

ARTICLE 1:

<b>ARTICLE 2: Procedures and Appeals .....</b>	<b>2-1</b>
<b>17.2.1: General.....</b>	<b>2-1</b>
<b>17.2.2: Planning Applications, General .....</b>	<b>2-1</b>
17.2.2.1: Application Process .....	2-1
17.2.2.2: Public Input Process .....	2-3
17.2.2.3: Public Hearings .....	2-5
<b>17.2.3: Initial Zoning, Rezoning and Legislative Zoning .....</b>	<b>2-7</b>
17.2.3.1: Applicability .....	2-7
17.2.3.2: Types of Zoning Applications .....	2-8
17.2.3.3: Review Criteria.....	2-9
17.2.3.4: Review Authority .....	2-10
17.2.3.5: Review Procedure.....	2-10
<b>17.2.4: Special Use Permits.....</b>	<b>2-17</b>
17.2.4.1: Applicability .....	2-17
17.2.4.2: Review Criteria.....	2-17
17.2.4.3: Review Authority .....	2-17
17.2.4.4: Review Procedure.....	2-17
17.2.4.5: Expiration of Special Use Permit:.....	2-19
<b>17.2.5: Variances .....</b>	<b>2-19</b>
17.2.5.1: Applicability .....	2-19
17.2.5.2: Types of Variances .....	2-19
17.2.5.3: Review Criteria.....	2-20
17.2.5.4: Review Authority .....	2-20
17.2.5.5: Review Procedure.....	2-21
<b>17.2.6: Waivers .....</b>	<b>2-23</b>
17.2.6.1: Applicability .....	2-23
17.2.6.2: Types of Waivers .....	2-23
17.2.6.3: Review Criteria.....	2-24
17.2.6.4: Review Authority .....	2-24
17.2.6.5: Review Procedure.....	2-25
17.2.6.6: Expiration of Waiver .....	2-27
17.2.6.7: Waiver for Disabilities .....	2-27

## Lakewood Zoning Code – 2025

<b>17.2.7: Major Site Plans .....</b>	<b>2-27</b>
17.2.7.1: Applicability .....	2-27
17.2.7.2: Review Criteria.....	2-28
17.2.7.3: Review Authority .....	2-29
17.2.7.4: Review Procedure.....	2-29
17.2.7.5: Expiration of Major Site Plans .....	2-31
<b>17.2.8: Revocation of Uses .....</b>	<b>2-31</b>
17.2.8.1: Applicability .....	2-31
17.2.8.2: Revocation of a Special Use Permit.....	2-31
17.2.8.3: Revocation of a Nonconforming Use .....	2-32
17.2.8.4: Revocation of a Temporary Use .....	2-33
<b>17.2.9: Comprehensive Sign Plans .....</b>	<b>2-34</b>
17.2.9.1: Purpose and Intent.....	2-34
17.2.9.2: Applicability .....	2-35
17.2.9.3: Review Authority .....	2-35
17.2.9.4: Review Criteria.....	2-35
17.2.9.5: Review Procedures .....	2-36
17.2.9.6: Modifications .....	2-38
<b>17.2.10: Zoning Lot.....</b>	<b>2-40</b>
17.2.10.1: Applicability .....	2-40
17.2.10.2: Review Criteria.....	2-40
17.2.10.3: Review Authority .....	2-40
17.2.10.4: Review Procedure.....	2-40
17.2.10.5: Amendments .....	2-42
<b>17.2.11: Permit Applications, General .....</b>	<b>2-42</b>
17.2.11.1: Application Process and Review Authority.....	2-42
<b>17.2.12: Review of Supplemental Standards for Limited and Accessory Uses ..</b>	<b>2-42</b>
17.2.12.1: Applicability .....	2-42
17.2.12.2: Review Procedures .....	2-43
<b>17.2.13: Sign Permit .....</b>	<b>2-43</b>
17.2.13.1: Applicability .....	2-43
17.2.13.2: Review Procedures .....	2-43
<b>17.2.14: Fence Permit.....</b>	<b>2-45</b>
17.2.14.1: Applicability .....	2-45
17.2.14.2: Review Authority .....	2-45
17.2.14.3: Review Procedures .....	2-45

## ARTICLE 2: PROCEDURES AND APPEALS

### 17.2.1: General

This Article establishes the process and procedures for planning review in the City of Lakewood (the “City”). The Article is divided into sections that describe the common procedures for planning applications and the specific procedures and criteria for each type of planning application, followed by a description of the process that applies to permit applications.

