and other Non-planar Signs:

The sign area shall be the sum of the areas of the vertical faces of the smallest six-sided polyhedron that will encompass the sign structure and which may be seen at the same time from a viewer's perspective.



C. Height Determination:

The height of a freestanding or monument sign shall be measured from the grade at the property line, at a point closest to the sign location.



17.9.4: Signs on Nonconforming Buildings

17.9.4.1: Purpose and Intent

The purpose of providing sign standards for nonconforming buildings is to allow flexibility in regard to the location and size of wall signs for existing buildings that do not currently meet the dimensional standards of the zone district.

17.9.4.2: Process

The Director may modify the sign standards for wall signs on nonconforming buildings that are setback from the public street greater than the maximum setback for the zone district, as defined in Article 5. The Director shall evaluate, and may approve or approve with conditions, the request based on the following:

- A. The existing site context and whether the proposed wall signs achieve a comparable result as the required sign standards; and
- B. The amount of signage currently displayed or displayed by the previous tenant on the building; and
- C. The impact of the proposed sign on other tenants on the property and adjacent property owners.

The maximum square footage allowed by the Director shall not exceed two times the signage allowed by this Article for signs on conforming buildings.

17.9.5: Maintenance of Signs

17.9.5.1: Purpose and Intent

This Section is intended to provide regulations and procedures to address signs that are in disrepair or become a hazard.

17.9.5.2: Maintenance of Signs

- A. Every sign shall be maintained in good condition at all times, as determined by the Director. Signs shall be kept neatly painted, including all metal parts and supports that are not galvanized or of rust-resistant metals. Banners and banner flags shall not be torn or in disrepair.
- B. The Director shall have the authority to inspect signs to ensure they are adequately maintained and in compliance with this Zoning Ordinance.
- C. If upon inspection, the Director determines a sign to be in violation of this Zoning Ordinance or a safety hazard, the Director may order the sign to be painted, maintained or removed by the property owner.

17.9.5.3: Abandoned On-Premise Signs

A sign is determined to be abandoned at the time the business identified by the sign discontinues the business or vacates the premises.

- A. Signs abandoned for a period of 30 days are hereby declared a nuisance. The Director shall require the abandoned sign be replaced or removed based on the following circumstances:
1. Signs that will likely be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel until the new business occupies the premises.
 2. Signs that do not meet the requirements of this ordinance for that type of sign, or for the zone district where they are located, or on sites which will be or have been cleared for redevelopment, must be removed from the property.

17.9.6: Sign Standards by Zone District

17.9.6.1: Residential Zone District Sign Standards

All signs in the Residential Zone Districts shall comply with the standards in Table 17.9.1. If there is a conflict with another sign regulation in this Article, the more restrictive of the standards shall apply.

17.9.6.2: Mixed Use Zone Districts – Suburban Context Sign Standards

All signs in the Mixed Use Zone Districts with a Suburban Context shall comply with Table 17.9.2. If there is a conflict with another sign regulation in this Article, the more restrictive of the standards shall apply.

A. Additional Sign Standards for Mixed Use Zone Districts – Suburban Context:

On Colfax frontage parcels, the use of neon, fiber optic, LED, and other similar lighting technology in a graphic or typographic manner on a sign face is encouraged. Signs located adjacent to Colfax Avenue that include the use of neon, fiber optic, LED, and other similar exposed style lighting technology in a graphic or typographic manner on a sign face shall be allowed to increase the total sign area by up to 20 percent or increase the sign height by up to 5 feet.

17.9.6.3: Mixed Use Zone Districts – Urban Context Sign Standards

All signs in the Mixed Use Zone Districts with an Urban Context shall comply with the standards in Table 17.9.3. If there is a conflict with another sign regulation in this Article, the more restrictive of the standards shall apply.

A. Additional Sign Standards for Mixed Use Zone Districts – Urban Context:

1. Wall signs shall be composed of individually mounted letters, logos, or icons with or without sign backing.

2. On Colfax frontage parcels, the use of neon, fiber optic, LED, and other similar lighting technology in a graphic or typographic manner on a sign face is encouraged. Signs located adjacent to Colfax Avenue that include the use of neon, fiber optic, LED, and other similar exposed style lighting technology in a graphic or typographic manner on a sign face shall be allowed to increase the total sign area by up to 20 percent or increase the sign height by up to 5 feet.

17.9.6.4: Mixed Use Zone District – Transit Context Sign Standards

All signs in the Mixed Use Zone Districts with a Transit Context shall comply with the standards in Table 17.9.4. If there is a conflict with another sign regulation in this Article, the more restrictive of the standards shall apply.

A. Additional Sign Standards for Mixed Use Zone Districts – Transit Context:

1. Wall signs shall be composed of individually mounted letters, logos, or icons with or without sign backing.
2. On Colfax Frontage parcels, the use of neon, fiber optic, LED, and other similar lighting technology in a graphic or typographic manner on a sign face is encouraged. Signs located adjacent to Colfax Avenue that include the use of neon, fiber optic, LED, and other similar exposed style lighting technology in a graphic or typographic manner on a sign face shall be allowed to increase the total sign area by up to 20 percent or increase the sign height by up to 5 feet.

17.9.6.5: Commercial and Light Industrial Zone District Sign Standards

All signs in the Commercial and Light Industrial Zone Districts shall comply with the standards in Table 17.9.5. If there is a conflict with another sign regulation in this Article, the more restrictive of the standards shall apply.

17.9.6.6: Temporary Sign Standards

All temporary signs shall comply with the standards in Table 17.9.6. If there is a conflict with another sign regulation in this Article, the more restrictive of the standards shall apply.

Table 17.9.1: Residential Zone District Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size per Sign Face | Maximum Height | Location | Illumination |
|--|---|-----------------------|----------------------------|------------------------|--|--|
| Freestanding Signs | | | | | | |
| Project Identification – Monument Sign | R-MF R-MH | 1 per street frontage | 50 sq. ft. | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | External, limited to directional ground lights |
| Business Identification – Monument or Pole Sign | R-1-43 | 1 per property | 50 sq. ft. | 15 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or external |
| Institutional Use Identification – Monument or Pole | All R districts | 1 per street frontage | 50 sq. ft. | 15 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or external |
| Office, Limited and Personal Service, Limited – Monument Sign | All R districts where Office, Limited and Personal Service, Limited are allowed | 1 per property | Limited Office: 25 sq. ft. | Limited Office: 10 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or external, if located along collector or arterial streets |

Table 17.9.1: Residential Zone District Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size per Sign Face | Maximum Height | Location | Illumination |
|--|---|--------------------------|---|----------------|--|--|
| | | | | | | |
| Neighborhood Identification – Monument Sign | All R Districts | 2 per neighborhood entry | 50 sq. ft. | 6 ft. | Side of entry street or street median as approved by City Traffic Engineer | Internal or external, if located along collector or arterial streets |
| Wall Signs | | | | | | |
| Business Identification | R-1-43 | 1 per property | 15% of signable area where sign is located. Max. = 100 sq. ft. | Signable area | Signable area | Internal or External |
| Home Occupation | All R districts where Home Occupation is allowed | 1 per property | 2 sq. ft. | 8 ft. | Signable area | Internal or external, if located along collector or arterial streets. No illumination along local street |
| Office, Limited and Personal Service, Limited Live/Work | All R districts where Office, Limited and Personal Service, Limited, and Live/Work is allowed | 1 per property | 25 sq. ft. | 10 ft. | Signable area | Internal or external, if located along collector or arterial streets, No illumination along local street |

Table 17.9.2: Mixed Use Zone Districts – Suburban Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|--|--------------------------|-----------------------|---|----------------|--|--|
| Freestanding Signs – Single business on individual lot | | | | | | |
| Project Identification – Monument Sign | M-R | 1 per street frontage | 50 sq. ft. | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | External, limited to directional ground lights |
| Business Identification for Single business – Monument or Pole Sign | M-N | 1 per street frontage | 1 sq. ft. per 60 sq. ft. of gross floor area. Max. = 75 sq. ft. per face | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| | M-G M-E | 1 per street frontage | 1 sq. ft. per 60 sq. ft. of gross floor area. Max. = 150 sq. ft. per face | 25 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Freestanding Signs – Multi-tenant Centers | | | | | | |
| Multi-tenant Centers – Monument or Pole Sign | M-N | 1 per street frontage | 1 sq. ft. per 60 sq. ft. of gross floor area. Max. = 100 sq. ft. per face | 15 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |

Table 17.9.2: Mixed Use Zone Districts – Suburban Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|---|--------------------------|-----------------------|---|----------------|---|----------------------|
| | M-G M-E | 1 per street frontage | 1 sq. ft. per 60 sq. ft. of gross floor area. Max. = 175 sq. ft. per face | 25 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Pad Sites in Multi-tenant Centers – Monument Sign | M-N M-G M-E | 1 per pad site | 1 sq. ft. per 50 sq. ft. of gross floor area. Max. = 50 sq. ft. per face | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Building Signs | | | | | | |
| Major Tenant Identification Buildings taller than three stories | M-E | 1 per property | 15% of wall area where sign is located. Max. = 100 sq. ft. | Signable area | Below Parapet wall and above floor level of highest story | Internal or External |
| Wall Signs – Business Identification for single business on individual lot | M-N | Not applicable | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Signable area | Internal or External |
| | M-G M-E | Not applicable | 15% of wall area where sign is located. Max. = 200 sq. ft. total | Signable area | Signable area | Internal or External |

Table 17.9.2: Mixed Use Zone Districts – Suburban Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|--|--------------------------------|-----------------------------------|---|---|--|----------------------|
| Wall Signs – Tenant Identification in Multi-tenant center or mixed-use building | M-N M-R | Not applicable | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Signable area | Internal or External |
| | M-G M-E | Not applicable | 15% of wall area where sign is located. Max. = 200 sq. ft. total | Signable area | Signable area | Internal or External |
| Projecting Sign Tenants with primary access to the exterior of the building | M-N M-G M-E M-R | 1 per tenant | 12 sq. ft. | 10 ft. clearance from adjacent sidewalk | Suspended from building by metal bracket | Internal |
| Awning Sign Tenants with primary access to the exterior of the building | M-N M-G M-E M-R | 1 per awning, plus graphical logo | Letters shall not exceed 18 in. in height | 18 ft. | Vertical or horizontal portion of awning | None |
| Other Signs | | | | | | |
| Menu Boards | Where drive through is allowed | 1 per order station | 45 sq. ft. | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal |
| Drive Thru Signage | Where drive through is allowed | 1 per business | 10 sq. ft. | Signable area | Signable area | Internal or External |

| Table 17.9.2: Mixed Use Zone Districts – Suburban Context Sign Standards | | | | | | |
|---|--|-----------------------|---------------------|-----------------------|-----------------|---|
| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
| Home Occupation | All districts where Home Occupation is allowed | 1 per property | 2 sq. ft. | 8 ft. | Signable area | Internal or external if along collector or arterial streets. No illumination along local street |

Table 17.9.3: Mixed Use Zone Districts – Urban Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|--|---------------------------------|-----------------------|---|-----------------------|--|--|
| Freestanding Signs – Single business on individual lot | | | | | | |
| Project Identification – Monument Sign | M-R | 1 per street frontage | 50 sq. ft. | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | External, limited to directional ground lights |
| Business Identification for Single business on individual lot – Monument Sign | M-N | 1 per street frontage | 1 sq. ft. per 70 sq. ft. of gross floor area. Max. = 60 sq. ft. per face | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| | M-G M-C M-E | 1 per street frontage | 1 sq. ft. per 70 sq. ft. of gross floor area. Max. = 120 sq. ft. per face | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Freestanding Signs – Multi-tenant Centers | | | | | | |
| Multi-tenant Centers – Monument Sign | M-N | 1 per street frontage | 1 sq. ft. per 70 sq. ft. of gross floor area. Max = 75 sq. ft. per face | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |

Table 17.9.3: Mixed Use Zone Districts – Urban Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|--|---------------------------------|-----------------------|---|-----------------------|---|----------------------|
| | M-G M-C M-E | 1 per street frontage | 1 sq. ft. per 70 sq. ft. of gross floor area. Max. = 150 sq. ft. per face | 12 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Building Signs | | | | | | |
| Major Tenant Identification Buildings taller than three stories | M-G M-C M-E | 1 per property | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Below Parapet wall and above floor level of highest story | Internal or External |
| Wall Signs – Business Identification for single business on individual lot | M-N | Not applicable | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Signable area | Internal or External |
| | M-G M-C M-E | Not applicable | 15% of wall area where sign is located. Max. = 200 sq. ft. total | Signable area | Signable area | Internal or External |
| Wall Signs – Tenant Identification in Multi-tenant center or mixed-use building | M-N M-R | Not applicable | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Signable area | Internal or External |

