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ARTICLE 14: DEFINITIONS AND INTERPRETATIONS

17.14.1: General Interpretations

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

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

17.14.2: Definitions

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

Accessory Dwelling Unit: A dwelling unit that is permitted with limitations in conjunction with a principal permitted use.

Accessory Structure: See Structure, Accessory.

Accessory Use: See Use, Accessory.

Advertise: To announce or praise a product, service, etc. in some public medium of communication in order to induce people to buy or use it.

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

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

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

Animal Care: Any facility where animals may be groomed, treated, trained, exercised, boarded or socialized.

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

Animal, Small: Domestic animals include but are not limited to rabbits, chinchillas, chickens, ducks, geese, turkeys, and pigeons, and dwarf goats.

Attached Dwelling Unit: Three or more dwelling units in one structure, side-by-side.

Awning: An architectural projection permanently affixed to a building that uses canvas or other material stretched on a frame to keep the sun or rain off a storefront, window, doorway, deck or building wall. An Awning is not a Canopy.

Bar: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the drink and may include on-site accessory production of alcohol.

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

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

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

Block: A tract of land bounded by platted streets, public parks, cemeteries, railroad right-of-way, shore lines, or corporate boundaries of a city.

Build-to-Zone: The percentage of lot width that must contain a building or portion of a building located between the minimum and maximum setbacks. Plaza and outdoor patio areas that comply with Section 17.7.5.2.B may be used to satisfy the build-to-zone requirement

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

Building Code: The building code, as adopted and amended from time to time by the City of Lakewood.

Building Footprint: The outline of the total horizontal area that is covered by a building's perimeter at the ground level.

Building Frontage: The length of the front façade of a building facing a private street, public street or sidewalk.

Building, Nonconforming: Any building that was legally established prior to the effective date of this Zoning Ordinance or any subsequent amendment thereof, but fails to conform to the present requirements of this Zoning Ordinance.

Caliper: The diameter of a tree trunk measured four feet above the ground.

Canopy: A structure or architectural projection of rigid construction that *does not* use canvas or other material stretched on a frame to keep the sun or rain off a storefront, window, doorway, deck or building wall. A Canopy is not an Awning.

Carpport: 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.

Center, Convention or Exposition: A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on premise consumption.

Center, Multi-tenant: Two or more businesses in one or more buildings on a lot.

Certificate Of Occupancy: An official certificate issued by the City through the Building Official which indicates conformance with, or approved conditional waiver from, the zoning regulations and other applicable regulations, and authorizes legal use of the premises for which it is issued.

Clear Zone: The unobstructed, traversable area provided beyond the edge of the through traveled way for the recovery of errant vehicles or as otherwise set forth by the American Association of State Highway & Transportation Officials. The clear zone includes shoulders, bike lanes, or auxiliary lanes, except those auxiliary lanes that function like through lanes.

Clubs, Lodge, Service Organizations: A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.

Commercial Speech: Speech that proposes a commercial transaction, includes a commercial name or includes a commercial logo.

Common Area/Commonly Owned Land: Land, or land and improvements held in common ownership by a group of people who individually own dwellings or businesses within the same development, and are responsible for the upkeep and maintenance of the commonly owned land and/or improvements.

Common Facilities: Land, facilities, or improvements such as open space, a clubhouse, tennis court, swimming pool, or roads, driveways, or parking areas which are located within a development and in which the owners of the development have an undivided interest and/or a common responsibility for maintenance and repair.

Community Building: A building used for educational, governmental, or non-profit recreational purposes. A community building may include, but is not limited to, libraries, museums, police stations, fire stations, city offices, and post offices.

Community Garden: An area of land, either private or public, used for the cultivation of fruits, flowers, vegetables, or plants by more than one person or family.

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

Construction Trailer: A mobile home, travel trailer or other temporary structure used as an office in conjunction with a construction project.

Containment Area: The portion of a property that is fenced and used to contain or keep domestic livestock.

Contractor Shop: A commercial business intended to provide indoor repair, maintenance or storage of a contractor's vehicles, equipment, and/or materials and may include the contractor's business office.

Corral: An open enclosure area used for exercise, riding, or training of livestock.

Correctional Institution: A building or group of buildings in which persons are confined for an indeterminate period of time while awaiting or on trial for an offense, or while serving a sentence for punishment of a crime.

Crematorium: A commercial establishment for the burning of corpses, human or animal, to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials or narcotics.

Day Care Facility: A facility licensed by the State of Colorado providing care for children under the age of 16 or the elderly and/or functionally impaired adults in a protective setting for a portion of a 24-hour day.

Deck: A structure, open to the atmosphere on at least two sides and projecting from the front, side, or rear wall of a building.

Decorative Lighting Display: Holiday or other light displays that do not display a commercial message.

Density: The number of dwelling units per acre of total lot area.

Department: Planning Department for the City of Lakewood.

Detention Area: An area which is designed to capture stormwater and to gradually release it to reduce or avert flooding.

Development: All activities involving earth disturbance and requiring a building or grading permit; the placement, construction, erection, reconstruction, movement, and alteration of structures or buildings; construction of roads, driveways, and parking areas; placement of paved areas; construction of drainage improvements or alterations of the historic flow of drainage patterns and amounts; installation of utilities; division of a parcel of land into two or more parcels where the division is subject to subdivision regulations; any mining or excavation; and any use or extension of any use of land.

