

Lakewood Zoning Code – 2025

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ARTICLE 11: HISTORIC PRESERVATION

17.11.1: General

17.11.1.1: Purpose and Intent

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of buildings, structures, sites, objects, and districts of historical, architectural, archaeological, or geographic significance located within the City of Lakewood (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.

The purpose of this Article is to:

- A. Designate, preserve, protect, enhance and perpetuate those buildings, structures, sites, objects, and districts which reflect outstanding elements of the City’s cultural, artistic, social, economic, political, architectural, archaeological, historic, or other heritage;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Stabilize or improve the aesthetic and economic vitality and values of such buildings, structures, sites, objects, and districts;
- D. 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;
- E. Promote the use of outstanding historical, architectural, or archaeological buildings, structures, sites, objects, and districts for the education, stimulation and welfare of the people of the City;
- F. Promote good urban design including the perpetuation of related private spaces; and
- G. Promote and encourage continued private ownership and utilization of such buildings, structures, sites, objects, and districts now owned and used, to the extent that the objectives listed above can be attained under such a policy.

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 seven (7) voting members. At least two (2) members shall be residents of the City.
- B. Each member shall have a demonstrated interest in, competence with, or knowledge of, historic preservation.
- C. A minimum of three (3) of the members shall be professionals in preservation-related disciplines that include, but are not limited to:
 - 1. Architecture
 - 2. Landscape Architecture
 - 3. Architectural History
 - 4. History
 - 5. American Studies
 - 6. American Civilization
 - 7. Cultural Geography
 - 8. Cultural Anthropology
 - 9. Archaeology
 - 10. Urban Planning

17.11.2.3: Area of Authority

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

17.11.2.4: Powers and Duties

The Preservation Commission shall have the power and duty to:

- A. Evaluate and make recommendations concerning the merits of applications for historic 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 historic inventory of sites, buildings, structures, or areas that may be appropriate for historic designation pursuant to this Article;
- E. Prepare, or cause to be prepared, design guidelines for construction and alteration of designated historic buildings and historic structures and buildings and structures in designated historic districts for adoption and approval by the Preservation 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 buildings, structures, sites, objects, and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, and historic or other heritage;
- I. Provide advice and guidance to individuals, developers, neighborhood groups and other parties regarding work on designated historic properties, or within designated historic districts;
- J. Draft and adopt reasonable rules and regulations, to be approved by the City Council, governing its internal operations;
- K. Review applications for the relocation of designated historic properties for preservation, or buildings or structures into a designated historic district for protection;
- L. Receive ongoing training by delegating at least one (1) member to attend a State Historic Preservation Office approved educational session each year;
- M. Prepare an annual report to the City Council; and
- N. Delegate to City staff or preservation partners the authority to administratively review and/or approve specific types of projects involving historic resources.

17.11.3: Designation Criteria

A building, structure, site, object, or district may be designated for historic preservation if it meets one (1) or more of the following criteria:

- A. It is associated with events that have made a significant contribution to the broad patterns of the City's history;
- B. It is associated with the lives of persons significant in the City's past;

- 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;
- D. It has yielded, or may be likely to yield, information important in history or prehistory; and/or
- E. It is culturally significant to the City's community.

17.11.4: Designation Procedure

17.11.4.1: Initiation

A designation process shall be initiated by one of the following:

- A. The City Council.
- B. The Preservation Commission.
- C. The Director.
- D. The Lakewood Historical Society.
- E. A non-profit organization with an established interest in, and a mission statement supporting, preservation.
- F. The property owner(s) (if a single property).
- G. A defined percentage of property owners in a proposed district pursuant to [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 building, structure, site, object, 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 sixty (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 building, structure, object, site, or district and shall demonstrate how the building, structure, object, district, or site meets the criteria for designation as set forth in [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 [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 building, structure, object, district, or site is potentially eligible for designation. If the Preservation Commission finds the building, structure, object, site, or district potentially eligible for designation, the Secretary to the Preservation Commission 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 public hearing shall be held not more than sixty (60) days after receipt of a complete application, unless otherwise extended by the applicant and Director. The Secretary to the Preservation Commission shall provide notice of the date, time and location of the public hearing to the applicant, the owner(s) of record and, if known, to other persons having a legal or equitable interest in the site(s) nominated for designation.
- B. Signs indicating the proposed action and the time, date and place of the public hearing, shall be posted by the applicant at least fourteen (14) days prior to the public hearing on all property proposed for designation for preservation, and on the boundaries of all areas proposed for designation as a district for preservation. All signage shall be prominently displayed and easily readable from abutting public ways. If any sign is damaged or destroyed prior to the public hearing, the sign shall be replaced as expediently as possible.
- C. A legal notice indicating the nature of the public 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 ten (10) days prior to the public 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 public hearing to the Preservation Commission, the Director, and the Building Official not less than fourteen (14) days prior to the public hearing.