Table 17.9.3: Mixed Use Zone Districts – Urban Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|---|---------------------------------|-----------------------------------|---|---|--|----------------------|
| | M-G M-C M-E | Not applicable | 15% of wall area where sign is located. Max. = 200 sq. ft. total | Signable area | Signable area | Internal or External |
| Projecting Sign Tenants with primary access to the exterior of the building | M-N M-G M-C M-E M-R | 1 per tenant | 12 sq. ft. | 10 ft. clearance from adjacent sidewalk | Suspended from building by metal bracket | Internal |
| Awning Sign Tenants with primary access to the exterior of the building | M-N M-G M-C M-E M-R | 1 per awning, plus graphical logo | Letters shall not exceed 18 in. in height | 18 ft. | Vertical or horizontal portion of awning | None |
| Spherical, Free-form, Sculptural and other Non-planar Sign | M-N M-G M-C M-E M-R | 1 per tenant | 100 sq. ft. | 25 ft. | Suspended from building by metal bracket | Internal or External |
| Other Signs | | | | | | |
| Menu Boards | Where drive through is allowed | 1 per order station | 45 sq. ft. | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal |

Table 17.9.3: Mixed Use Zone Districts – Urban Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|---------------------------|--|-----------------------|---------------------|-----------------------|-----------------|---|
| Drive Thru Signage | Where drive through is allowed | 1 per business | 10 sq. ft. | Signable area | Signable area | Internal or External |
| Home Occupation | All districts where Home Occupation is allowed | 1 per property | 2 sq. ft. | 8 ft. | Signable area | Internal or external if along collector or arterial streets. No illumination along local street |

Table 17.9.4: Mixed Use Zone Districts – Transit Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|--|--------------------------|-----------------------|---|----------------|---|----------------------|
| Freestanding Signs – Single business on an individual lot | | | | | | |
| Business Identification for Single business on individual lot – Monument Sign | M-N | 1 per street frontage | 1 sq. ft. per 80 sq. ft. of gross floor area. Max. = 50 sq. ft. per face | 6 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| | M-C M-G M-E | 1 per street frontage | 1 sq. ft. per 80 sq. ft. of gross floor area. Max. = 100 sq. ft. per face | 6 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Freestanding Signs – Multi-tenant Centers | | | | | | |
| Multi-tenant Centers – Monument Sign | M-C M-G M-E | 1 per street frontage | 1 sq. ft. per 80 sq. ft. of gross floor area. Max. = 100 sq. ft. per face | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Building Signs | | | | | | |
| Major Tenant Identification Buildings taller than three stories | M-C M-G M-E | 1 per street frontage | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Below Parapet wall and above floor level of highest story | Internal or External |

Table 17.9.4: Mixed Use Zone Districts – Transit Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|--|--|-----------------------------------|---|---|--|----------------------|
| Wall Signs – Business Identification for single business on individual lot | M-N M-C M-G M-E | Not applicable | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Signable area | Internal or External |
| Wall Signs – Tenant Identification in Multi-tenant center or mixed-use building | M-N M-U M-C M-G M-E M-R | Not applicable | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Signable area | Internal or External |
| Projecting Sign Tenants with primary access to the exterior of the building | M-N M-C M-G M-E M-R | 1 per tenant | 12 sq. ft. | 10 ft. clearance from adjacent sidewalk | Suspended from building by metal bracket | Internal |
| Awning Sign Tenants with primary access to the exterior of the building | M-N M-C M-G M-E M-R | 1 per awning, plus graphical logo | Letters shall not exceed 18 in. in height | 18 ft. | Vertical or horizontal portion of awning | None |

Table 17.9.4: Mixed Use Zone Districts – Transit Context Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|---|--|-----------------------|---------------------|-----------------------|--|---|
| Spherical, Free-form, Sculptural and other Non-planar Sign | M-N M-G M-C M-E M-R | 1 per tenant | 100 sq. ft. | 25 ft. | Suspended from building by metal bracket | Internal or External |
| Other Signs | | | | | | |
| Menu Boards | Where drive through is allowed | 1 per order station | 45 sq. ft. | 6 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal |
| Drive Thru Signage | Where drive through is allowed | 1 per business | 10 sq. ft. | Signable area | Signable area | Internal or External |
| Home Occupation | All districts where Home Occupation is allowed | 1 per property | 2 sq. ft. | 8 ft. | Signable area | Internal or external if along collector or arterial streets. No illumination along local street |

Table 17.9.5: Commercial Light Industrial Zone Districts Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|--|---------------------------------|-----------------------|---|-----------------------|--|----------------------|
| Freestanding Signs | | | | | | |
| Business Identification for Single business on individual lot – Monument or Pole Sign | C-R LI LI-RD | 1 per street frontage | 1 sq. ft. per 80 sq. ft. of gross floor area. Max. = 125 sq. ft. per face | 25 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Multi-tenant Centers 200,000 sq. ft. or less – Monument or Pole Sign | C-R LI LI-RD | 1 per street frontage | 1 sq. ft. per 80 sq. ft. of gross floor area. Max. = 175 sq. ft. per face | 25 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Multi-tenant Centers greater than 200,000 sq. ft. – Monument or Pole Sign | C-R LI LI-RD | 2 per street frontage | 200 sq. ft. per face | 35 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Multi-tenant Centers Pad Sites – Monument Sign | C-R LI LI-RD | 1 per street frontage | 1 sq. ft. per 50 sq. ft. of gross floor area. Max. = 75 sq. ft. per face | 10 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |
| Project Directory | C-R LI LI-RD | 1 per building | 5 sq. ft. per tenant Max = 50 sq. ft. | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal or External |

Table 17.9.5: Commercial Light Industrial Zone Districts Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|---|---------------------------------|-----------------------------------|---|---|---|----------------------|
| Building Signs | | | | | | |
| Major Tenant Identification Buildings taller than three stories | C-R LI LI-RD | 1 per street frontage | 15% of wall area where sign is located. Max. = 100 sq. ft. total | Signable area | Below Parapet wall and above floor level of highest story | Internal or External |
| Wall Signs – Business Identification for single business on individual lot | C-R LI LI-RD | Not applicable | 15% of wall area where sign is located. Max. = 300 sq. ft. total | Signable area | Signable area | Internal or External |
| Wall Signs – Tenant Identification in Multi-tenant center | C-R LI LI-RD | Not applicable | 15% of wall area where sign is located. Max. = 300 sq. ft. total | Signable area | Signable area | Internal or External |
| Projecting Sign | C-R LI LI-RD | 1 per tenant | 12 sq. ft. | 10 ft. clearance from adjacent sidewalk | Suspended from building by metal bracket | Internal |
| Awning Sign | C-R LI LI-RD | 1 per awning, plus graphical logo | Letters shall not exceed 18 in. in height | 18 ft. | Vertical or horizontal portion of awning | None |
| Other Signs | | | | | | |
| Menu Boards | Where drive through is allowed | 1 per order station | 45 sq. ft. | 8 ft. | Min. 2 ft. from back of sidewalk and located outside ROW | Internal |

| Table 17.9.5: Commercial Light Industrial Zone Districts Sign Standards | | | | | | |
|--|---------------------------------|-----------------------|---------------------|-----------------------|-----------------|----------------------|
| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
| | | | | | | |
| Drive Thru Signage | Where drive through is allowed | 1 per business | 10 sq. ft. | Signable area | Signable area | Internal or External |

Table 17.9.6: Temporary Sign Standards

| Sign Type | Applicable Zone District | Maximum Number | Maximum Size | Maximum Height | Location | Illumination |
|---|---------------------------------|---|---------------------|-----------------------|--|---------------------|
| Banner | All M, C and LI districts | 1 per tenant | 40 sq. ft. | n/a | Affixed to structure or fence | None |
| Banner Flag | All M, C and LI districts | 1 per tenant, however no more than 1 per each 100 feet of public street frontage per property | 30 sq. ft. | 12 ft. | Min. 4 ft. from back of sidewalk and located outside ROW | None |
| Special Event Sign - Private | All districts | 1 per property | 40 sq. ft. | 6 ft. | Affixed to structure or fence, or staked | None |
| Special Event Sign – Public | All districts | 1 per property | 40 sq. ft. | n/a | Affixed to structure or fence, staked, or suspended | None |
| Construction Project Identification – Freestanding | All districts | 1 per street frontage | 32 sq. ft. | 6 ft. | Min. 10 ft. from ROW | None |
| Portable A-frame Sign | All districts | 1 per business | 6 sq. ft. per face | 42 in. | Within 10 ft. of front entrance of business | None |
| Signs for Temporary Uses | All Districts | 1 per street frontage | 40 sq. ft. | 6 ft. | Min. 10 ft. from ROW | None |

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ARTICLE 10: WIRELESS SERVICES AND COMMUNICATIONS

17.10.1: General

17.10.1.1: Purpose and Intent

This Article is intended to ensure that residents, public safety operations and businesses in the City have reliable access to personal wireless services and state of the art communications services in a way that reasonably preserves the aesthetic character of the community and complies with Federal laws.

It is the City's intent to:

- A. Ensure the City has sufficient wireless infrastructure to support public safety and emergency response communications throughout the City;
- B. Ensure access to reliable personal wireless services throughout all areas of the City and in no event prohibit or have the effect of prohibiting the provision of personal wireless services;
- C. Encourage the use of existing structures for the siting of facilities;
- D. Encourage the location of new freestanding support structures in areas where any potential adverse impacts on the community will be minimized;
- E. Minimize the potential adverse effects of wireless service facilities through the implementation of reasonable design, landscaping and construction practices; and
- F. Conform to federal and state laws which exempt certain facilities, receiving dishes and antennas from local regulations.

17.10.1.2: Applicability

The standards in this Article shall control the design, location, alteration, installation and maintenance of all wireless service infrastructure in all zone districts. No provision of this Article shall apply to:

- A. The siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.
- B. Any dish antenna less than 40 inches in diameter located in a residential zone district; or
- C. Any dish antenna less than 80 inches in diameter located in any other zone district.

17.10.2: Wireless Facilities – By Zone District

Table 17.4.1 identifies where the different types of wireless facilities are permitted as primary or accessory uses, by right or with a special use permit, and where these uses are prohibited in each zone district within the City of Lakewood.

17.10.3: Wireless Facility Standards

17.10.3.1: Wireless Stealth Facilities

A. Review Requirements:

The installation of new wireless stealth facilities on any non single-family or two-family structure may be allowed in any zone district if reviewed and approved in accordance with the Zoning Review procedures identified in Article 2. The Director shall exercise discretion in applying the standards outlined for all new wireless stealth facilities, where such standards are determined to be necessary to minimize the potential adverse effects of wireless service facilities. At a minimum the following standards shall apply:

1. The dimensions of the stealth facility must reasonably approximate the dimensions of the object they are being disguised as, and
2. The location of the stealth facility must be in concert with its surroundings.

17.10.3.2: New Wireless Facilities on Existing Structures

A. Review Requirements:

The installation of new wireless facilities on existing structures may be allowed in any zone district if reviewed and approved in accordance with the Zoning Review procedures identified in Article 2.

B. Building Façade Mounted Antennas:

1. Building façade mounted antennas shall not protrude horizontally more than 2 feet from the building wall and shall be painted or treated to match the building or structure to which the antenna is attached.
2. Building façade mounted antennas shall not exceed the height of the parapet or the roofline, whichever is greater.
3. The total of all visible building façade mounted antennas may not exceed the greater of 10 percent of the square footage of the building façade or 25 square feet per façade.

C. Roof Mounted Antennas:

1. Roof mounted antennas and accessory equipment shall be painted or treated to match the façade of the building to which they are attached in order to minimize visibility from adjacent residential land uses and/or from public sidewalks.
2. Roof mounted antennas and accessory equipment shall not exceed the height of the penthouse or mechanical equipment room to which the antennas are attached.
3. Antennas not mounted on a penthouse or mechanical equipment room shall be set back at least 5 feet from the exterior wall of a building.

4. The maximum height of a roof mounted antenna that is not mounted on a penthouse or mechanical equipment room is equal to the distance the antenna is set back from the exterior wall up to a maximum height of 10 feet above the taller of either roofline or parapet of the building to which the antenna is attached.

D. Antennas on Existing Support Structures:

1. In single-family and two-family zone districts: The mounting of an additional antenna or antennas on an existing support structure, including any existing support structure that is nonconforming with regards to height, may be permitted provided that the height of the existing structure may not be increased by more than 15 percent.
2. In non-single-family and two-family zone districts: The mounting of an additional antenna or antennas on an existing support structure may be permitted provided that the height of the existing structure may not be increased above 60 feet without triggering the review requirements as outlined for New Freestanding Support Structures in Section 17.10.3.2.