Digital Display Sign: See Sign, Digital Display.

Director: The person, or that person’s designee, authorized by the City Manager to enforce and interpret this Zoning Ordinance.

Display, Outdoor: The placement and presentation of commodities, goods or products on the grounds of a business for view by the public to attract the attention of customers in order to sell the commodities, goods or products.

Drive-Through: An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Duplex: Two dwelling units in one structure.

Dwelling Unit: One or more habitable rooms constituting a unit for permanent occupancy, with facilities for eating, sleeping, bathing, that occupies a structure or a portion of a structure.

Easement: An interest in real property generally established in a real estate document or on a recorded plat to reserve, convey or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to, transportation facilities, utilities, access, storm water drainage, signage, pedestrian uses and solar exposure.

Emergency Medical Facility: An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments on an out-patient basis, which does not include ambulance service facilities.

Employee: Any person who does any type of work for the benefit of another in consideration of direct or indirect wages or profit, or provides uncompensated work of services to a business or nonprofit entity. “Employee” includes every person described in this paragraph, regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

Entertainment Facility:

Indoor: A commercial establishment offering recreational and entertainment activities including, but not limited to, bowling alleys, nightclubs, theatres, video games, coin-operated amusement or entertainment devices, or other games of skill or scoring within an enclosed structure. An indoor entertainment facility may include customary accessory uses such as the sale of food and beverages.

Outdoor: Land and facilities designed to be used by members of the public, for a fee, that contain outdoor amusement facilities such as miniature golf courses, race tracks and outdoor amusement parks and theatres in which some part of the recreational activity takes place outside of an enclosed structure.

Façade: Any exterior face of a building.

Fence: A free-standing structure made of metal, masonry, composition, wood, a free-standing wall or any combination thereof, which may be resting on or may be partially buried in the

ground, and rising above ground level. It is generally used for confinement, screening, partition or ornamental purposes.

Fence, Nonconforming: Any fence that was legally established prior to the effective date of this Zoning Ordinance or any subsequent amendment thereof, but fails to conform to the present requirements of this Zoning Ordinance.

Fence, Open: A fence, including gates, where each 1-foot wide segment for the full length and height of the fence contains at least 50 percent open space which affords a direct view through the fence.

Fence, Solid: A fence, including gates, which does not provide for open space along its length or height and conceals the activity conducted behind it from view from adjoining properties, public or private streets or alleyways. An example includes, but is not limited to, a solid cedar fence.

Fitness or Athletic Facility: A private business providing aerobics, exercise classes, weight lifting, and swimming, and which may include onsite spa services and limited food and beverage sales.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, and does not contain a commercial message, that is attached to a pole intended to be permanently affixed to the ground or attached to a building.

Floor Area, Gross: The area within the exterior façade of a building, including all covered and enclosed space on all floor levels of a building, halls, corridors, lobbies, mezzanines, display areas, stairways, elevator shafts, escalators, utility cores, air conditioning and heating areas, and common facilities for use of all tenants, except that gross floor area shall not include any open exterior plazas which are eligible for inclusion in covered open space, partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use, loading areas, underground truck roads and service facilities.

Frontage: Frontage is that side of a lot abutting on a public or private right-of-way, or tract designated for access to the subject lot. Primary frontage is the right-of-way from which the access to the lot is taken and the address of the lot is assigned.

Front Yard: See Yard, Front.

Fueling Station: See Motor Vehicle Service.

Garage: A building or portion of a building designed to accommodate the storage or parking of vehicles.

Garage Sales: A sale of personal belongings or household effects held outside at a person's home in a residential zone or in parking lots of commercial zone.

Golf Course: A large tract of land developed for the game of golf which may include a clubhouse containing locker rooms, food and beverage services, and retail sale of clothing and sporting goods associated with golf.

Grade: The finished surface of ground abutting a building or other structure.

Gross Floor Area: See Floor Area, Gross.

Ground Cover: Any of a wide variety of living plants which lie close to and cover the ground to form a dense mat, preventing soil from being blown or washed away, and intended to prevent growth of unwanted plants.

Group Home: A facility that provides for the care, treatment and/or supervision, on a temporary or permanent basis, for 8 or fewer individuals, or for more than 8 individuals when reasonable accommodations have been approved per the Federal Fair Housing Act,. A group home may include central or private kitchens, dining, recreational, health care, and other facilities.

Group Residential Facility: A facility that provides for the care, treatment and/or supervision, on a temporary or permanent basis and which does not meet the definition of a group home. A group residential facility may include central or private kitchens, dining, recreational, health care, and other facilities. A group living facility may include, but is not limited to, assisted living facilities and college dormitories.

Habitable Space: Space in a building for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage space and other similar areas are not considered habitable space.

Home Business: Any occupation of a service character which is clearly accessory to the main use of the premises as a dwelling unit, and which does not change the residential character.

Major: The commercial activity exceeds 25% but is not greater than 50% of the combined square footage of the dwelling unit, garage, and accessory structures.

Minor: The commercial activity does not exceed 25% of the combined square footage of the dwelling unit, garage, and accessory structures.

Horticulture: The cultivation of fruits, flowers, vegetables or plants and may include on-site sales.

