

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.....	1-2
17.1.4: Effective Date	1-2
17.1.5: Authority	1-2
17.1.6: Applicability.....	1-2
17.1.7: General Provisions	1-2
17.1.7.1: Compliance with Other Applicable Laws, Standards, and Policies	1-2
17.1.7.2: Conflicting Provisions.....	1-2
17.1.7.3: Rules of Measurement.....	1-3
17.1.8: Administration and Roles.....	1-3
17.1.8.1: City Council.....	1-3
17.1.8.2: Director	1-4
17.1.8.3: Planning Commission	1-4
17.1.8.4: Board of Adjustment	1-5
17.1.8.5: Historic Preservation Commission	1-6
17.1.8.6: Design Review Commission	1-6
17.1.9: Common Facilities	1-6
17.1.10: Building Permits.....	1-6
17.1.11: Fees.....	1-7
17.1.12: Violation and Penalty.....	1-7
17.1.13: Severability	1-7

ARTICLE 1: PURPOSE AND ADMINISTRATION

17.1.1: Title

Title 17 shall be known and cited as the Zoning Code or the Zoning Code of the City of Lakewood, Colorado (the “City”).

17.1.2: Purpose and Intent

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

- A. To promote the public health, safety, and welfare of the citizens.
- B. To implement the vision, goals, and recommendations of the City’s Comprehensive Plan.
- C. To create affordable, attainable, and inclusionary housing.
- D. To protect and enhance the natural environment including the conservation of natural features, land, and energy.
- E. To provide a wide variety of housing types and costs to meet the current and future needs of the residents.
- F. To improve the design, quality, and character of development and redevelopment of land.
- G. To ensure the effective integration of development and redevelopment with surrounding land uses.
- H. To prioritize environmental and energy sustainability in land use development and redevelopment.
- I. To respect the unique characteristics and attributes of individual neighborhoods.
- J. To promote multi-modal transportation options including safe, efficient, and attractive pedestrian and bicycle connections.
- K. To enhance the appearance of the City through quality site and building design.
- L. To ensure economic vitality.
- M. To promote mixes of commercial and residential uses within mixed-use zone districts.

17.1.3: Relationship to Comprehensive Plan

The Comprehensive Plan is a citywide document and tool that articulates the vision, values, and priorities for the future of the City. This Zoning Code is intended to work with the Comprehensive Plan to establish guidelines and standards to regulate land use within the City. The Comprehensive Plan shall be treated as an advisory document unless otherwise stated herein.

17.1.4: Effective Date

This Zoning Code shall take effect forty-five (45) days after final publication and shall apply to property and uses of property on and after November 1, 2025, in accordance with **O-2025-XX**.

17.1.5: Authority

This Zoning Code is enacted pursuant to Article XX of the Colorado Constitution; the powers granted to municipalities by the laws of the State of Colorado; and the City Charter. This Zoning Code may be reviewed for compliance with federal regulations and/or state statutes on an annual basis.

17.1.6: Applicability

The regulations, requirements, limitations, and provisions of this Zoning Code shall extend and apply to all land, buildings, structures, property, and uses of land within the corporate limits of the City of Lakewood, Colorado unless otherwise explicitly stated.

17.1.7: General Provisions

Except as hereinafter provided, no building, structure, property, or land shall be used or occupied and no building or structure, or part thereof, shall be erected, constructed, reconstructed, altered, repaired, moved, or structurally altered except in conformance with this Zoning Code.

17.1.7.1: Compliance with Other Applicable Laws, Standards, and Policies

Compliance with this Zoning Code does not eliminate the need to comply with all applicable federal regulations, state statutes, and all ordinances, regulations, standards, and policies of the City.

17.1.7.2: Conflicting Provisions

- A. Where any regulation, requirement, or condition imposed by any provision of this Zoning Code conflicts with any other regulation, requirement, or law, the provision which is more restrictive, or which imposes a higher standard or requirement, shall govern unless otherwise explicitly stated.

- B. Where any illustrative figure of this Zoning Code conflicts with the text of this Zoning Code, the text shall govern.
- C. Nothing herein shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by, or are contrary to, the law or the provisions of this Zoning Code. Nothing in any restrictions established by covenants running with the land shall render inoperative any provisions established by this Zoning Code.

17.1.7.3: Rules of Measurement

- A. **Applicant's Responsibility.** For all calculations, the applicant shall be responsible for supplying drawings illustrating the measurements that apply to a project. These drawings shall be drawn to scale and of sufficient detail to allow easy verification upon inspection by the Director.
- B. **Fractions.** Whenever this Zoning Code requires consideration of distances, parking spaces, dwelling units, or other aspects of development or the physical environment expressed in numerical quantities, and the result of a calculation contains a fraction of a whole number, fractions of one half (1/2) or greater shall be rounded up to the nearest whole number and fractions of less than one half (1/2) shall be rounded down to the nearest whole number, unless an alternate rule for rounding is specified by the same section of this Zoning Code that describes the requirement.
- C. **Shortest Distance.** When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the closest or shortest distance between the two objects.
- D. **Horizontal Distance.** When determining distances for setbacks and structure dimensions, all distances are measured along a horizontal plane from the appropriate line, edge of building, structure, storage area, parking area, or other object. These distances are not measured by following the topography or slope of the land.
- E. **Measuring Distances Between Uses.** Unless otherwise specified, when a distance is required between uses, the distance shall be measured in a straight line from the closest point on the boundary line of one (1) property to the closest point on the boundary line of the other property.

17.1.8: Administration and Roles

17.1.8.1: City Council

- A. The duties and responsibilities of the City Council shall be as set forth in the City Charter, the Lakewood Municipal Code, and this Zoning Code.