17.10.3.3: New Freestanding Support Structures

A. Review Requirements:

1. New freestanding support structures of 60 feet in height or less may be allowed in any zone district other than a single-family or two-family district if reviewed and approved in accordance with the site plan procedures identified in Article 2.
2. New freestanding support structures of more than 60 feet in height may be allowed in any zone district other than a single-family or two-family district if reviewed and approved in accordance with the special use permit and site plan procedures identified in Article 2.
3. New freestanding support structures of any height located on public property, right-of-way, or utility property that will support street lights, public facilities or equipment in addition to wireless facilities may be allowed in any zone district if reviewed and approved in accordance with the Site Plan procedures identified in Article 2. Examples include, but are not limited to, municipal communication facilities, athletic field lights, traffic lights, and other light structures.

- B. The maximum height for any new freestanding support structure shall be 60 feet, or the maximum building height allowed in the subject zoning district, whichever is greater.
- C. When adjacent to a property that is zoned residential or contains a residential use or structure, new freestanding support structures must be setback from property at least the minimum setback required by the zone district where the structure is located or 50 percent of the support structure height, whichever is greater.

- D. New freestanding support structures shall be enclosed by security fencing 6 feet in height and shall also be equipped with an appropriate anti-climbing device; provided, however, that the City may waive such requirements, if the Director determines that the waiver will not create an increased risk to public health or safety.
- E. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.
- F. New free standing support structures shall be designed to accommodate a minimum number of colocations based upon their height.
 - 1. Support structures between 45feet and 100 feet in height shall support at least two telecommunications providers;
 - 2. Support structures greater than 100feet and up to 150 feet in height shall support at least three telecommunications providers; and
 - 3. Support structures greater than 150 feet in height shall support at least four telecommunications providers.
- G. New freestanding support structures over 60 feet in height shall not be located within 1000 feet from any existing freestanding support structure that is over 60 feet in height, unless the applicant has shown to the satisfaction of the City that colocation is impracticable and that there are no reasonably suitable alternative sites in the required geographic area which can meet the applicant's needs.

17.10.3.4: Other Wireless Facility Types

The Director may apply the standards defined for new wireless facilities on existing structures or new freestanding support structures to any wireless facility type that is not directly addressed in these regulations as appropriate to minimize the potential adverse effects of wireless service facilities.

17.10.3.5: Accessory Equipment

- A. The buildings, shelters, cabinets, and other accessory components shall be setback a minimum of 15 feet from each property line with a residential zone district or a lot containing a residential structure, or shall meet all setback requirements of the underlying zone districts, whichever results in the greater setback, and shall be grouped as closely as technically possible.
- B. Total footprint coverage area of the accessory equipment shall not exceed 500 square feet per provider, with a maximum of 1500 square feet total for three or more providers.
- C. No accessory equipment or accessory structure shall exceed 15 feet in height.

- D. Accessory equipment shall be painted a neutral color and enclosed by security fencing 6 feet in height and shall be landscaped with a buffer of plant materials that effectively screens the view of the accessory equipment from adjacent residential property and from the adjacent street; provided, however, that the City may waive such requirements, if the Director determines that the waiver will not (1) create an increased risk to public health or safety or (2) create a negative visual impact to adjacent residential property or from the adjacent street.
- E. No accessory equipment or accessory structures shall be sited in a manner that reduces the parking or landscaped areas for other principal uses on the parcel below the minimums required by the Zoning Ordinance.

17.10.4: Abandonment and Removal

If a support structure is abandoned and remains abandoned for a period longer than 12 consecutive months, the City may require that the support structure be removed. The City shall first provide written notice to the owner of the support structure of the requirement for removal and give the owner the opportunity to take such action(s) as may be necessary to reinstate the active use of the support structure within 30 days of receipt of the written notice. If the owner of the support structure fails to reinstate the active use of the support structure within the 30-day period, the owner of the support structure shall be required to remove the same within six months.

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ARTICLE 11: HISTORIC PRESERVATION

17.11.1: General

17.11.1.1: Purpose and Intent

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

17.11.1.2: Definitions

Notwithstanding the definitions contained in Article 13, the following terms, as used in this Article, shall have the following meaning.

Alteration means any act or process which, due to construction, repair, maintenance, or otherwise, changes one or more of the significant architectural features of buildings located within an historic district or designated as a landmark.

Alteration Certificate is an authorization from the Historic Preservation Commission to alter or demolish a historic property, or to construct a new building in a historic district consistent with specified criteria.

Applicant is the recorded owner(s) of the site(s) and/or building(s) located thereon, the lessee thereof, a person with written consent of the owner, or the person holding a contract to purchase same, or a person with written consent of the owner.

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

Building means any structure, place, or any other construction built for the shelter or enclosure of persons, animals, or chattel or any part of such structure when subdivided by division walls or party walls extended to above the roof or without openings in separate walls. The term "building" shall be construed as if followed by the words "or any part thereof." "Building" may refer to a historically related complex such as "courthouse and jail" or "house and barn."

Building Official is the officer or other designated authority charged with the administration and enforcement of the Building Code, or that person's authorized representative.

Conformity means the action or behavior in correspondence with current customs, rules, or styles.

Construction is the erection of any on-site improvements on any parcel of ground located within an historic district, or a landmark site, whether the site is presently improved, unimproved or hereafter becomes unimproved by demolition or destruction, through natural causes, or otherwise.

Contributing Property means a classification applied to an individual property within a designated historic district, signifying that the property contributes generally to the distinctive character of the district.

Demolition means the destruction or removal, in whole or in part, of a historic landmark.

Designation means the formal recognition of a historic structure, site or district that is listed on the Lakewood Historic Register.

Designated District means a geographically defined area listed on the Lakewood Historic Register through the procedural requirements of this Article.

Designated Site means a historic property or site individually listed on the Lakewood Historic Register through the procedural requirements of this Article.

Designated Structure means a historic structure individually listed on the Lakewood Historic Register through the procedural requirements of this Article.

Department means the Planning Department.

Director means the Director of the Planning Department.

District means a geographically defined area possessing a significant concentration of sites, buildings, structures and/or objects united by past events or physical development any site, structure or improvement and its surrounding environments, or a group of sites, structures or improvements, or both, and their surrounding environs.

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

Historic Context Statement is a statement or report that focuses specifically on historic, cultural, or social themes and patterns that shaped the built environment including themes such as exploration, settlement, education, transportation, and commerce and trade.

Historic Preservation is the protection, rehabilitation, restoration, and/or reconstruction of districts, sites, buildings, structures, and objects significant in Lakewood or that has national or state influence in history, architecture, archaeology, geography, engineering, or culture.

Historic Property is a site, building, structure or object significant in American history, architecture, engineering, archeology or culture at the national, state, or local level, or property that is celebrated for having influence in the history of Lakewood.

Improvement means any change or alteration to any building, structure, place, work of art, or other object constituting a physical betterment.

Inventory is the listing of sites, buildings, and structures within the City, which contribute to the overall historic and architectural character and heritage of a district or the heritage of the City, including a list of historic properties and archaeological sites determined to meet specific criteria of significance.

Landmark is a structure, site, parcel, or district which has been listed as a landmark by the Historic Preservation Commission under the provisions of this Article.

Noncontributing Property means a classification applied to an individual property located within a designated historic district, signifying that the property does not contribute to the distinctive character of the district.

Ordinary Repairs means routine work done on a building to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay of, or damage to a building on any part thereof in order to restore to same as nearly as practicable to its condition prior to such deterioration, decay or damage.

Owner means all persons or entities that have a record ownership interest in a specific parcel of property.

Permit means any permit issued by the City pertaining to construction, alteration, removal, or demolition of a building or feature within a designated historic landmark, landmark site, or district.

Preservation Commission means the Historic Preservation Commission established pursuant to this Article.

Protection is any physical means such as fencing or by stabilization to prevent further deterioration.

Quorum is the minimum number of Historic Preservation Commissioners necessary for a hearing on a designation as defined by the Historic Preservation Commission By Laws.

Reconstruction is the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Rehabilitation is the act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

Restoration is the process or product of returning, as nearly as possible, an existing site, building, structure, or object to its condition at a particular time in its history, using the same construction materials and methods as the original, where possible, and may include removing later additions, making hidden repairs, and replacing missing period work.

Secretary to the Historic Preservation Commission is a staff person designated by the Director in the Planning Department.

Significance generally refers to the aesthetic, cultural, educational, or scientific importance of an archaeological, architectural, paleontological, or scenic heritage resource.

Significant Architectural Feature means any distinctive aspect of a building's exterior that defines its architectural character, for example, the color and texture of the building material or the style and size of its doors and windows.

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

Stabilization is the process of temporarily protecting a historic building or structure until rehabilitation or restoration efforts can begin. It typically includes making the building weather-tight, structurally stable, and secure against intruders while maintaining the essential form as it exists at present.

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

17.11.2: Historic Preservation Commission

17.11.2.1: Creation

There is hereby established a Historic Preservation Commission, which shall be appointed by the City Council, hereinafter referred to as "Preservation Commission."

17.11.2.2: Composition

- A. The Preservation Commission shall consist of five voting members. At least two members shall be Lakewood residents.
- B. Each member shall have a demonstrated interest in, competence with, or knowledge of, historic preservation.
- C. A minimum of two of the members shall be professionals in preservation-related disciplines such as:
 - 1. Architecture; or
 - 2. Landscape Architecture; or
 - 3. Architectural History; or
 - 4. History; or
 - 5. American Studies; or
 - 6. American Civilization; or
 - 7. Cultural Geography; or
 - 8. Cultural Anthropology; or
 - 9. Urban Planning.
- D. All remaining Commissioners shall be composed of both professional and lay members and shall be selected, as much as possible, from related disciplines such as the building trades, cultural geography, cultural anthropology, real estate or law, or should reside within a designated historic district.

17.11.2.3: Term of Office

- A. The term of each member shall be four years, provided, however that the initial appointment to the Preservation Commission shall consist of one appointment of a term of one year, one appointment of a term of two years, one appointment of a term of three years, and two appointments of a term of four years. The term of each member shall end on March 31st of the last year of that member's term.
- B. No member shall serve more than two consecutive terms on the Preservation Commission as either an alternate or regular member. After any member has served two consecutive terms of office, that member shall not be eligible for reappointment until after that person has ceased to be a member of the Preservation Commission for a least one full term. Any member who serves at least one-half term shall be considered to have served one full term.

17.11.2.4: Area of Authority

The Preservation Commission's geographic area of authority shall be the same as the boundaries of the City of Lakewood.

17.11.2.5: Powers and Duties

The Preservation Commission shall have the power and duty to:

- A. Evaluate and make recommendations concerning the merits of applications for designation pursuant to this Article.
- B. Conduct Alteration Certificate review as provided in this Article.
- C. Consult with City staff as requested concerning the conformity with approved plans of construction or alteration authorized pursuant to an Alteration Certificate issued pursuant to this Article.
- D. Prepare, or cause to be prepared, a comprehensive inventory of sites, structures, or areas that may be appropriate for designation pursuant to this Article.
- E. Prepare, or cause to be prepared, design guidelines for construction and alteration of designated structures and structures in designated districts, for adoption and approval by the Planning Commission.
- F. Prepare, or cause to be prepared, historic context statements.
- G. Increase public awareness of the value of historic, architectural, and cultural preservation.
- H. Evaluate and comment on proposals or decisions made regarding structures, sites and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic or other heritage.
- I. Provide advice and guidance to individuals, developers, neighborhood groups and other parties regarding work on designated sites or structures, or within designated districts.
- J. Draft and recommend for adoption by the City Council such by-laws, operating policies and other rules of procedure, and amendment to or repeal of any of them, as the Preservation Commission may deem appropriate.
- K. Review applications for the relocation of designated structures for preservation, or structures into a designated district for protection.
- L. Receive ongoing training by delegating at least one member to attend a State Historic Preservation Office approved educational session each year.
- M. Prepare an annual report to the City Council.

- N. Delegate to City staff or preservation partners the authority to administratively review and/or approve specific types of projects involving historic resources.

17.11.2.6: Meetings

The Preservation Commission shall meet regularly, with a minimum of four meetings per year.

17.11.2.7: Vacancies

In the event of a vacancy occurring in the membership of the Preservation Commission for any reason, an appointment for the remainder of the vacant term of office shall be made in the same manner as regular appointments.