Hospital: An institution licensed by the state department of health, providing health services and medical or surgical care to persons. Provided services are generally on an inpatient basis, but associated care and related services may include diagnostic and laboratory services on an outpatient basis. Staff offices and central services facilities are integral parts of the facility.

Hotel: A building designed and used as sleeping accommodations for usually transient occupancy, with access to the rooms available through a lobby. A hotel also may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Household: A household shall be made up of:

1. An individual living alone; or
2. Any number of individuals, who are related by blood, marriage, or legal adoption, including foster children; or
3. Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per 500 gross square feet in a single family dwelling unit (including basements and excluding attached and/or detached garages) not to exceed five individuals per dwelling units; or
4. Any unrelated group of individuals living together as a single housekeeping unit up to a maximum of one person per habitable room; or
5. Not more than two unrelated individuals and their related children and/or parents; or
6. A household shall not include more than one individual who is required to register as a sex offender pursuant to Article 22 of Title 16, Colorado Revised Statutes. This section shall not apply to a registered sex offender who is living with his immediate family. For purposes of this section, immediate family is defined as a person, the person's spouse, the person's parent, the person's grandparent, the person's brother or sister of the whole or half blood, the person's child, the person's step-child or the person's child by adoption and shall include children who have been placed in foster care, as defined by the Colorado Revised Statutes.

For purposes of this definition, "living together as a single housekeeping unit" is generally characterized by a family-like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a bed and breakfast establishment, motel or hotel.

Notwithstanding the square foot limitations above, no dwelling unit shall be limited to fewer than three individuals.

Ideological Sign: See Sign, Ideological.

Illuminated Sign: See Sign, Illuminated.

Individual Letter Sign: See Sign, Individual Letter.

Joint Identification Sign: See Sign, Joint Identification.

Junkyard: Any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, including scrap metal processors, auto-wrecking yards, salvage and scrap yards, and the storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis.

Limited Use: See Use, Limited.

License Agreement: An instrument by which the City can permit private encroachments onto City owned land, easements or rights-of-way. The license agreement generally establishes the owner, the nature of the improvements and the responsibilities for maintenance and liability.

Livestock: Domestic animals limited to horses, cattle, goats, llamas, alpaca and sheep.

Lot: An area of land to be built upon or developed that has been created:

1. Within a legal subdivision, or
2. By a valid and recorded instrument of conveyance effective prior to subdivision requirements adopted on January 22, 1975, or
3. Prior to annexation to the City of Lakewood, or
4. As otherwise permitted by law.

Lot Area, Open: The total horizontal area of a lot not covered by a dwelling unit or garage exclusive of accessory structures.

Lot, Corner: A lot, where at least two adjacent sides abut for the full length upon a public right-of-way other than an alley, and at least one side of which abuts either another property or a third public right-of-way.

Lot Coverage: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, and parking and drives, by the gross area of that lot.

Lot Depth: The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line (See Figure 17.13.1).

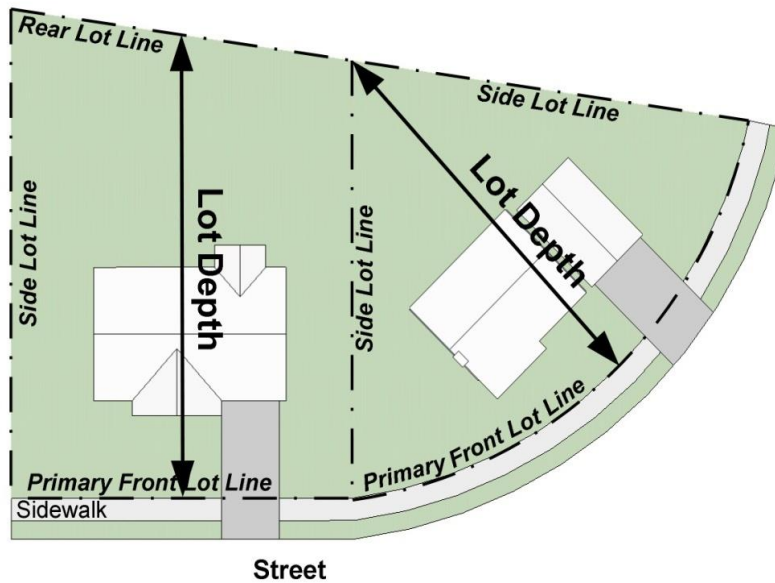


Figure 17.13.1: Lot Depth Measurement

Lot Frontage: The portion of the lot contiguous to a public right-of-way or private street or tract created for access to the subject lot.

Lot, Illegal: A lot which did not comply with the provisions of the law or regulations in effect at the time it was created.

Lot, Interior: A lot abutting only one street, and generally having at least two sides abutting adjacent properties, and a rear lot line.

Lot Line, Front: Any lot line which abuts a public right-of-way, private right-of-way, or tract designated for access. For single family and duplex uses front lot lines may be either primary front lot lines or non-primary front lot lines.

Non-Primary Front Lot Line: A front lot line which is not the primary front lot line.

Primary Front Lot Line: The front lot line closest to that face of the primary, principal or main building(s) or, in the event the primary entrance does not face a front lot line, the front lot line which abuts the street used in the address assigned to the primary, principal or main building(s) on the lot.

Lot Line, Rear: Any lot line which is not a front or side lot line.