### 17.2.2: Planning Applications, General

[Table 1](#) summarizes the procedures for planning applications.

Table 1: Procedures Summary Table						
	Application Processes		Review, Decision, and Appeal Authority			
Application Type	Preplanning Review	Formal Application Review	Director	Board of Adjustment Public Hearing	Planning Commission Public Hearing	City Council Public Hearing
Zoning and Rezoning	✓	✓	R		R	D
Special Use Permit	✓	✓	R		D	
Major Variance		✓	R	D		
Minor Variance		✓	D	A		
Major Waiver		✓	R		D	
Minor Waiver		✓	D		A	
Major Site Plan	✓	✓	D		A	
Comprehensive Sign Plan	✓	✓	D		A	
Zoning Lot	✓	✓	D		A	
✓ = Required Application    R = Review    D = Decision    A = Appeal						

**Table 1: Procedures Summary Table; 17.2.2**

### **17.2.2.1: Application Process**

This Section describes steps in the application processes that are common to more than one planning application. These general provisions shall apply unless superseded by more specific processes set forth within this Article or this Zoning Code.

#### **A. Preplanning Application Review**

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

1. A preplanning application is required for planning applications as identified in [Table 1](#). The Director may waive the requirement for a preplanning application.
2. When a preplanning application is required, the applicant shall submit a preplanning application, and all supplemental materials.
3. The City shall respond in writing to preplanning applications. The written response shall include, but is not limited to, comments regarding the following:
  - a. Consistency of the proposed land development with the City's Comprehensive Plan and how well the project interacts with the context of the area;
  - b. Consistency of the proposed land development with the standards in this Zoning Code;
  - c. The need, if any, to complete a land subdivision pursuant to the Lakewood Subdivision Ordinance;
  - d. Anticipated impact and requirements of the proposed land development on the public right-of-way and public improvements; and/or
  - e. An explanation of the land development process required to pursue the applicant's proposal.

#### **B. Formal Application Review**

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

1. The applicant shall be all owners of the property, or any person, firm or corporation with written consent of all property owners.

## Lakewood Zoning Code – 2025

2. The applicant shall submit a complete formal application for all planning applications identified in [Table 1](#).
3. The City shall review all formal applications for compliance with all applicable standards in this Zoning Code. The City shall not proceed with an incomplete application.
4. If a formal application is not received within six (6) months after completion of the preplanning review as identified in [17.2.2.1:A](#) above, the Director may require a new preplanning review prior to a formal application submittal.
5. The applicant may withdraw an application at any time prior to a decision by the City by submitting a written request to withdraw the application to the Director. Applications that are resubmitted after being withdrawn shall be treated as a new application for purposes of review. The City shall not refund fees for a withdrawn application.

### **17.2.2.2: Public Input Process**

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

#### **A. Neighborhood Meeting**

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

1. At least one (1) neighborhood meeting is required for the following land development or redevelopment applications, which shall be held after receiving the written response to the preplanning application, but prior to filing a formal application:
  - a. Initial Zoning;
  - b. Rezoning;
  - c. Special Use Permit;