17.11.2.8: Removal

With just cause, City Council may remove any Preservation Commission member.

17.11.3: Designation Criteria

A structure, site or district may be designated for historic preservation if it meets the following criteria:

- A. It is associated with events that have made a significant contribution to the broad patterns of the City's history; or
- B. It is associated with the lives of persons significant in the City's past; or
- C. It embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. It has yielded, or may be likely to yield, information important in history or prehistory; or
- E. It is culturally significant to the Lakewood community.

17.11.4: Designation Procedure

17.11.4.1: Initiation

A designation process shall be initiated by:

- A. The City Council; or
- B. The Preservation Commission; or
- C. The Director; or

- D. The Lakewood Historical Society; or
- E. A non-profit organization with an established interest in, and a mission statement supporting, preservation; or
- F. The property owner(s) (if a single property); or
- G. A defined percentage of property owners in a proposed district pursuant to Section 17.11.4.2.B.

17.11.4.2: Property Owner Consent Required

- A. For an individual structure or parcel of real property, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any structure or parcel of real property for preservation without the written consent of the owner thereof.
- B. For a district, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any district for preservation without written consent of 60 percent of property owners within the proposed district.

17.11.4.3: Application

An application for designation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the appearance of the structure, district or site and shall demonstrate how the structure, district or site meets the criteria for designation as set forth in Section 17.11.3. An application for a district shall include the boundaries for the area to be designated.

17.11.4.4: Preliminary Review

The Director shall determine whether the application is complete and includes appropriate property owner consent pursuant to Section 17.11.4.2. If the Director determines the application is complete, the Director shall promptly refer the application to the Preservation Commission. If the Director determines the application is incomplete, the applicant shall be advised of the reasons the application is incomplete.

17.11.4.5: Review of Application

The Preservation Commission shall review the application to determine if the structure, district, or site is potentially eligible for designation. If the Preservation Commission finds the structure, site or district potentially eligible for designation it shall schedule a public hearing on the question of designation.

17.11.4.6: Notice of Designation Hearing

Notice of a designation hearing shall be given as follows:

- A. The Secretary to the Preservation Commission shall schedule a public hearing before the Preservation Commission. The public hearing shall be held not more than 45 days, or within a timeframe agreed upon by the applicant and Director, after receipt of a complete application. The Secretary to the Preservation Commission shall provide notice of the date, time and location of the public hearing to the applicant, the owner or owners of record and, if known, to other persons having a legal or equitable interest in the site or sites nominated for designation.
- B. Signs indicating the proposed action and the time, date and place of the hearing, shall be posted by the applicant at least 14 days prior to the hearing on all property proposed for designation for preservation, and on the boundaries of all areas proposed for designation as a district for preservation, such signs to be prominently displayed and easily readable from abutting public ways. If any sign is damaged or destroyed prior to the hearing, the sign shall be replaced.
- C. A legal notice indicating the nature of the hearing, the property involved, and the time, date and place of the scheduled public hearing, shall be published in the City's publication of record at least 10 days prior to the hearing.
- D. The Secretary to the Preservation Commission shall provide written notice of the proposed designation, including the identification of the property, the basis for commencing the designation procedure, and the time, date and place of the hearing to the Preservation Commission, the Director, and the building official not less than 14 days prior to the hearing.

17.11.4.7: Designation Hearing before the Preservation Commission

- A. A quorum of the Preservation Commission shall conduct the hearing. A hearing may be continued. If the hearing is continued, the time, date and place of the continuation shall be established and announced to those present when the current session is to be adjourned.
- B. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation or designations. However, nothing contained herein shall be construed to prevent the Preservation Commission from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.
- C. Transcripts of the hearings are not required; however, the Preservation Commission's records shall include the name and address of each speaker; the organization or person the speaker represents, if any; whether or not the speaker is an owner or holder of some interest in an affected property, or represents such owner or holder; and a summary of the relevant portions of each statement. Written reports and presentations shall be incorporated into the record of the hearing. All recordings, documents, and physical evidence considered shall be retained for 60 days after designation.

17.11.4.8: Findings and Recommendations of the Preservation Commission

The Preservation Commission shall act officially on each proposed designation within 45 days after the hearing thereon. The Preservation Commission may recommend, recommend with conditions, or deny any proposal, but no proposal may be extended beyond the boundaries of

the land described in the final application for designation unless the initiation and hearing procedures are repeated for the enlarged boundaries. The Preservation Commission shall set forth in writing its findings of fact which constitute the basis for its recommendation. If the Preservation Commission fails to act within the 45 day period, the designation shall be deemed to have been rejected, and the designation procedure terminated.

17.11.4.9: Proceedings before the City Council

- A. Within 60 days after the date of the Preservation Commission's recommendation, the City Council shall hold a public hearing on the proposed designation, after giving notice in conformance with the procedures set forth in Section 17.11.4.6 for the public hearing before the Preservation Commission, except that the City Clerk shall perform the responsibilities assigned therein to the Secretary of the Preservation Commission.
- B. The City Council shall, by ordinance, approve, approve with conditions, or deny the proposed application and shall issue written findings based on the Preservation Commission's recommendations and in accordance with the criteria set forth in Section 17.11.3.
- C. The City Clerk shall provide a copy of the results of the City Council's final action to the applicant, the Preservation Commission, the Secretary to the Preservation Commission, the Director, the building official, and any other person who has requested in writing to receive the same.

17.11.4.10: Recording of Designation

- A. Within 15 days of the effective date of an ordinance designating a structure, site or district for preservation, the City Clerk shall record the ordinance with the clerk and recorder of the county in which the structure, site or district is located.
- B. The Director shall maintain on file a record of all designated structures, sites and districts within the City of Lakewood.

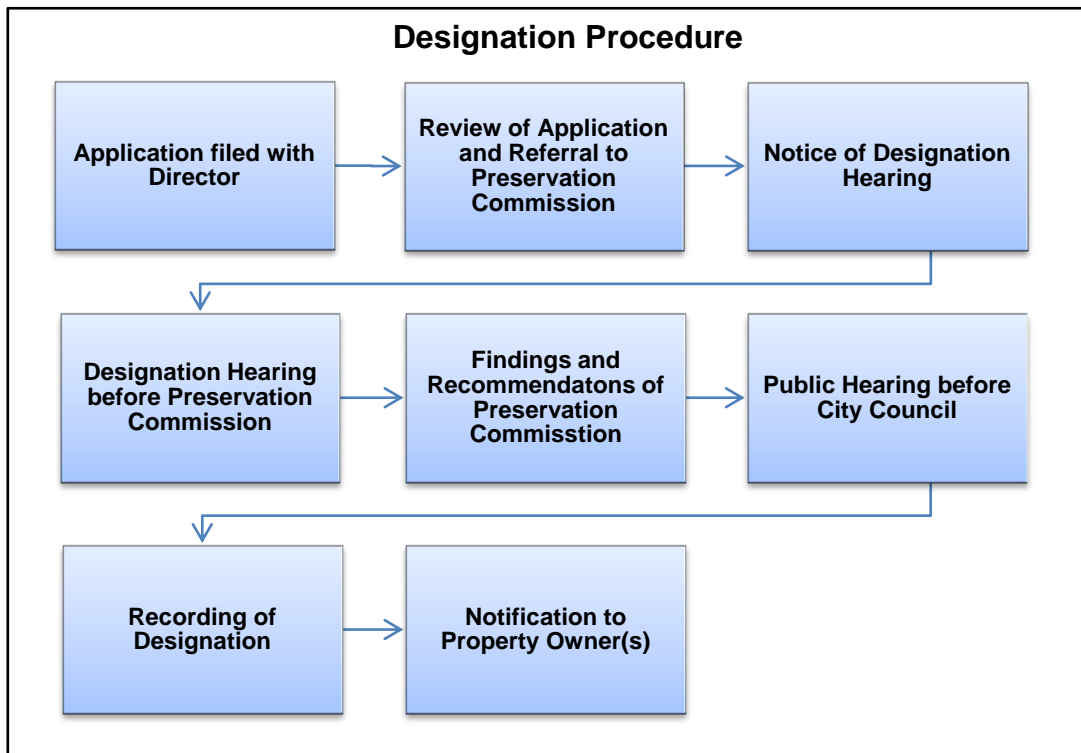
17.11.4.11: Notification

Within 14 days after the recording of the ordinance of designation, staff shall send to the owner of each property affected by the designation a letter outlining the reasons for such designation and the obligations and restrictions created by such designation.

17.11.4.12: Appeal of Preservation Commission's Denial of Application

- A. If the Preservation Commission denies an application for designation for any reason other than lack of requisite property owner consents, the applicant shall have the right to appeal such decision to City Council by filing a written notice of appeal, specifying the factual and legal basis for the appeal, with the City Clerk and the Secretary to the Preservation Commission not later than 15 days after the date of mailing of the Preservation Commission's denial.

- B. Notice of the City Council's consideration of the appeal, and of the City Council's consideration hearing, shall be provided pursuant to the procedures set forth in Section 17.11.4 for the public hearing before the Preservation Commission except that the City Clerk shall perform the responsibilities assigned therein to the Secretary. However, the public hearing and consideration by the City Council of the designation ordinance shall not be less than 10 days after the date of publication in the City's publication of record.
- C. Upon consideration of the appeal, the City Council may consider only the notice of appeal, the Preservation Commission's reasons for denial of the application, and the comments related thereto made during the Preservation Commission hearing.
- D. If City Council finds that the Preservation Commission's denial of the application was based upon incorrect information, or there is shown to be newly discovered information not available at the time the application was submitted to the Preservation Commission, and if the correct or newly discovered information could, in the opinion of the City Council, change the Preservation Commission's denial of said application, then the entire matter shall be remanded by the City Council to the Preservation Commission for its consideration.



17.11.5: Alteration Certificate

17.11.5.1: Requirement

An Alteration Certificate shall be obtained, in addition to any other permit or other approval required by this Zoning Ordinance, for any designated structure or site, or for any contributing structure within a designated district, prior to any:

- A. Alteration, rehabilitation, restoration, addition, or reconstruction of, the exterior of all or part of a designated structure or all or part of a contributing structure located in a designated district; or
- B. Demolition which constitutes all or part of a designated structure or all or part of a contributing structure located in a designated district; or
- C. Construction or erection of any addition or improvement to any designated structure or to any contributing structure located in a designated district; or
- D. Construction or erection of any structure or improvement to any designated site.

17.11.5.2: Criteria

- A. The Preservation Commission shall issue an Alteration Certificate for proposed construction, alteration or demolition if the application and other submittals demonstrate:
 - 1. That it is of a nature which will not adversely affect or destroy any architectural feature of the structure; and
 - 2. That it is in substantial conformity with design guidelines adopted by the Preservation Commission; and
 - 3. That any distinctive feature, finish, construction technique or examples of craftsmanship that characterize the property are maintained; and
 - 4. That any new addition, exterior alteration or related new construction does not destroy the historic materials that characterize the property; and
 - 5. That any addition and any related construction is undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment; and
 - 6. That any new work is differentiated from the old and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment would be unimpaired; and
 - 7. The historic character of the property is retained and preserved and the removal of historic materials or features that characterize the property is avoided; and
 - 8. That there is substantial economic hardship as set forth in Section 17.11.5.4.



- B. In addition to the criteria in Subsection A above, the Preservation Commission may also evaluate any work as to conformance with any additional standards of the U.S. Department of the Interior for the Treatment of Historic Properties.

17.11.5.3: Application and Review

- A. Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health or property, upon the filing of an application for a permit for the performance of any work coming within the scope of Section 17.11.5.1 above, the Director shall require the applicant to meet the following additional submittal requirements:
 - 1. A narrative description of the type of work proposed and its effect or impact upon the structure, site or district designated for preservation; and
 - 2. Plans and designs showing in detail any proposed alteration to a designated structure or contributing structure within a designated district including, but not limited to, façade elevations and proposed materials to be used; and
 - 3. A site plan, if applicable, showing the location of existing structures and any proposed structures on the site; and
 - 4. Any other drawings, photographs, material brochures or samples, or information that may be necessary to determine and provide for compliance with this Article; and
 - 5. For applications for demolition, professionally prepared estimated costs of continued maintenance of the structure in its current condition, of rehabilitation, and of demolition, an engineer's or architect's report as to structural soundness, and professionally prepared estimates of market value of the property in its current condition, as rehabilitated, and after demolition.
- B. On receipt of a complete submittal, the Director shall refer the application to the Preservation Commission for review.
- C. If the Preservation Commission determines the application and other submittals demonstrate that the criteria set forth in Section 17.11.5.2 are met, the Preservation Commission shall issue and send an Alteration Certificate to the Director within 45 days after its receipt of the referral.
- D. If the Preservation Commission determines the application and other submittals do not demonstrate that the criteria set forth in Section 17.11.5.2 are met, the Preservation Commission may issue an order continuing the permit application process for a period not to exceed 90 days from the date of the application. Any such order shall specify all aspects of the proposed work which do not meet the criteria and shall be sent promptly to the Director and the applicant.