Lot Line, Side: Any lot line that intersects a front lot line.

Lot, Minimum Size: The minimum square footage that a lot is required to have under the zoning, as described in Article 5, in order to meet the requirements for issuance of a building permit. The area of the lot extension for flag lots is not included into the area of the lot.

Lot Size: The area contained within the legal boundaries of a lot including any easements which restrict surface use of the property. The area of the lot extension for flag lots is not computed into the area of the lot.

Lot Width: The horizontal distance between side lot lines measured along the shortest straight line that is generally parallel to the front lot line and located at the minimum front setback distance. For corner lots or irregular lots, the Director shall determine the lot width. (See Figure 17.13.2).

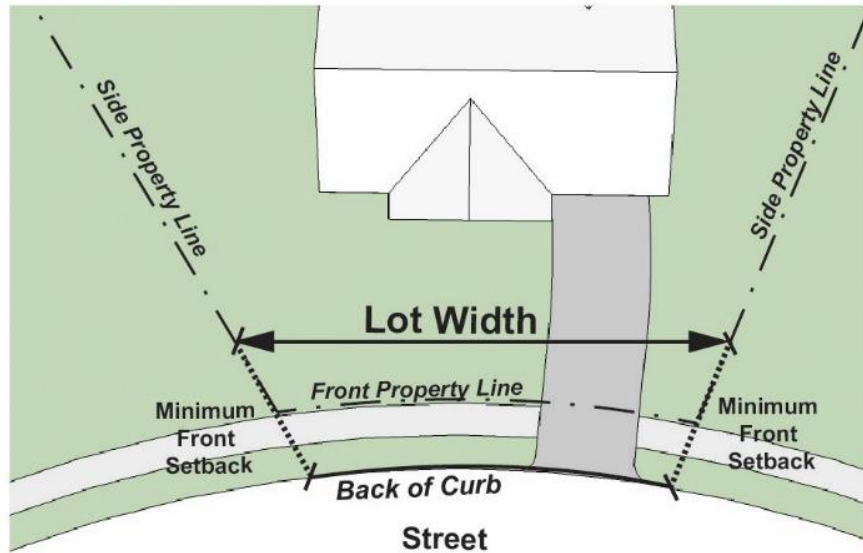


Figure 17.13.2: Lot Width

Lot, Zoning: A zoning lot is a parcel of land comprising more than one lot of record located within a single block. A zoning lot must be designated by its owner or owners as a parcel of land to be used, developed, or built upon as a single development site.

Manufacturing:

Light: The manufacture of products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental sales and distribution of such products, provided all manufacturing activities are contained entirely within a building. The building must be indistinguishable from a retail or office building in terms of exterior appearance, truck or delivery traffic, and the potential to produce noise, dust, odor, smoke, heat, glare, or vibrations.

Heavy: The manufacture assembly, fabrication, packaging or other industrial processing of products or parts primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment producing significant truck traffic or having potential to produce noise, dust, odor, smoke, heat, glare, or vibration beyond its property line.

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

Medical Marijuana Business: A business operated by a Primary Care-giver on any property or in any structure within the City for the purpose of cultivating, processing, preparing, distributing, transmitting, dispensing, or otherwise providing marijuana in any manner or form to patients in accordance with Amendment 20 to the Colorado Constitution and the implementing state statutes and administrative regulations.

Minimum Lot Size: See Lot, Minimum Size.

Mini-Warehouse/Storage: Enclosed warehouse units which are rented or leased to second parties for storage purposes, and which have no outside storage.

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

Mobile Home: A factory-assembled structure or structure without a permanent foundation and greater than 30 feet in length and designed to be transported on its own wheels arriving at the site as a complete dwelling unit, equipped with the necessary service connections, usually including major appliances and furniture and ready for occupancy. Removal of the wheels and placement on a foundation does not change its classification. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. The term "mobile home" does not include travel trailers, fifth-wheel trailers, campers, camper buses, motor homes, or modular homes. This definition includes half units that are transported to the site on their own wheels and then assembled as one unit.

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

Monument Sign: See Sign, Monument.

Mortuary: A commercial establishment where human corpses are prepared for burial or cremation, and ceremonies are held in connection with burial or cremation of the dead.

Motel: A building designed and generally used as sleeping accommodations for transient occupancy offered to the public for compensation, and where access to and from each room or unit is through an exterior door.

Motor Vehicle Rental: A retail establishment where vehicles are rented to the general public for a specific period of time.

Motor Vehicle Sales:

With indoor display and storage: A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities for body work, painting, restoration and retail sales of parts and in which all display and storage of available vehicles takes place within an enclosed structure.

With outdoor display and storage: A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities for body work, painting, restoration, retail sales of parts, and in which some or all of the available vehicles are displayed or stored on parking lots or other outdoor areas.

Motor Vehicle Service:

Car Wash: A facility for the washing, waxing, vacuuming and interior steam cleaning of motor vehicles, not including commercial fleets, heavy trucks and buses.

Fueling Station: A retail establishment at which vehicles are serviced, especially with fuel, oil, air and water, and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. A fueling station does not include any facility meeting the definition of a major or minor facility below or any electric vehicle charging stations accessory to a primary use.