- B. The City Council acts in a review or quasi-judicial capacity when it acts as a decision maker on initial zoning and rezoning cases. In its quasi-judicial role, the City Council will be evaluating decisions to determine whether they are consistent with the requirements of this Zoning Code and supported by the evidence in the record.
- C. The City Council acts in a legislative capacity when it adopts amendments to the Zoning Code.

17.1.8.2: Director

- A. It shall be the duty of the Director to enforce the provisions of this Zoning Code 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 Code.
- B. The Director shall have the authority to:
 - 1. Interpret and apply the provisions set forth in this Zoning Code. When this Zoning Code does not specify the criteria to use 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 Code, or if it does not comply with one or more provisions, that the body authorized by this Zoning Code to allow variations from those provisions has given its approval to the variations; and
 - b. The application is consistent with the City's Comprehensive Plan and all other plans adopted by the Planning Commission and City Council that are applicable to the property.
 - 2. Make district boundary interpretations when there is uncertainty as to where the district boundaries are located.
 - 3. Delegate to any employee of the Department any responsibilities assigned to the Director by this Zoning Code. The designee shall be subject to the same restrictions and standards as are applicable to the Director.
 - 4. Waive any standard in this Zoning Code, except for any uses identified in Article 4 that relate to any publicly owned park.

17.1.8.3: Planning Commission

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

- B. The Planning Commission has jurisdiction to:
 - 1. Adopt, amend, and maintain the City's Comprehensive Plan and other citywide plans that may be presented to the Planning Commission.
 - 2. Make recommendations as to annexation, disconnection, initial zoning, and rezoning applications.
 - 3. Make recommendations on legislative matters that pertain to this Zoning Code.
 - 4. Make final decisions on appeals of Director's decisions, major subdivision applications, major waivers, revocation of uses, and special use permits.
- C. The Planning Commission acts in a review or quasi-judicial capacity when it acts as an appeal body of decisions from the Director. In its appellate role, the Planning Commission will be evaluating decisions to determine whether the Director's decision is and was consistent with the requirements of this Zoning Code and supported by the evidence in the record and whether the Director exceeded the Director's authority or abused the Director's discretion.

17.1.8.4: Board of Adjustment

- A. The duties and responsibilities of the Board of Adjustment shall be as set forth in the City Charter, the Lakewood Municipal Code, this Zoning Code, and the Board of Adjustment Rules and Regulations.
- B. The Board of Adjustment has jurisdiction to:
 - 1. Hear appeals from any final order, decision, requirement, or determination of the Director regarding an interpretation or application of this Zoning Code;
 - 2. Hear any appeals of the Director's determination made pursuant to the City of Lakewood Municipal Code 14.16; and
 - 3. Hear any appeals made pursuant to the City of Lakewood Municipal Code 14.25.190.
- C. The Board of Adjustment acts in a review or quasi-judicial capacity when it acts as an appeal body of decisions from the Director on minor variances or when it is a decision maker on applications for a major variance. In its appellate role, the Board of Adjustment will be evaluating decisions to determine whether they are consistent with the requirements of this Zoning Code and supported by the evidence in the record and whether the Director exceeded the Director's authority or abused the Director's discretion.

17.1.8.5: Historic Preservation Commission

- A. The duties and responsibilities of the Historic Preservation Commission shall be as set forth in this Zoning Code, the Lakewood Municipal Code, and the Historic Preservation Commission Rules and Regulations.
- B. The Historic Preservation Commission has jurisdiction to make recommendations on applications for local landmark designation, alteration certificates, relocation of designated structures and creation of historic districts.

17.1.8.6: Design Review Commission

- A. The duties and responsibilities of the Commission shall be as set forth in this Zoning Code, the Lakewood Municipal Code, and the Design Review Commission Rules and Regulations.
- B. The Design Review Commission has jurisdiction to hear applications for those areas of the City within which the City has imposed specific design criteria and to review proposed design criteria and any changes to existing design criteria.
- C. There shall be three hearing types for applications before the Design Review Commission to include: concept design, final design, and public hearing. The concept design hearing shall be an initial opportunity for an applicant to present their application to obtain feedback from the Design Review Commission. The final design hearing shall be a secondary opportunity for an applicant to present their application to obtain final feedback from the Design Review Commission. The public hearing shall be quasi-judicial in nature and result in the Design Review Commission approving the application, approving the application with modifications, or denying the application.

17.1.9: 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.
- B. An approved site plan in conformance with Article 2 of this Zoning Code.

The City does not have jurisdiction to review condominium applications.

17.1.10: 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 Code.

- B. For new buildings or building additions requiring a building permit, before form inspections and approval thereof, the property owner, lessee, builder, or contractor shall retain the services of a Colorado Licensed Professional Land Surveyor to locate the property boundaries and stake the corners of the proposed building foundation based upon the setbacks of the approved building permit.
- 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 Code, the Director shall require the applicant to meet the additional submittal requirements set forth in Article 11 of this Zoning Code.

17.1.11: Fees

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

17.1.12: Violation and Penalty

It is unlawful for any person, as defined in the Lakewood Municipal Code 1.16.010, to violate any of the provisions of this Zoning Code or any condition, stop-work order, permit, certificate, or other form of authorization granted pursuant to this Zoning Code. Violations of this Zoning Code shall be subject to prosecution in the Lakewood Municipal Court, administrative enforcement, or any other remedy available at law and punishable by the penalties outlined in the Lakewood Municipal Code 1.16.020. Each day that a violation continues after service of written notice to abate to abate such violation shall constitute a separate violation.

17.1.13: Severability

If any part, section, sentence or clause of this Zoning Code 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 Code. 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 Code.