- E. During any continuance ordered by the Preservation Commission, the Preservation Commission shall act with due diligence to study alternative means whereby the work may be brought into conformity with applicable criteria and shall during such period be available to meet with the applicant in an attempt to resolve the nonconformities.
- F. If the Preservation Commission fails to send either an Alteration Certificate or a continuance order to the Director within 60 days after receipt of the application, the building permit application process shall proceed without further reference to this Section.

17.11.5.4: Economic Hardship

Upon written application by the applicant, the Preservation Commission shall issue an Alteration Certificate for proposed demolition if the Preservation Commission finds the application and supporting documents demonstrate that maintenance or rehabilitation would cause unreasonable economic hardship based on the following:

- A. The property is incapable of earning a reasonable return on the owner's investment; and
- B. The property cannot be adapted for another use that can result in a reasonable return; and
- C. No potential purchaser of the property with a reasonable offer who intends to preserve it can be identified.

17.11.5.5: Appeal of Denial of Alteration Certificate

If the Alteration Certificate is denied by the Preservation Commission, the applicant may appeal the denial to the City Council within 30 days of the denial by Preservation Commission. After notice is provided in accordance with Section 17.11.4.6, the City Council shall hold a public hearing to consider the appeal, and consider any evidence it deems relevant to the application. The City Council shall apply the criteria in this Article in making its decision. The decision of the City Council shall be final.

17.11.6: Relocation of a Designated Structure or Landmark

17.11.6.1: Initiation

A request to relocate a designated structure or landmark shall be initiated by the property owner(s).

17.11.6.2: Application

An application for relocation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the reasons for the request for relocation and shall include any documentation in support of the request for relocation. The Director shall forward a complete application to the Preservation Commission for its consideration.

17.11.6.3: Review of Application

The Preservation Commission shall apply the following criteria when considering applications for relocating a designated structure or landmark:

- A. If the structure cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property; and
- B. The contribution the structure makes to its present setting; and
- C. Whether plans are specifically defined for the site to be vacated, and have been approved by city staff; and
- D. If the structure can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the structure; and
- E. Whether the structure has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and
- F. Whether a structural report submitted by a licensed structural engineer experienced in preservation of structures adequately demonstrates the soundness of the structure proposed for relocation.

17.11.6.4: Decision

- A. The Preservation Commission shall notify the applicant and the Director in writing within 15 days of its decision.
- B. The decision of the Preservation Commission shall be final.

17.11.7: Maintenance

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a designated structure or a contributing structure within a designated district. Ordinary maintenance shall be defined as any work that does not constitute a change in design, material, color or outward appearance, and includes in-kind replacement or repair. The Director shall determine what ordinary maintenance is. If the Director determines the work to be performed falls under the purview of ordinary maintenance, an Alteration Certificate shall not be required.

It shall be the responsibility of the owner or owners of a designated property, or a contributing property within a designated district, to provide minimum maintenance to the structure or building to prevent the loss of historic material and detail. Minimum maintenance is required to prevent a structure from reaching a point of hazard where the structure might be condemned and demolished for health and safety issues.

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ARTICLE 12: NONCONFORMITIES

17.12.1: General

17.12.1.1: Purpose and Intent

This Article is intended to regulate buildings, structures, uses, fences and signs that came into being lawfully but that do not conform to one or more of the requirements of this Zoning Ordinance. It is further the intent to identify circumstances and conditions under which any nonconforming building, structure, use, fence or sign shall be permitted to exist and may be modified.

17.12.1.2: Authority to Continue

Any nonconformity that legally existed on April 1, 2013, or that becomes nonconforming upon the adoption of any amendment to this Zoning Ordinance, may be continued in accordance with the provisions of this Article.

17.12.1.3: Nonconformities Detrimental to Health and Safety

No provision of this Article shall be construed to allow continuation of any nonconforming building, structure, use, fence or sign when it is determined by the Director to be detrimental to public health or safety. The right to continue the use of any nonconforming building, structure, use, fence or sign shall be subject to all life safety requirements of applicable housing, building, health and other safety codes and standards.

17.12.1.4: Determination of Nonconformity Status

The burden of establishing that a building, structure, use, fence, or sign is nonconforming shall, in all cases, be solely upon the owner of such nonconforming building, structure, use, fence or sign.

17.12.1.5: Nonconforming Certificate

An owner of any nonconforming building, structure, use, fence or sign may request a Nonconforming Certificate by filing an application with the Director. The application shall include the approximate date that the building, structure, use, fence, or sign was established, and any other information determined by the Director to be necessary to permit an accurate determination as to whether the building, structure, use, fence, or sign is nonconforming.

17.12.1.6: Nonconformities Created by Public Action

When lot area or setbacks are reduced as a result of land acquired by a federal, state or local government, or any other public agency, for a public purpose, and the remaining is at least sixty (60) percent of the required minimum standard for the zoning district in which it is located, then that lot or structure is deemed to be in compliance with the minimum standards of this Zoning Ordinance.

17.12.2: Nonconforming Buildings or Structures

17.12.2.1: Nonconforming Buildings or Structures in Single-Family and Two-Family Residential Zone Districts

A nonconforming building or structure may continue to be used subject to the following provisions:

A. Repair:

A nonconforming building or structure may be repaired or structurally altered only if the alteration or repair does not increase the nonconformity and complies with this Zoning Ordinance. If the nonconforming building or structure, or any portion thereof, is declared unsafe by the City building inspector, the building may be strengthened or restored to a safe condition even if compliance with the requirements of this Zoning Ordinance is impossible.

B. Expansion:

1. A nonconforming principal building or structure may be enlarged, extended, constructed or altered as determined by the Director as follows:
 - a. The expansion or alteration is no greater than 20 feet in length, or 20 percent of the average lot depth, whichever is less; and
 - b. The expansion or alteration comes no closer to the property line than the existing nonconforming portion of the building or structure and is no less than 3 feet from the adjacent property line; and
 - c. No new nonconformities are created; and
 - d. The expansion or alteration is compatible with the pattern of existing development in the vicinity; and
 - e. The expansion or alteration is consistent with the Comprehensive Plan; and
 - f. All other standards of this Zoning Ordinance are met.
2. No vertical expansion is permitted unless it meets all standards of this Zoning Ordinance.

C. Restoration of Damage:

1. A nonconforming principal building or structure that is damaged or destroyed by fire or any other natural disaster may be restored in accordance with Section 17.12.1.3. In such case, the principal building or structure may be re-established to the extent that existed before the time of damage, and within the pre-existing structure boundaries, provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that such repairs, restoration or reconstruction begin within 18 months of the date of such damage.

2. A nonconforming accessory building or structure that is destroyed or damaged to the extent of more than 60 percent of its replacement value shall not be repaired or rebuilt except in compliance with the requirements of this Zoning Ordinance.

17.12.2.2: Nonconforming Buildings or Structures in Multifamily, Mixed-Use, Commercial and Light Industrial Zone Districts

A nonconforming building or structure in a multifamily, mixed-use, commercial or light industrial zone district may continue to be used subject to the following provisions:

A. Repair:

A nonconforming building or structure may be repaired or structurally altered only if the alteration or repair does not increase the nonconformity, except as provided in Subsection B, below. If the nonconforming building or structure, or any portion thereof, is declared unsafe by the City building inspector, the building may be strengthened or restored to a safe condition even if compliance with the requirements of this Zoning Ordinance is impossible.

B. Expansion:

A nonconforming building or structure shall be permitted to be enlarged, extended, or altered as follows:

1. A nonconforming building or structure may be expanded by a maximum of 20 percent of the gross floor area of the structure that existed on April 1, 2013, if the expansion or alteration does not increase or extend any existing nonconformity or create any new nonconformities.
2. A nonconforming building or structure may be expanded more than 20 percent of the gross floor area of the building or structure that existed on April 1, 2013, if that portion of the building or structure that is being expanded meets the requirements of Article 5.

C. Restoration of Damage:

1. A nonconforming principal building or structure that is damaged or destroyed by fire or any other natural disaster may be restored in accordance to Section 17.12.1.3. In such case, the principal building or structure may be re-established to the extent that existed before the time of damage, and within the pre-existing structure boundaries, provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that such repairs, restoration or reconstruction begin within 18 months of the date of such damage.
2. A nonconforming accessory building or structure that is destroyed or damaged to the extent of more than 60 percent of its replacement value shall not be repaired or rebuilt except in compliance with the requirements of this Zoning Ordinance.

17.12.3: Nonconforming Use

- A. An existing nonconforming use may be continued except that the nonconforming use shall terminate if it is discontinued for a period of 180 days or more, regardless of any intent to resume operations. However, the Director, for good cause shown, may extend the discontinuation period based upon the following criteria:
1. The building and/or site was designed specifically for the particular use for which the extension is being requested; and
 2. There are no substantial redevelopment opportunities for that site in the near future; and
 3. No redevelopment has occurred in the vicinity of the site; and
 4. The use for which the extension is being requested will not have a detrimental impact on the surrounding uses or potential redevelopment.
- B. A nonconforming use shall not be changed to another nonconforming use. However, the Director, for good cause shown, may permit a change to another nonconforming use based upon the following criteria:
1. The configuration and design of the site and/or building significantly limit redevelopment and reuse opportunities; and
 2. No redevelopment has occurred in the vicinity of the site; and
 3. The use for which the extension is being requested will have less adverse impact than the previous nonconforming use or than a vacant building on the site; and
 4. The Director, at his or her discretion, may require certain site improvements as a condition of approval in accordance with other standards of this Zoning Ordinance; and
 5. The Director, at his or her discretion, may subject the proposed nonconforming use to a special use permit process as described in Article 2 of this Zoning Ordinance.
- C. A nonconforming use, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

17.12.4: Nonconforming Fences

A nonconforming fence must be brought into conformity if the fence is damaged or destroyed by more than 60 percent of its total replacement value.

17.12.5: Nonconforming Signs

- A. A nonconforming sign must be brought into conformity if:
1. The sign is damaged or destroyed by more than 60 percent of its total replacement value; or
 2. There is a request made for a permit to alter the structural support of the sign.

17.12.6: Nonconforming Parking

Nonconforming parking in the multifamily, mixed-use, commercial or light industrial zone districts may be continued except that when any building or structure is enlarged, extended or altered, the parking shall meet the minimum parking standards identified in Table 17.8.1.

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ARTICLE 13: DEFINITIONS AND INTERPRETATIONS

17.13.1: General Interpretations

As used in this Zoning Ordinance, the words and terms used, defined, interpreted or further described herein shall be construed as follows:

- A. The present tense includes the future tense.
- B. Words used in the singular number include the plural, and vice versa, unless the context clearly indicates the contrary.
- C. The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
- D. The word "days" means calendar days.
- E. The words "shall" and "must" are mandatory. The words "should" and "encouraged" are advisory.
- F. The masculine shall include the feminine.
- G. Where not defined herein, the words used in this Zoning Ordinance shall have the common and customary meaning.

17.13.2: Definitions

As used in this Zoning Ordinance, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivations shall have the following meanings:

Accessory Dwelling Unit: See Dwelling Unit, Accessory.

Accessory Structure: See Structure, Accessory.

Accessory Use: See Use, Accessory.

Adult Business: See Chapter 5.47 of the Lakewood Municipal Code.

Alteration: A physical change in a structure including an expansion or change in use.

Amateur Radio Towers and Antennae: Broadcasting and receiving structures or devices used for personal pleasure or as a hobby.

Animal Care:

Indoor: Any facility licensed by the State of Colorado where animals may be groomed, treated, trained, exercised, boarded and socialized.

Outdoor: Any facility or open space licensed by the State of Colorado used in whole or in part for the boarding household pets for compensation.

Animal, Large: Domestic animals limited to livestock, emus and ostriches.

Animal, Small: Domestic animals limited to rabbits, chinchillas, chickens, ducks, geese and pigeons, and dwarf goats.

Bar: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink.

Bed and Breakfast: A single-family detached dwelling where short-term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities.

Beehive: A structure designed to contain one colony of honey bees.

Berm: A raised earthen mound used to provide visual interest, screen undesirable views, reduce noise, or fulfill other such purposes.