Major: General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles and commercial vehicles, wrecker/tow service; collision services including body, frame or fender straightening or repair, customizing, painting; undercoating and rust proofing; and including those uses listed under minor auto repair or any other similar use.

Minor: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as changing grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; performing state inspections and making minor repairs necessary to pass inspection; normal servicing of air conditioning systems; and other such similar minor services for automobiles, but not including any operations or uses listed under major auto repair or any other similar use.

Multifamily: Three or more dwelling units in one structure with a common entrance, common facilities, or other unifying amenities or features.

Neighborhood Organization: An organization which is registered on an annual basis with the Department for the purpose of land development application notification.

Noncommercial Speech: Speech that does not meet the definition of commercial speech.

Nonconforming Building or Structure: See Building or Structure, Nonconforming.

Nonconforming Fence: See Fence, Nonconforming.

Nonconforming Sign: See Sign, Nonconforming.

Nonconforming Use: See Use, Nonconforming.

Non-primary Front Yard: See Yard, Non-primary Front.

Office: A building or portion of a building used for conducting the administration and management of a business, profession, service, enterprise, or government. An office includes, but is not limited to, financial institutions, medical and dental offices, outpatient clinics, laboratories, and communication centers.

Off-Premises Sign: See Sign, Off-Premise.

Off-site: Located outside the boundaries of the subject property.

Open Lot Area: See Lot Area, Open.

Open Space: Areas on a lot, or combination of lots, that are designed and intended for the use and enjoyment of residents and or the use and enjoyment of the public in general, and that are not occupied by primary or accessory structures, automobile parking spaces, parking aisles, or driveways. Open space may include walkways, pedestrian paths, plazas, natural and landscaped areas, playgrounds, improved roof tops, detention that is integrated into landscaped areas, and other similar amenities designed specifically for active or passive use.

Pad Site: A freestanding parcel of commercial real estate with a building that is located in the front of a larger shopping center or strip mall.

Parcel: Any part or portion of land.

Park: A public area of land intended for indoor or outdoor active or passive recreational uses and all ancillary uses, or for open space.

Parking Lot: A site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and areas providing vehicular access to a public street.

Parking, Shared: A common parking area, or a series of interconnected parking areas, which are utilized by two or more buildings, and where any owner, occupant, patron, customer, employee or other person utilizing any of the buildings served has the right to park a motor vehicle within any of the parking areas.

Parking Structure: A building or structure, consisting of one or more levels or floors used for the parking or storage of vehicles. A parking structure maybe below grade or either partially or totally above grade with those levels or floors being either open or enclosed.

Parking, Stand-Alone Surface: A parking lot located on a lot as a primary use.

Parking Structure, Stand-Alone: A parking structure located on a lot as a primary use.

Patio: See Deck.

Pawnbroker: See Chapter 5.24 of the Lakewood Municipal Code.

Permitted Use: See Use, Permitted.

Personal Services: An establishment engaged in providing individual services generally related to personal needs such as beauty and barber shops, spa services, shoe repair, nail salons, dry cleaning drop-off facilities, and tailor shops. These uses may also include accessory retail sales of products related to the services provided.

Plant Nursery: The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer and having outdoor storage. A plant nursery does not include a retail store where these activities are a minor part of the business.

Plaza: An improved open space area provided for the users of the site, which includes landscaping, benches, and other site amenities.

Porch: A roofed structure attached to a building and opened on three sides except for wire screening.

Poultry: Domesticated fowl collectively, especially those valued for their meat or eggs, as chickens, turkeys, ducks, geese, and guinea fowl.

Primary Front Yard: See Yard, Primary Front.

Principal Use: See Use, Principal.

Prohibited Use: See Use, Prohibited.

Projecting Sign: See Sign, Projecting.

Property Lines: The boundaries of a tract of land established either by a recorded subdivision plat, or by a written recorded conveyance prior to January 22, 1975. Includes lot and parcel lines.

Property Owner: A person or persons holding legal fee title to a parcel of property; includes landowner.

Radio Antenna, Amateur: A noncommercial device that is used for transmitting and receiving electro-magnetic waves.

Radio Tower, Amateur: A structure that supports an antenna.

Rear Yard: See Yard, Rear.

Religious Institution: A place of worship or religious assembly with related facilities including, but not limited to, a rectory, convent, meeting hall, offices for administration of the institution, licensed child or adult day care, temporary shelters for the homeless, playground and cemetery.

This use does not include a school associated with the religious institution, which is included in “School, Public or Private.”

Rental, Sales and Leasing of Large Items: A retail establishment that rents, services or repairs machinery or tools, such as air compressors, chain saws, concrete mixers, ladders, scaffolding, power tools, trailers, bobcats, welders, etc. It does not include the rental, sales or leasing of motor vehicles.

Residential Zone: Any property with an “R” zoning designation (e.g. R-MF, R-2, R-1-6, R-1-12).

Restaurant: A commercial establishment where meals are prepared and served to the public, which may or may not include seating facilities, a bar or lounge, or accessory on-site food or alcohol production.

Retail: A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to the consumer.

Retaining Wall: A structure composed of concrete, block, rock or wood designed to act as a support barrier between a drop or rise in the grade of the land on either side of the structure.

Right-Of-Way Improvements: Public roads, railroads, trails, access ways, sidewalks, or similar facilities provided within the Right-of-Way.