17.11.4.7: Designation Hearing before the Preservation Commission

- A. A quorum shall consist of at least four (4) members of the Preservation Commission to conduct the public hearing. In the event there is no quorum, the public hearing shall be continued unless the basis for the lack of a quorum is due to a conflict(s) of interest pertaining to the business before the Preservation Commission.
- B. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation(s). 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.

17.11.4.8: Findings and Recommendations of the Preservation Commission

The Preservation Commission shall act officially on each proposed designation within forty-five (45) days after the public hearing thereon. The Preservation Commission may recommend, recommend with conditions where appropriate, 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. The recommendation shall be in the form of a resolution. If the Preservation Commission fails to act within the forty-five (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 sixty (60) days after the date of the Preservation Commission's recommendation, the City Council shall hold a public hearing on the proposed designation.
- B. The City Council shall, by ordinance, approve, approve with conditions where appropriate, 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 [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(s) having a legal or equitable interest in the site(s).

17.11.4.10: Recording of Designation

- A. Within fourteen (14) days of the effective date of an ordinance designating a historic property, or historic district for preservation, the City Clerk shall record the ordinance with the clerk and recorder of Jefferson County.
- B. The Director shall maintain on file a record, known as the Lakewood Historic Register, of all historic landmarks that have been designated as historic properties, or historic districts within the City.

17.11.4.11: Notification

Within fourteen (14) days after the recording of the ordinance of designation, City 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 within fourteen (14) days after the date of mailing or delivery of the Preservation Commission's denial.
- B. Notice of the public hearing on the appeal shall be provided pursuant to the procedures set forth in [17.11.4.6](#).
- C. If the City Council finds that the Preservation Commission's denial of the designation application was arbitrary and capricious, the City Council may overturn the decision of the Preservation Commission and either approve the application or approve the application with modifications where appropriate.