Build-to-Zone: The percentage of lot width that must contain a building or portion of a building located between the minimum and maximum setbacks. This shall be measured by the total width of the building or building portion(s) located in the build-to-zone divided by the width of the lot or parcel on which the building is located (See Figure 17.13.1).

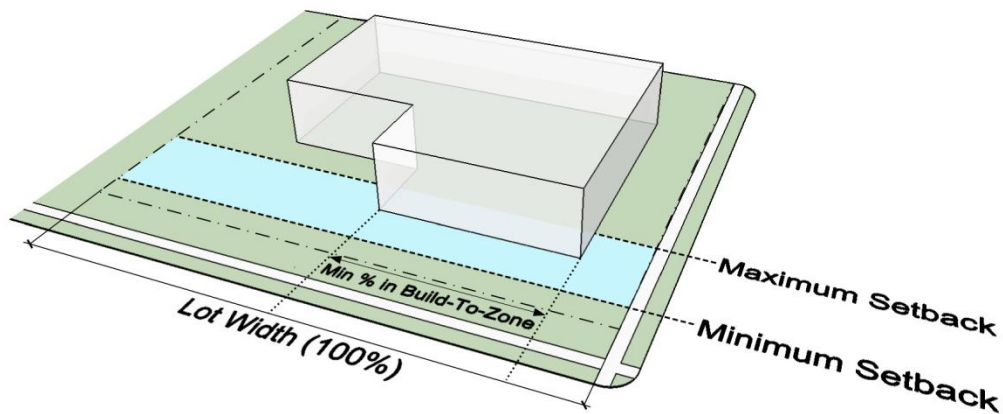


Figure 17.13.1: Build-to-Zone

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

Building Code: The building code, as adopted and amended from time to time by the City of Lakewood.

Building Footprint: The outline of the total horizontal area that is covered by a building's perimeter at the ground level.

Building, Nonconforming: Any building that was legally established prior to the effective date of this Zoning Ordinance or any subsequent amendment thereof, but fails to conform to the present requirements of this Zoning Ordinance.

Caliper: The diameter of a tree trunk measured four feet above the ground.

Carport: A structure open on a minimum of two sides designed or used to shelter vehicles.

Car Wash: Any building, premises or portions thereof used for the washing, polishing or detailing of automobiles and other light motor vehicles.

Cemetery: A place for interning the dead.

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.

Change in Use: See Use, Change of.

Clubs, Lodge, Service Organizations: A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.

Common Area/Commonly Owned Land: Land, or land and improvements held in common ownership by a group of people who individually own dwellings or businesses within the same development, and are responsible for the upkeep and maintenance of the commonly owned land and/or improvements.

Common Facilities: Land, facilities, or improvements such as open space, a clubhouse, tennis court, swimming pool, or roads, driveways, or parking areas which are located within a development and in which the owners of the development have an undivided interest and/or a common responsibility for maintenance and repair.

Community Building: A building used for educational, governmental, or non-profit recreational purposes. A community building may include, but is not limited to, libraries, museums, police stations, fire stations, city offices, and post offices.

Community Garden: An area of land, either private or public, used for the cultivation of fruits, flowers, vegetables, or plants by more than one person or family.

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

Construction Trailer: A mobile home, travel trailer or other temporary structure used as an office in conjunction with a construction project.

Containment Area: The portion of a property that is fenced and used to contain or keep domestic livestock.

Contractor Shop, Indoor: A commercial business intended to provide maintenance or repair of a building or structure including, but not limited to, housecleaning, chimney sweeping, burglar alarms, yard care, plumbing, and painting.

Contractor Shop, Outdoor: A building, part of a building, or land area for the construction or storage of materials, tools, products and vehicles, but not including auto wrecking yards, junkyards, or inoperable motor vehicles.

Corral: An open enclosure area used for exercise, riding, or training of livestock.

Correctional Institution: A building or group of buildings in which persons are confined for an indeterminate period of time while awaiting or on trial for an offense, or while serving a sentence for punishment of a crime.

Crematorium: A commercial establishment for the burning of corpses, human or animal, to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Day Care Facility:

Adult: A facility licensed by the State of Colorado providing care for the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Child: A facility that is licensed by the State of Colorado providing care for five or more children under the age of 16 years of age in a protective setting for a portion of a 24-hour day.

Deck: A structure open to the atmosphere on at least two sides and projecting from the front, side, or rear wall of a building.

Density: The number of dwelling units per acre of total lot area.

Department: Planning Department for the City of Lakewood.

Detention Area: An area which is designed to capture stormwater and to gradually release it to reduce or avert flooding.

Development: All activities involving earth disturbance and requiring a building or grading permit; the placement, construction, erection, reconstruction, movement, and alteration of structures or buildings; construction of roads, driveways, and parking areas; placement of paved areas; construction of drainage improvements or alterations of the historic flow of drainage patterns and amounts; installation of utilities; division of a parcel of land into two or more parcels where the division is subject to subdivision regulations; any mining or excavation; and any use or extension of any use of land.

Digital Display Sign: See Sign, Digital Display.

Director: The person, or that person's designee, authorized by the City Manager to enforce and interpret this Zoning Ordinance.

Display, Outdoor: The placement and presentation of commodities, goods or products on the grounds of a business for view by the public to attract the attention of customers in order to sell the commodities, goods or products.

Drive-Through: An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling Unit:

Accessory: A subordinate single-family residential dwelling unit, but not a mobile home, located on the same lot as a single-family dwelling unit, either within the same building as the single-family dwelling unit, attached to the single-family dwelling unit, or in a detached building.

Live/Work: A combination of residential occupancy and commercial activity located within a single building, in which the area devoted to the commercial activity exceeds the amount allowed for a home occupation.

Multifamily: A building designed for occupancy by three or more households living in separate dwelling units.

Single-Family: A building designed for occupancy by one household on one lot.

Two-Family: A building designed for occupancy by two households living in separate dwelling units on one lot.

Easement: An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to, transportation facilities, utilities, access, storm water drainage, signage, pedestrian uses and solar exposure.

Emergency Medical Facility: An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments on an out-patient basis, which does not include ambulance service facilities.

Employee: Any person who does any type of work for the benefit of another in consideration of direct or indirect wages or profit, or provides uncompensated work of services to a business or nonprofit entity. "Employee" includes every person described in this paragraph, regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

Entertainment Facility:

Indoor: A commercial establishment offering recreational and entertainment activities including, but not limited to, bowling alleys, nightclubs, theatres, video games, coin-operated amusement or entertainment devices, or other games of skill or scoring within an enclosed structure. An indoor entertainment facility may include customary accessory uses such as the sale of food and beverages.

Outdoor: Land and facilities designed to be used by members of the public, for a fee, that contain outdoor amusement facilities such as miniature golf courses, race tracks

and outdoor amusement parks and theatres in which some part of the recreational activity takes place outside of an enclosed structure.

Facade: Any exterior face of a building.

Farm: An area that is used for the production of farm crops, such as vegetables, cotton or grain and accessory structures necessary for the storage crops, farm implements and equipment, and public stables. Farming does not include the commercial raising of animals, feed lots, or the slaughtering of animals.

Fence: A free-standing structure made of metal, masonry, composition, wood, a free-standing wall or any combination thereof, which may be resting on or may be partially buried in the ground, and rising above ground level. It is generally used for confinement, screening, partition or ornamental purposes.

Fence, Nonconforming: Any fence that was legally established prior to the effective date of this Zoning Ordinance or any subsequent amendment thereof, but fails to conform to the present requirements of this Zoning Ordinance.

Fence, Open: A fence, including gates, where each 1-foot wide segment for the full length and height of the fence contains at least 50 percent open space which affords a direct view through the fence.

Fence, Solid: A fence, including gates, which does not provide for open space along its length or height and conceals the activity conducted behind it from view from adjoining properties, public or private streets or alleyways. An example includes, but is not limited to, a solid cedar fence.

Fill: A deposit of material by other than natural means, the purpose of which is to build up the ground level of property.

Fitness or Athletic Facility: A private business providing aerobics, exercise classes, weight lifting, and swimming, and which may include onsite spa services and limited food and beverage sales.

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.

Frontage: Frontage is that side of a lot abutting on a public or private right-of-way, or tract designated for access to the subject lot. Primary frontage is the right-of-way from which the access to the lot is taken and the address of the lot is assigned.

Front Yard: See Yard, Front.

Fueling Station: See Motor Vehicle Service.

Garage: A building or portion of a building designed to accommodate the storage or parking of vehicles.

Golf Course: A large tract of land developed for the game of golf which may include a clubhouse containing locker rooms, food and beverage services, and retail sale of clothing and sporting goods associated with golf.

Grade: The finished surface of ground abutting a building or other structure.

Gross Floor Area: See Floor Area, Gross.

Ground Cover: Any of a wide variety of living plants which lie close to and cover the ground to form a dense mat, preventing soil from being blown or washed away, and intended to prevent growth of unwanted plants.

Group Home: A facility that provides for the care, treatment and/or supervision, on a temporary or permanent basis, for 12 or fewer individuals. A group home may include central or private kitchens, dining, recreational, health care, and other facilities.

Group Residential Facility: A facility that provides for the care, treatment and/or supervision, on a temporary or permanent basis, for more than 12 individuals. A group residential facility may include central or private kitchens, dining, recreational, health care, and other facilities. A group living facility may include, but is not limited to, assisted living facilities and college dormitories.

Habitable Space: Space in a building for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage space and other similar areas are not considered habitable space.

Home Day Care:

Adult: An adult day care, licensed by the State of Colorado, provided in a home for not more than six adults, not related to the care provider. Adult day care shall not include overnight occupancy by the clients.

Child: A facility, licensed by the State of Colorado, providing care and training for a child or children not related to the caretaker.

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 residential character.

Homeowners' Association: An organization formed for the maintenance and ownership of common elements or to enforce any private covenants, codes and restrictions.

Horticulture: The cultivation of fruits, flowers, vegetables or plants.

Hospital: An institution licensed by the state department of health, providing health services and medical or surgical care to persons. Provided services are generally on an inpatient basis, but associated care and related services may include diagnostic and laboratory services on an outpatient basis. Staff offices and central services facilities are integral parts of the facility.

Hotel: A building designed and used as sleeping accommodations for usually transient occupancy, with access to the rooms available through a lobby. A hotel also may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Household: A household shall be made up of:

1. An individual living alone; or
2. Any number of individuals, who are related by blood, marriage, or legal adoption, including foster children; or
3. Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per 500 gross square feet in a single-family dwelling unit (including basements and excluding attached and/or detached garages) not to exceed five individuals per dwelling unit; or
4. Any unrelated group of individuals living together in a multiple family dwelling unit as a single housekeeping unit up to a maximum of one person per habitable space; or
5. Not more than two unrelated individuals and their related children and/or parents.

For purposes of this definition, "living together as a single housekeeping unit" is generally characterized by a family-like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a bed and breakfast establishment, motel or hotel.

Notwithstanding the square foot limitations above, no dwelling unit shall be limited to fewer than three individuals.

A household shall not include more than one individual who is required to register as a sex offender under the provisions of the Colorado Revised Statutes, 18-3-412.5, as amended. This Subsection (d) shall not apply to a registered sex offender who is living with his immediate family. For purposes of this Subsection (d), immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care, as defined by the Colorado Revised Statutes. Enforcement of this provision shall occur only after notice of the violation has been sent by regular mail to the owner and tenant of the household and 10 days have elapsed after mailing of said notice.

Ideological Sign: See Sign, Ideological.

Illuminated Sign: See Sign, Illuminated.

Individual Letter Sign: See Sign, Individual Letter.

Joint Identification Sign: See Sign, Joint Identification.

Junkyard: Any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, including scrap metal processors, auto-wrecking yards, salvage and scrap yards, and the storage of automobile bodies or parts awaiting disposal as a

normal part of a business operation when the business has such materials located on the premises on a customary basis.

Limited Use: See Use, Limited.

License Agreement: An instrument by which the City can permit private encroachments onto City owned land, easements or rights-of-way. The license agreement generally establishes the owner, the nature of the improvements and the responsibilities for maintenance and liability.

Livestock: Domestic animals limited to horses, cattle, goats, llamas, alpaca and sheep.

Live/Work: See Dwelling Unit, Live/Work.

Lot: An area of land to be built upon or developed that is created:

1. Within a legal subdivision, or
2. By a valid and recorded instrument of conveyance effective prior to subdivision requirements adopted on January 22, 1975, or
3. Prior to annexation to the City of Lakewood, or
4. As otherwise permitted by law.

Lot Area, Open: The total horizontal area of a lot not covered by a dwelling unit or garage.