Roadside Stands: The placement of a structure for the sale of farm products produced or made on the premises.

Sales Trailer: A trailer, mobile home or other temporary structure used as a sales office in conjunction with a project where buildings or property are being sold.

Satellite Dish Antenna: A parabolic antenna intended to receive signals from orbiting satellites and other sources. Non-commercial dish antennas are defined as being less than four meters in diameter, while commercial dish antennas are usually those larger than four meters and typically used by broadcasting stations.

School, Public or Private: An institution or place of instruction or education. For purposes of this Zoning Ordinance, schools are classified by the type of instruction provided and by student grade level and includes schools for the developmentally disabled.

1. K-12 School: A place of learning, whether public or private, which meets State standards for providing instruction for students in kindergarten and grades one through twelve which may include but is not limited to: classrooms, offices, administrative buildings, athletic facilities and fields, cafeteria, bookstore, library, and auditorium.
2. Preschool: A place of learning, whether public or private, which provides direct education to children to enhance school experiences and opportunities for children in advance of or through K-12 education.

School, Vocational or Trade: A place of learning, providing instruction in specialized skills such as, but not limited to, drafting, computer technology, welding, carpentry, beauty and barber schooling, or auto repair to prepare students for a specific occupation.

Scoreboard: A sign in a ballpark, sports arena, or similar venue, that is typically associated with the display of information pertaining to athletic contests.

Screening: The method by which a view of one site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berm, or other features.

Setback: The minimum distance any building or structure must be separated from a specified point.

Shared Parking: See Parking, Shared.

Shelter: A facility established and maintained to provide housing and personal care on a temporary basis for the indigent, homeless, or victims of domestic violence.

Sight Distance Triangle: See Transportation Engineering Design Standards.

Sign Setback: The distance between the property line and the edge of a sign closest to the property line.

Sign Structure: A sign structure shall include, but not be limited to, the supports, uprights, braces, backing, and framework designed to contain a sign message. Sign structure is not meant to include the sign face, containing the message conveyed by the sign.

Sign Without Backing: A sign without backing includes individual letters mounted on a building wall or raceway or panel where the letters protrude and are three-dimensional.

Sign, Abandoned: An sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product or activity conducted or products available on the premises where such sign is displayed.

Sign, A-frame: A moveable ground sign constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top.

Sign, Awning: A sign that is attached to, affixed to, or painted on an awning or canopy.

Sign, Banner Flag: A temporary sign generally constructed of lightweight plastic, fabric or other similar material mounted to a pole designed to move or flutter in the wind.

Sign, Banner Pole: A non-permanent sign made from a fabric or vinylized material that is attached to a light pole.

Sign, Banner: Any sign hung either with or without frames, possessing characters, letters, illustrations or ornamentations applied to paper, plastic, vinyl or fabric of any kind.

Sign, Blade: A sign mounted on the building perpendicular with walkways and streets.

Sign, Bus Bench: A sign mounted on a bench adjacent to a bus stop.

Sign, Cabinet: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Sign, Canopy: A sign that is attached to or affixed to a canopy.

Sign, City: Signs located on any City-owned property not specifically addressed in Article 9.

Sign, Commercial Post: A sign that is used when a property is for sale or for lease within a non-residential (R) zoned property.

Sign, De Minimus Area: A sign is affixed to a building or structure that does not exceed one square foot in sign area.

Sign, Directional: Any sign on private property that is installed and maintained for the purpose of directing the movement of pedestrians or vehicular traffic, with or without reference to the name of a product sold or service performed, to a property or building, structure, or business enterprise.

Sign, Electronic Message: A sign with a fixed display and fixed or changing text message composed of a series of lights that may be changed through electronic means.

Sign, Freestanding: Any non-movable sign not affixed to a building.

Sign, Home Business: A sign in a residential zone district where there is a use tax license for a home business.

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

Sign, Individual Letters: Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface.

Sign, Interior: A sign that is not visible from the public right-of-way or adjacent properties.

Sign, Major Tenant Identification Sign: Any wall sign located above the second floor of a building with three or more floors.

Sign, Menu Board: See Sign, Freestanding.

Sign, Monument: A freestanding sign supported primarily by an internal structural framework, or integrated into landscaping or other solid structural features other than support poles.

Sign, Neighborhood: A permanent freestanding sign used in a residential development that does not contain a commercial message-

Sign, Nonconforming: Any sign which was legally established prior to the effective date of this Zoning Ordinance, but that does not conform to the present standards of this Zoning Ordinance or any amendment thereto.

Sign, Off-Premise: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Sign, Painted Wall: A sign painted or applied on the side of a building that has no sign structure.

Sign, Pole: A sign which is affixed to, or mounted on a freestanding wood or metal pole, and anchored in the ground.

Sign, Portable: A sign, other than an A-frame sign, that is not permanently affixed to a structure or the ground.

Sign, Projecting: A sign attached to a face of a building, other than a wall sign, and extending outward including but not limited to awning, blade and canopy signs.

Sign, Public: A sign required or authorized for a public purpose by any law, statute, ordinance or authorized by City approval.

Sign, Residential Business: A sign in a residential zone district for a non-residential use that is allowed as a permitted, limited or special use.

Sign, Residential Property Transition: A sign that is used when a property is for sale or for lease within a residential zone district.