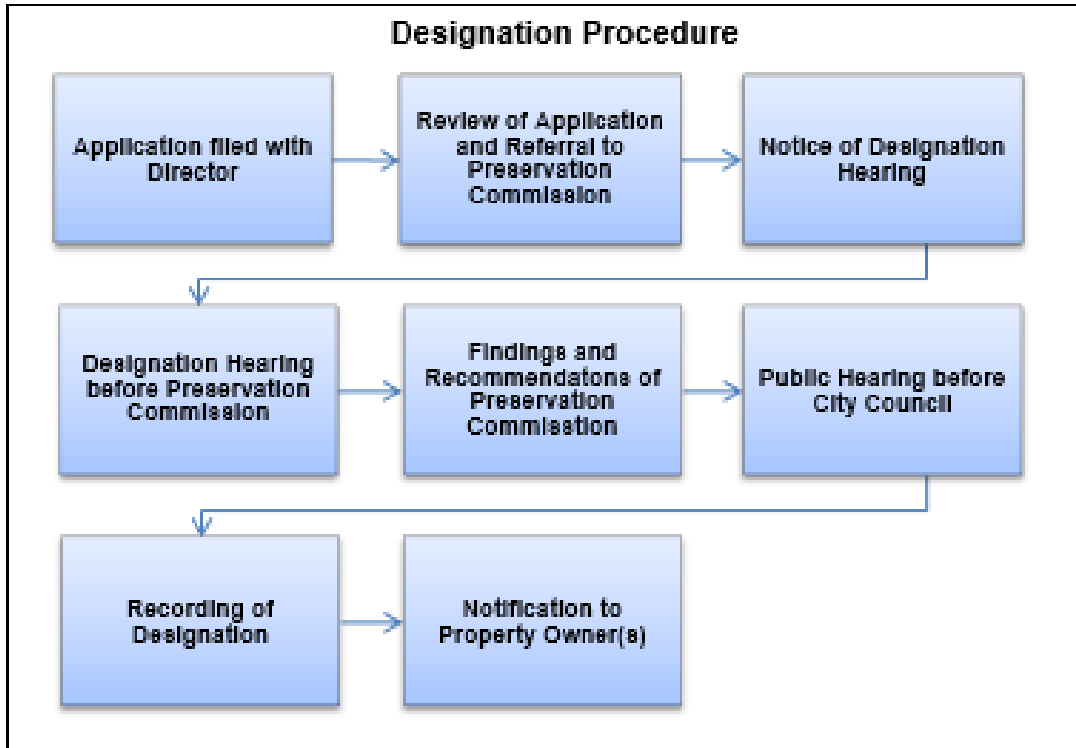


Figure 77: Designation Procedure; 17.11.4

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 Code, for any designated historic property or for any contributing object, building, structure, or site within a designated historic district, prior to any of the following:

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



Figure 78: Alteration Certificate; 17.11.5

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 historic property;
 2. That it is in substantial conformity with design guidelines adopted by the Preservation Commission, if applicable;
 3. That any distinctive feature, finish, construction technique or examples of craftsmanship that characterize the property are maintained;
 4. That any new addition, exterior alteration or related new construction does not destroy the historic materials that characterize the historic property;
 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;

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 historic property and its environment would be unimpaired;
 7. The historic character of the historic property is retained and preserved and the removal of historic materials or features that characterize the property is avoided; and
 8. For applications for demolition only, that there is substantial economic hardship as set forth in [17.11.5.4](#).
- B. In addition to the above criteria, the Preservation Commission may also evaluate compatibility with 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 [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 historic property or historic district designated for preservation;
 2. Plans and designs showing in detail any proposed alteration to a designated historic property or contributing site, object, building, or structure within a designated historic district including, but not limited to, façade elevations and proposed materials to be used;
 3. A site plan, if applicable, showing the location of existing historic properties and any proposed buildings or structures on the site;
 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 building or 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. After 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 meets the criteria set forth in [17.11.5.2](#), the Preservation Commission shall issue and send an Alteration Certificate to the Director within forty-five (45) days after receipt of the referral.
- D. If the Preservation Commission determines the application does not meet the criteria set forth in [17.11.5.2](#), the Preservation Commission may issue an order continuing the permit application process for a period not to exceed ninety (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 sixty (60) days after receipt of the completed application, the building permit application process shall proceed without further reference to this Section.

17.11.5.4: Economic Hardship

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

17.11.5.5: Appeal of Denial of Alteration Certificate

- A. If the Preservation Commission denies an application for an alternation certificate, 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 within fourteen (14) days after the date of mailing or delivery of the Preservation Commission's denial.

- B. Notice of the public hearing on the appeal shall be provided pursuant to the procedures set forth in [17.11.4.6](#).
- C. If the City Council finds that the Preservation Commission's denial of the alteration certificate was arbitrary and capricious, the City Council may overturn the decision of the Preservation Commission and either approve the application or approve the application with modifications where appropriate.

17.11.6: Relocation of a Designated Historic Structure

17.11.6.1: Initiation

A request to relocate a designated historic property or structure 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 historic property:

- A. If the historic property cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
- B. The contribution the historic property makes to its present setting;
- C. Whether plans are specifically defined for the site to be vacated and have been approved by City staff;
- D. If the historic property 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 historic property;
- E. Whether the historic property 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 historic property proposed for relocation.

17.11.6.4: Decision

The Preservation Commission shall notify the applicant and the Director in writing within fourteen (14) days of its decision. The decision of the Preservation Commission shall be final.

17.11.7: Maintenance or Repair

- A. Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a designated historic property or a contributing property within a designated historic district. If the Director determines the work to be performed falls under the purview of ordinary maintenance or repair, an Alteration Certificate shall not be required.
- B. It shall be the responsibility of the owner or owners of a designated historic property, or a contributing property within a designated historic district, to provide minimum maintenance to the historic property to prevent the loss of historic material and detail. Minimum maintenance is required to prevent a historic property from reaching a point of hazard where the historic property might be condemned and demolished for health and safety issues.