Lot, Corner: A lot, where at least two adjacent sides abut for the full length upon a public right-of-way other than an alley, and at least one side of which abuts either another property or a third public right-of-way.

Lot Coverage: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, and parking and drives, by the gross area of that lot.

Lot Depth: The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line (See Figure 17.13.3).

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.

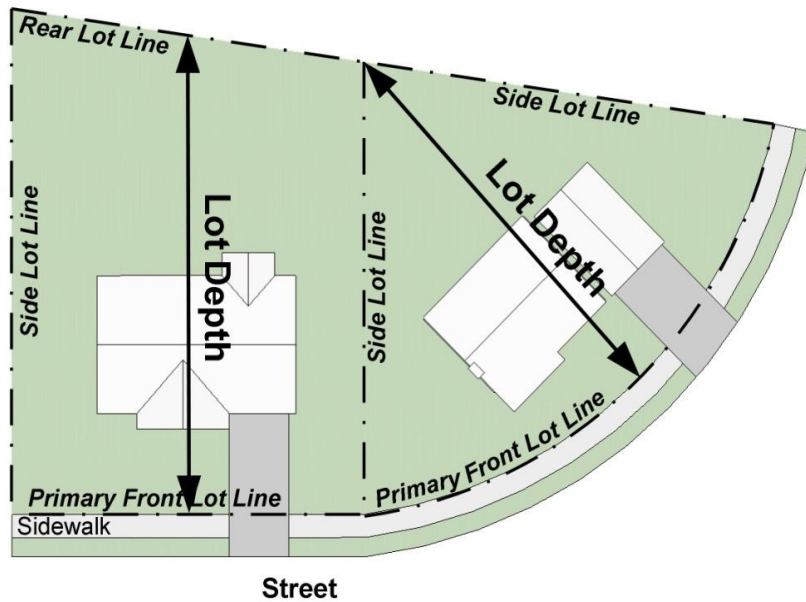


Figure 17.13.3: Lot Depth Measurement

Lot, Illegal: A lot which did not comply with the provisions of the law or regulations in effect at the time it was created.

Lot, Interior: A lot abutting only one street, and generally having at least two sides abutting adjacent properties, and a rear lot line.

Lot Line, Front: The lot line which immediately abuts a public right-of-way, 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 front lot lines.

Lot Line, Non-Primary: A front lot line which is not the primary front lot line.

Lot Line, Primary: The front lot line closest to that face of the primary, principal or main building(s) or, in the event the primary entrance does not face a front lot line, the front lot line which abuts the street used in the address assigned to the primary, principal or main building(s) on the lot.

Lot Line, Rear: The lot line which is most nearly opposite the front line of the lot.

Lot Line, Side: Any lot line other than a front lot line or rear lot line.

Lot, Minimum Size: The minimum square footage that a lot is required to have under the zoning, as described in Article 5, in order to meet the requirements for issuance of a building permit. The area of the lot extension for flag lots is not included into the area of the lot.

Lot Size: The area contained within the legal boundaries of a lot including any easements which restrict surface use of the property. The area of the lot extension for flag lots is not computed into the area of the lot.

Lot Width: The horizontal distance between side lot lines measured along a line that is parallel to the front lot line and located at the minimum front setback distance. (See Figure 17.13.4).

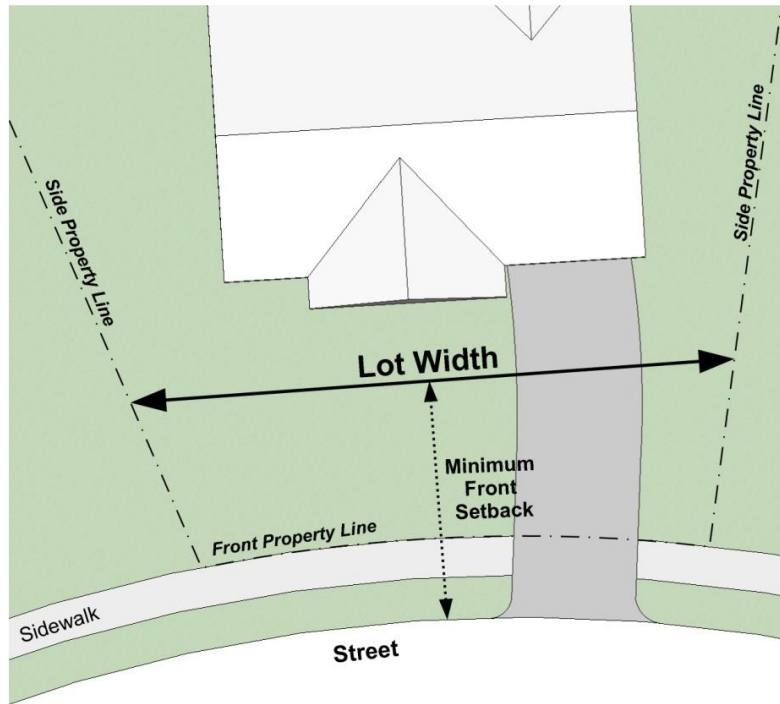


Figure 17.13.4: Lot Width

Manufacturing:

Light: The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental sales and distribution of such products, provided all manufacturing activities are contained entirely within a building provided that the building is indistinguishable from a retail or office building in terms of exterior appearance, noise generation, and truck or delivery traffic.

Heavy: The manufacture, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, odor, smoke, heat, glare, or vibration beyond its property line. This term includes, but is not limited to, processing and packing of alcoholic beverages, chemical manufacturing, fabrication of metal products, motor vehicle manufacturing and lumber milling.

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

Medical Marijuana Business: A business operated by a Primary Care-giver on any property or in any structure within the City for the purpose of cultivating, processing, preparing, distributing, transmitting, dispensing, or otherwise providing marijuana in any manner or form to Patients in accordance with Amendment 20 to the Colorado Constitution and the implementing state statutes and administrative regulations.

Micro-brew Restaurant: An establishment where beer and/or ale are brewed in conjunction with a bar, tavern, or restaurant use.

Minimum Lot Size: See Lot, Minimum Size.

Mini-Warehouse/storage: Enclosed warehouse units which are rented or leased to second parties for storage purposes, and which have no outside storage.

Mixed Use: A single building containing more than one type of land use or a single development of more than one building and use, where the different types of land uses are in close proximity and planned as a unified complementary whole.

Mobile Home: A factory-assembled structure or structure without a permanent foundation and greater than 30 feet in length and designed to be transported on its own wheels arriving at the site as a complete dwelling unit, equipped with the necessary service connections, usually including major appliances and furniture and ready for occupancy. Removal of the wheels and placement on a foundation does not change its classification. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. The term "mobile home" does not include travel trailers, fifth-wheel trailers, campers, camper buses, motor homes, or modular homes. This definition includes half units that are transported to the site on their own wheels and then assembled as one unit.

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

Monument Sign: See Sign, Monument.

Mortuary: A commercial establishment where human corpses are prepared for burial or cremation, and ceremonies are held in connection with burial or cremation of the dead.

Motel: A building designed and generally used as sleeping accommodations for transient occupancy offered to the public for compensation, and where access to and from each room or unit is through an exterior door.

Motor Vehicle Rental and Leasing: A retail establishment where vehicles are rented or leased to the general public for a specific period of time.

Motor Vehicle Sales:

With indoor display and storage: A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities for body work, painting, restoration and retail sales of parts and in which all display and storage of available vehicles takes place within an enclosed structure.

With outdoor display and storage: A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities for

body work, painting, restoration, retail sales of parts, and in which some or all of the available vehicles are displayed or stored on parking lots or other outdoor areas.

Motor Vehicle Service:

Car Wash: A facility for the washing, waxing, vacuuming and interior steam cleaning of motor vehicles, not including commercial fleets, heavy trucks and buses.

Fueling Station: A retail establishment at which vehicles are serviced, especially with fuel, oil, air and water, and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. A fueling station does not include any facility meeting the definition of a major or minor facility below.

Major: General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles and commercial vehicles, wrecker/tow service; collision services including body, frame or fender straightening or repair, customizing, painting; undercoating and rust proofing; and including those uses listed under minor auto repair or any other similar use.

Minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as changing grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; performing state inspections and making minor repairs necessary to pass inspection; normal servicing of air conditioning systems; and other such similar minor services for automobiles, but not including any operations or uses listed under major auto repair or any other similar use.

Multifamily Dwelling Unit: See Dwelling Unit, Multifamily.

Neighborhood Organization: An organization which is registered on an annual basis with the Department for the purpose of land development application notification.

Nonconforming Building or Structure: See Building or Structure, Nonconforming.

Nonconforming Fence: See Fence, Nonconforming.

Nonconforming Sign: See Sign, Nonconforming.

Nonconforming Use: See Use, Nonconforming.

Nonprimary Front Yard: See Yard, Nonprimary Front.

Office: A building or portion of a building used for conducting the administration and management of a business, profession, service, enterprise, or government. An office includes, but is not limited to, financial institutions, medical and dental offices, outpatient clinics, laboratories, and communication centers.

Off-Premises Sign: See Sign, Off-Premise.

Off-site: Located outside the boundaries of the subject property.

Open Lot Area: See Lot Area, Open.

Open Space: Areas on a lot, or combination of lots, that are designed and intended for the use and enjoyment of residents and or the use and enjoyment of the public in general, and that are not occupied by primary or accessory structures, automobile parking spaces, parking aisles, or driveways. Open space may include walkways, pedestrian paths, plazas, natural and landscaped areas, playgrounds, improved roof tops, detention that is integrated into landscaped areas, and other similar amenities designed specifically for active or passive use.

Parcel: Any part or portion of land.

Park: A public area of land intended for indoor or outdoor active or passive recreational uses and all ancillary uses, or for open space.

Parking Lot: A site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and areas providing vehicular access to a public street.

Parking, Shared: A common parking area, or a series of interconnected parking areas, which are utilized by two or more buildings, and where any owner, occupant, patron, customer, employee or other person utilizing any of the buildings served has the right to park a motor vehicle within any of the parking areas.

Parking Structure: A structure of two or more stories designed primarily to accommodate vehicular parking spaces or motor vehicle storage.

Parking, Stand-Alone Surface: A parking lot located on a lot as a primary use.

Parking Structure, Stand-Alone: A parking structure located on a lot as a primary use.

Patio: See Deck.

Pawnbroker: See Chapter 5.24 of the Lakewood Municipal Code.

Permitted Use: See Use, Permitted.

Personal Services: An establishment engaged in providing individual services generally related to personal needs such as beauty and barber shops, spa services, shoe repair, nail salons, dry cleaning drop-off facilities, and tailor shops. These uses may also include accessory retail sales of products related to the services provided.

Plant Nursery: The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer and having outdoor storage. A plant nursery does not include a retail store where these activities are a minor part of the business.

Plaza: An improved open space area provided for the users of the site, which includes landscaping, benches, and other site amenities.

Porch: A roofed structure attached to a building and opened on three sides except for wire screening.

Primary Front Yard: See Yard, Primary Front.

Primary Use: See Use, Primary.

Prohibited Use: See Use, Prohibited.

Projecting Sign: See Sign, Projecting.

Property Lines: The boundaries of a tract of land established either by a recorded subdivision plat, or by a written recorded conveyance prior to January 22, 1975. Includes lot and parcel lines.

Property Owner: A person or persons holding legal fee title to a parcel of property; includes landowner.

Radio Antenna, Amateur: A noncommercial device that is used for transmitting and receiving electro-magnetic waves.

Radio Tower, Amateur: A structure that supports an antenna.

Rear Yard: See Yard, Rear.

Religious Institution: A place of worship or religious assembly with related facilities including, but not limited to, a rectory, convent, meeting hall, offices for administration of the institution, licensed child or adult day care, temporary shelters for the homeless, playground and cemetery. This use does not include a school associated with the religious institution, which is included in "School, Public or Private."

Rental, Sales and Leasing of Large Items: A retail establishment that rents, services or repairs machinery or tools, such as air compressors, chain saws, concrete mixers, ladders, scaffolding, power tools, trailers, bobcats, welders, etc. It does not include the rental, sales or leasing of motor vehicles.

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.

Retail: A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to the consumer.

Retaining Wall: A structure composed of concrete, block, rock or wood designed to act as a support barrier between a drop or rise in the grade of the land on either side of the structure.

Right-Of-Way Improvements: An area or strip of land dedicated to the public for the purposes of accommodating roads, railroads, trails, access ways, sidewalks, or similar facilities.

Roadside Stands: The placement of a structure for the sale of farm products produced or made on the premises.

Sales Trailer: A trailer, mobile home or other temporary structure used as a sales office in conjunction with a project where buildings or property are being sold.