Sign, Roof: Any sign that is on or above a roofline or extends above the parapet line.

Sign, Temporary: A sign intended for display for a short period of time.

Sign, Transit: Any sign located on a bench, site furnishing or structure surrounding a bench at a bus stop.

Sign, Transit Shelter: A sign mounted on a shelter adjacent to a bus stop.

Sign, Wall: A sign attached to, painted on, or erected against a building, structure or fence and is constructed of durable materials such as wood, metal or rigid plastic.

Sign, Wind: Any sign with a commercial message set in motion by wind or breeze, such as flags, pennants, or other objects or material.

Sign, Window: A sign which is applied to, or attached to, or located within 1 foot of the interior of a window, which sign can be seen through the window from a public right-of-way.

Sign, Yard: A temporary portable sign designed or intended to be displayed for a short period of time on a residential (R) zoned property.

Sign: Any structure, which requires a permanent or temporary location, that has a visual display visible from a public right-of-way and is designed to identify, announce, direct or inform.

Signable Area: The area of a building façade, excluding doors and windows, where a sign may be mounted.

Single Family Dwelling Unit: One dwelling unit for one household in one structure.

Solar Collection System: A fixed device or structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical or electrical energy.

Solar Garden: A free-standing solar electric generation facility where the beneficial use of the electricity generated by the facility belongs to the subscribers to the community solar garden.

Special Use: See Use, Special.

Special Use Permit: A permit allowing a discretionary use which may be granted under the provisions of Article 2 of this Zoning Ordinance, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the use.

Storage, Outdoor: An outdoor area used for the keeping of possessions, belongings, goods, materials or other items.

Story: The area between the successive floors of a building or from the top floor to the roof.

Street: A public or private thoroughfare for vehicular traffic other than an alley or driveway.

Street Frontage: The distance along any boundary line of a lot, which is also the boundary line of a public street, road or highway right-of-way.

Street Frontage: The distance along which a property line of a lot adjoins a public or private street.

Streetscape: The scene taken as a whole, which may be observed along a street. It includes both natural and man-made elements.

Street Trees: Trees generally planted in parkway strips, medians, or along streets to enhance the visual quality of the street.

Structure: Anything built or constructed and located on or in the ground or attached to something on or in the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.

Structure, Accessory: A building or structure that is subordinate in purpose, area, and extent to the principal building; contributes to the reasonable and necessary comfort, convenience, and needs of the occupants, business, or industry of the principal building; and is located on the same lot as the principal building or structure.

Structure, Illegal: A structure which did not comply with the provisions of law or regulations in effect at the time it was constructed or established.

Structure, Nonconforming: Any structure which was legally established prior to the effective date of this Zoning Ordinance, or any amendment thereto, but that does not conform to the present standards of this Zoning Ordinance.

Structure, Principal: The main structure or structure containing the principal use of land as distinguished from an accessory structure.

Student Living Unit: A dwelling unit that is owned or controlled by a College or University and inhabited by students enrolled in that college or university who are related or unrelated.

Studio: A commercial or service establishment for purposes of tutoring, lessons, or production of creative or artistic goods. A studio allows for limited welding and similar uses for the sole purpose of production of art.

Temporary Use: See Use, Temporary.

Transportation Facility: A structure or facility for use by the public to connect with, or use public transportation. Examples include bus benches, transfer facilities, and light rail facilities and associated parking facilities.

Unnamed Use: See Use, Unnamed.

University/College: A place which is accredited by the Colorado Commission on Higher Education providing higher education beyond grade twelve, which offers either a two year or four year degree in specific disciplines that may include a combination of the following uses but is not limited to: higher education classrooms, higher education offices, administrative buildings, athletic facilities and fields, student living units, laboratories, library, cafeteria, student center, bookstore and auditorium that are owned or controlled by the University or College.

Use: The purpose or activity for which a parcel of land, a building or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

Use, Commercial: Use or activity involving the sale of goods or services carried out for profit.

Use, Illegal: A use which did not comply with the provisions of the law or regulations in effect at the time it was created.

Use, Institutional: Uses which serve a community's social, educational, health, cultural, and recreational needs. They may include government-owned and -operated facilities or be privately owned and operated.

Use, Limited: A permitted use subject to compliance with supplemental standards.

Use, Nonconforming: Any use which was legally established prior to the effective date of this Zoning Ordinance, or any amendment thereto, but that does not conform to the present use regulations of this Zoning Ordinance.

Use, Permitted: Land uses allowed in a given zone district as a use by right, upon satisfaction of the standards and requirements of this Zoning Ordinance.

Use, Prohibited: A use not permitted in a zone district.

Use, Principal: A primary or predominant use of any lot, building, or structure.

Use, Public: Uses and structures, including buildings, lots and facilities, owned, used and operated by any governmental agency.

Use, Special: A use authorized in a zone district but permitted only after review and approval by the Planning Commission when certain standards are met.

Use, Temporary: Any use placed on a parcel of land for a limited period of time.

Use, Unnamed: A use not specifically named within a specific zone district, as either a permitted, accessory, limited or special use.

Utility Facilities:

Major: Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives, and transmission or reception stations with more than two dish antennas in one location.