Satellite Dish Antenna: A parabolic antenna intended to receive signals from orbiting satellites and other sources. Non-commercial dish antennas are defined as being less than four meters in diameter, while commercial dish antennas are usually those larger than four meters and typically used by broadcasting stations.

School, Public or Private: An institution or place of instruction or education. For purposes of this Zoning Ordinance, schools are classified by the type of instruction provided and by student grade level and includes schools for the developmentally disabled.

1. K-12 School: A place of learning, whether public or private, which meets State standards for providing instruction for students in kindergarten and grades one through twelve which may include but is not limited to: classrooms, offices, administrative buildings, athletic facilities and fields, cafeteria, bookstore, library, and auditorium.
2. Preschool: A place of learning, whether public or private, which provides direct education to children to enhance school experiences and opportunities for children in advance of or through K-12 education.

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

Screening: The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berm, or other features.

Setback: The minimum distance any building or structure must be separated from a specified point.

Shared Parking: See Parking, Shared.

Shelter: A facility established and maintained to provide housing and personal care on a temporary basis for the indigent, homeless, or victims of domestic violence.

Sight Distance Triangle: See Transportation Engineering Design Standards.

Sign: Any stationary object or device 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.

Sign, Abandoned: An on-premises sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product or activity conducted or products available on the premises where such sign is displayed.

Sign, A-frame: A moveable ground sign constructed in such a manner as to form an "A" or tent-like shape, hinged or not hinged at the top.

Sign, Awning: A sign that is either attached to, affixed to, or painted on an awning or canopy.

Sign, Banner: Any sign hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.

Sign, Banner Flag: A temporary sign generally constructed of lightweight plastic, fabric or other similar material mounted to a pole designed to move or flutter in the wind.

Sign, Digital Display: A sign with a fixed or changing display or message composed of a series of lights that may be changed through electronic means.

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.

Sign, Election: A sign providing information regarding elections, candidates, or issues concerning such elections.

Sign, Freestanding: Any nonmovable sign not affixed to a building.

Sign, Ideological: A sign which expresses a religious, political, social or other philosophical position.

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

Sign, Individual Letters: Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface.

Sign, 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.

Sign, Major Tenant Identification Sign: Any sign identifying a specific tenant and located on the building in which the tenant is located.

Sign, Menu Board: A permanently mounted sign displaying food or other products available at drive-through facilities.

Sign, Monument: A freestanding sign supported primarily by an internal structural framework, or integrated into landscaping or other solid structural features other than support poles.

Sign, Nonconforming: Any sign which was legally established prior to the effective date of this Zoning Ordinance, but that does not conform to the present standards of this Zoning Ordinance or any amendment thereto.

Sign, Off-Premise: A sign 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.

Sign, Pole: A sign which is affixed to, or mounted on a freestanding wood or metal pole, and anchored in the ground.

Sign, Portable: A sign, other than an A-frame sign, that is not permanently affixed to a structure or the ground.

Sign, Projecting: A sign other than a wall sign which projects from and is supported by a wall.

Sign Setback: The distance between the property line and the edge of a sign closest to the property line.

Sign Structure: A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, and framework designed to contain a sign message. Sign structure is not meant to include the sign face, containing the message conveyed by the sign.

Sign, Temporary: A sign constructed of durable materials such as canvas or vinyl and intended for display for a short period of time.

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

Sign, Wind: Any sign set in motion by wind or breeze, such as banners, flags, pennants, or other objects or material, but not including flags of nations, states, or municipalities.

Sign, Window: A sign which is applied to, or attached to, or located within 1 foot of the interior of a window, which sign can be seen through the window from a public right-of-way.

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.

Single Family Dwelling Unit: See Dwelling Unit, Single Family.

Solar Collection System: A fixed device or structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical or electrical energy.

Solar Garden: A free-standing solar electric generation facility with a nameplate rating of two megawatts or less where the beneficial use of the electricity generated by the facility belongs to the subscribers to the community solar garden.

Special Use: See Use, Special.

Special Use Permit: A permit allowing a discretionary use which may be granted under the provisions of Article 2 of this Zoning Ordinance, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the use.

Stable: A commercial facility where horses and other equine animals 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.

Storage, Outdoor: An outdoor area used for the keeping of possessions, belongings, goods, materials or other items.

Story: The area between the successive floors of a building or from the top floor to the roof.

Street: A public or private thoroughfare for vehicular traffic other than an alley or driveway.

Street Frontage: The distance along any boundary line of a lot, which is also the boundary line of a public street, road or highway right-of-way.

Streetscape: The scene taken as a whole, which may be observed along a street. It includes both natural and man-made elements.

Street Trees: Trees generally planted in parkway strips, medians, or along streets to enhance the visual quality of the street.

Structure: Anything built or constructed and located on or in the ground or attached to something on or in the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.

Structure, Accessory: A building or structure that is subordinate in purpose, area, and extent to the principal building; contributes to the reasonable and necessary comfort, convenience, and needs of the occupants, business, or industry of the principal building; and is located on the same lot as the principal building or structure.

Structure, Illegal: A structure which did not comply with the provisions of law or regulations in effect at the time it was constructed or established.

Structure, Nonconforming: Any structure which was legally established prior to the effective date of this Zoning Ordinance, or any amendment thereto, but that does not conform to the present standards of this Zoning Ordinance.

Structure, Principal: The main structure or structure containing the principal use of land as distinguished from an accessory structure.

Studio: A commercial or service establishment for purposes of tutoring, lessons, or production of creative or artistic goods. A studio allows for limited welding and similar uses for the sole purpose of production of art.

Temporary Use: See Use, Temporary.

Transportation Facility: A structure or facility for use by the public to connect with, or use public transportation. Examples include bus benches, transfer facilities, and light rail facilities and associated parking facilities.

Unnamed Use: See Use, Unnamed.

University/College: A place which is accredited by the Colorado Commission on Higher Education providing higher education beyond grade twelve, which offers either a two year or four year degree in specific disciplines that may include a combination of the following uses but is not limited to: higher education classrooms, higher education offices, administrative buildings, athletic facilities and fields, student living units, laboratories, library, cafeteria, student center, bookstore and auditorium that are owned or controlled by the University or College.

Use: The purpose or activity for which a parcel of land, a building or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

Use, Illegal: A use which did not comply with the provisions of the law or regulations in effect at the time it was created.

Use, Limited: A permitted use subject to compliance with supplemental standards.

Use, Nonconforming: Any use which was legally established prior to the effective date of this Zoning Ordinance, or any amendment thereto, but that does not conform to the present use regulations of this Zoning Ordinance.

Use, Permitted: Land uses allowed in a given zone district as a use by right, upon satisfaction of the standards and requirements of this Zoning Ordinance.

Use, Prohibited: A use not permitted in a zone district.

Use, Principal: The primary or predominant use of any lot, building, or structure.

Use, Special: A use authorized in a zone district but permitted only after review and approval by the Planning Commission when certain standards are met.

Use, Temporary: Any use placed on a parcel of land for a limited period of time.

Use, Unnamed: A use not specifically named within a specific zone district, as either a permitted, accessory, limited or special use.

Utility Facilities:

Major: Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, and transmission or reception stations with more than two dish antennas in one location.

Minor: Water, sewer and gas mains; cable, electric and telephone distribution lines, substations, and/or switching facilities; gas regulator stations; public lift or pumping stations for domestic water and sewer service; solar arrays, or wind powered electric generators; transmission or reception stations with no more than two dish antennas in one location with the diameter of any dish antenna limited to ten feet or less.

Utility, Public: A utility regulated by the Colorado Public Utilities Commission.

Variance: A discretionary relaxation by the Director or the Board of Adjustment of the dimensional regulations of this Zoning Ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Vehicle Dispatch Facility: A privately owned facility for the dispatch, storage or maintenance of vehicles including, but not limited to, ambulances, tow trucks and snow plows.

Vested Property Right: The right to undertake and complete the development and use of property under the terms and conditions of a development agreement approved pursuant to requirements of this Zoning Ordinance.

Vocational or Trade School: See School, Vocational or Trade.

Waiver: A discretionary modification by the Director or the Planning Commission of a dimensional, development, design or sign standard of this Zoning Ordinance when the modification results in a superior development or design than if the strict application of this Zoning Ordinance is applied.

Warehouse and Distribution: A use engaged in storage, sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable, explosive, which create hazardous or commonly recognized offensive conditions. A warehouse may include an ancillary showroom for the purpose of displaying items and commodities for sale.

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

Window Area: The area of all windows on the first floor of a building that faces or is visible from one public right-of-way.

Wireless Communications Equipment Shelter: An unattended structure such as a small building or cabinet(s) used to house equipment for a wireless communications facility associated with either a freestanding wireless communications facility or a structure or building mounted wireless communications facility.

Wireless Communications Facility, Freestanding: A telecommunications facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(s), and associated equipment storage shelter(s).

Wireless Communications Facility, Stealth

A telecommunications facility that is completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, flag poles, light pole standards, or architectural elements such as dormers, steeples, and chimneys.

Wireless Communications Facility, Structure or Building Mounted: Any telecommunications facility, antenna, or equipment attached to or mounted upon any structure or building. All structure or building mounted telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.

Wireless Communications Provider: A public or private company providing any type of wireless communications or other related technology.

Wireless Communications Site: Any use of property for antennae, equipment, and equipment shelter(s) employed in the reception, switching, and/or transmission of wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio, personal communication services, microwave link antenna, cellular telephone, and other related technologies.

Yard: An open space which is located on the same lot as a building and which is unoccupied and unobstructed by a structure over a height of 30 inches (See Figure 17.7.6).

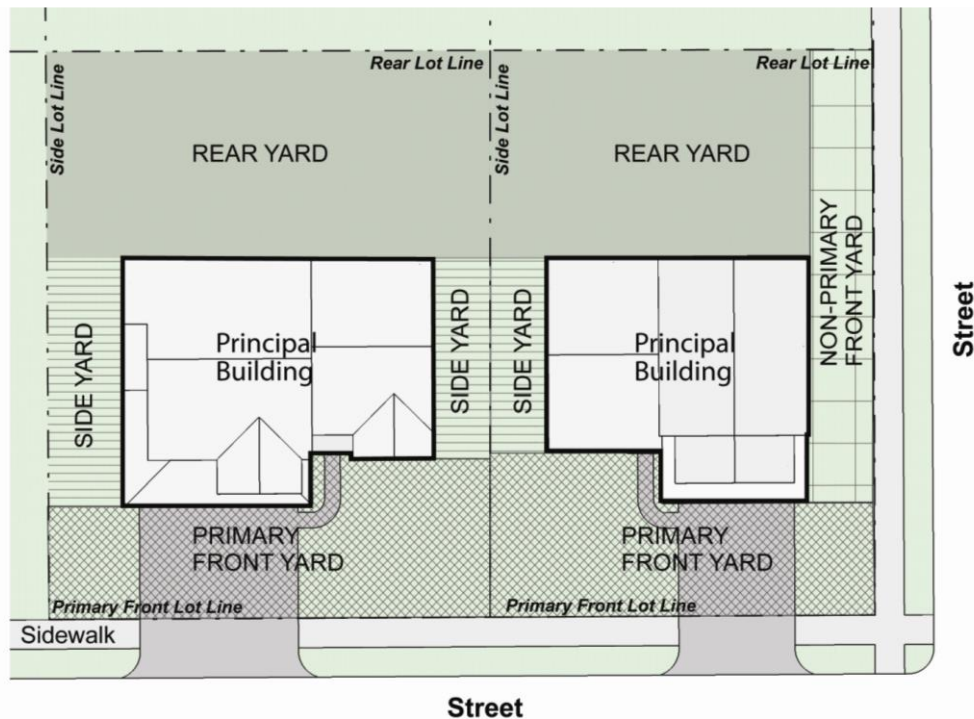


Figure 17.7.6: Yard

Yard, Non-Primary Front: Those front yards which do not have the main entrance of the principal structure oriented toward them.

Yard, Primary Front: That portion of the yard located between the front lot line and the closest wall of the principal structure where the main entrance of the structure is located, or the front setback line of such lot, if vacant.

Yard, Rear: That portion of a yard lying between the rear lot line and the rear wall of the principal structure or rear setback line of the lot, if vacant.

Yard, Side: That portion of a yard lying between a front yard and a rear yard, and including all open portions of the lot between the front and rear yards.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structures' sides rests directly on a lot line.

Zoning District: A classification assigned to a particular area or areas of the City of Lakewood as listed in Article 3.

Zoning District Map: The official map upon which the zoning districts of the City of Lakewood are delineated.

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