Minor: Water, sewer and gas mains; cable, electric and telephone distribution lines, substations, and/or switching facilities; gas regulator stations; public lift or pumping stations for domestic water and sewer service; solar arrays, or wind powered electric generators; transmission or reception stations with no more than two dish antennas in one location with the diameter of any dish antenna limited to ten feet or less.

Utility, Public: A utility regulated by the Colorado Public Utilities Commission.

Variance: A discretionary relaxation by the Director or the Board of Adjustment of the dimensional regulations of this Zoning Ordinance to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Vehicle Dispatch Facility: A privately owned facility for the dispatch, storage or maintenance of vehicles including, but not limited to, ambulances, tow trucks and snow plows.

Vested Property Right: The right to undertake and complete the development and use of property under the terms and conditions of a development agreement approved pursuant to requirements of this Zoning Ordinance.

Vocational or Trade School: See School, Vocational or Trade.

Waiver: A discretionary modification by the Director or the Planning Commission of a dimensional, development, design or sign standard of this Zoning Ordinance when the modification results in a superior development or design than if the strict application of this Zoning Ordinance is applied.

Wall Area: The area of a building façade, width x height.

Warehouse and Distribution: A use engaged in storage, sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable, explosive, which create hazardous or commonly recognized offensive conditions. A warehouse may include an ancillary showroom for the purpose of displaying items and commodities for sale.

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

Window Area: The area of all windows on the first floor of a building that faces or is visible from one public right-of-way.

Wireless Communications Equipment Shelter: An unattended structure such as a small building or cabinet(s) used to house equipment for a wireless communications facility associated with either a freestanding wireless communications facility or a structure or building mounted wireless communications facility.

Wireless Communications Facility, Freestanding: A telecommunications facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(s), and associated equipment storage shelter(s).

Wireless Communications Facility, Stealth

A telecommunications facility that is completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, flag poles, light pole standards, or architectural elements such as dormers, steeples, and chimneys.

Wireless Communications Facility, Structure or Building Mounted: Any telecommunications facility, antenna, or equipment attached to or mounted upon any structure or building. All structure or building mounted telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.

Wireless Communications Provider: A public or private company providing any type of wireless communications or other related technology.

Wireless Communications Site: Any use of property for antennae, equipment, and equipment shelter(s) employed in the reception, switching, and/or transmission of wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio, personal communication services, microwave link antenna, cellular telephone, and other related technologies.

Yard: An open space which is located on the same lot as a building and which is unoccupied and unobstructed by a structure over a height of 30 inches (See Figure 17.7.6).

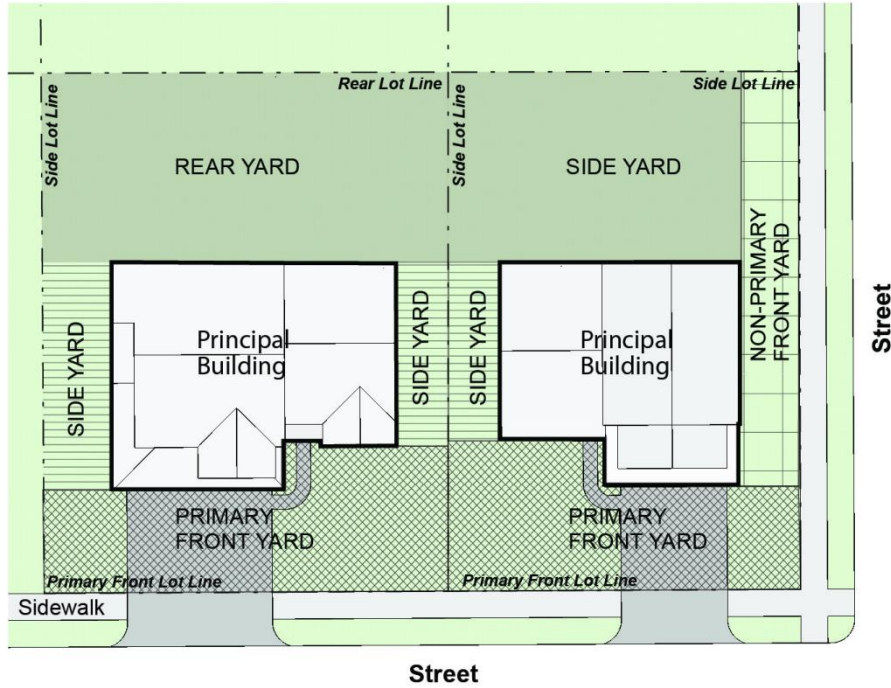


Figure 17.13.3: Yard

Yard, Non-Primary Front: Those front yards which do not have the main entrance of the principal structure oriented toward them.

Yard, Primary Front: That portion of the yard located between the front lot line and the closest wall of the principal structure where the main entrance of the structure is located, or the front setback line of such lot, if vacant.

Yard, Rear: That portion of a yard lying between the rear lot line and the rear wall of the principal structure or rear setback line of the lot, if vacant.

Yard, Side: That portion of a yard lying between a front yard and a rear yard, and including all open portions of the lot between the front and rear yards.

Zero Lot Line: The location of a structure on a lot in such a manner that one or more of the structures' sides rests directly on a lot line.

Zoning District: A classification assigned to a particular area or areas of the City of Lakewood as listed in Article 3.

Zoning District Map: The official map upon which the zoning districts of the City of Lakewood are delineated.