## Lakewood Zoning Code – 2025

- d. Major Site Plan within a Mid-Form Residential (R-M), Mixed-Use (MU), Commercial (C), or Light Industrial (LI) zone district and adjacent to public park or open space that exceeds ten (10) acres in size; and/or
  - e. As determined by the Director.
2. More than one (1) neighborhood meeting may be required at the discretion of the Director. A second or subsequent neighborhood meeting may be required at a point in the process beyond the preplanning application stage. In determining whether to require an additional neighborhood meeting, the Director shall consider:
- a. If the applicant has sufficiently solicited input from neighbors on how the project interacts with the surrounding area;
  - b. If the applicant is proposing new or modified components of the formal application that were not discussed at the required neighborhood meeting; and/or
  - c. If a significant amount of time has passed since the required neighborhood meeting. The Director shall determine whether a significant amount of time has passed for purposes of this Section.
3. Notification for a required neighborhood meeting shall be provided as described below:
- a. For a major site plan subject to 17.2.2.2:A.1, special use permit, initial zoning, or rezoning, a written notice shall be mailed by first class mail to tenants and owners of property within five hundred (500) feet of the subject property and registered neighborhood organizations within a half (1/2) mile of the subject property.
  - b. All written notices shall be in a form prepared by the City and approved by the Director.
  - c. All written notices shall be postmarked not less than fourteen (14) days, but not more than thirty (30) days, prior to the neighborhood meeting.

### B. Notification to Adjacent Tenants and Property Owners

The purpose of the notification to tenants and owners of adjacent property is to inform neighbors when the Director is reviewing an application to allow a minor variance.

- 1. A notification is required for land development or redevelopment applications for a minor variance, or as determined by the Director.
- 2. Notification shall be provided as described below:

- a. All written notices shall be mailed by first class mail to owners of property that are immediately adjacent to the subject property excluding rights-of-way. Notice shall not be required to adjacent tenants and property owners across freeways and arterial streets.
- b. All written notices shall be in a form prepared by the City and approved by the Director.
- c. All written notices shall be postmarked not less than fourteen (14) days, but not more than thirty (30) days, prior to a decision by the Director.

#### **17.2.2.3: Public Hearings**

Public hearings allow the opportunity for all interested parties to comment on a formal application reviewed by the Board of Adjustment, Planning Commission, or City Council. The form of the public hearing, whether quasi-judicial or legislative, required for each of the below decision making processes is determined by the decision to be made and shall be held in conformance with this Article and with the legal requirements of such form of hearing.

A quasi-judicial decision making process is required when a governmental decision is likely to adversely affect protected interests through the application of preexisting legal standards or policy considerations as applied to present or past facts. Public hearings in association with legislative acts, such as code updates or other actions that are not specifically in response to an individual's personal property rights, are commonly referred to legislative public hearings. Generally, the goal of a legislative public hearing is to provide an established timeframe during a meeting at which time anyone who is interested in a topic may share their perspectives on proposed legislation or specific issues.

##### **A. Setting a Date for a Public Hearing**

1. The Clerk to the Board of Adjustment shall schedule the public hearing before the Board of Adjustment. The public hearing shall be held not more than forty-five (45) days, or within a timeframe agreed upon by the applicant and Director, after all studies and plans submitted with the formal application have been deemed acceptable for the hearing by City staff. The Clerk to the Board of Adjustment shall provide notice of the date, time, and location of the public hearing to the applicant.
2. The Clerk to the Planning Commission shall schedule the public hearing before the Planning Commission. The public hearing shall be held not more than forty-five (45) days, or within a timeframe agreed upon by the applicant and Director, after all studies and plans submitted with the formal application have been deemed acceptable for the hearing by City staff. The Clerk to the

## Lakewood Zoning Code – 2025

Planning Commission shall provide notice of the date, time, and location of the public hearing to the applicant.

3. The City Clerk shall schedule public hearings before the City Council pursuant to the City Charter and the Lakewood Municipal Code.

### B. Notification for a Public Hearing

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

1. Posting of sign(s) on the property is required for public hearings as described below:
  - a. The applicant shall post at least one (1) sign every three hundred (300) feet along each street frontage, or portion thereof, on the subject property.
  - b. The sign shall be in a format approved by the Director.
  - c. The applicant shall post the sign(s) on the property at least fourteen (14) days prior to a public hearing and replace any signs lost or damaged prior to the hearing.
2. The City shall provide notice for a public hearing in the publication of record at least ten (10) days prior to the public hearing.
3. Notification to owners of property in the vicinity of the subject property shall be provided by the applicant as described below:
  - a. For a special use permit, initial zoning or rezoning, a written notice shall be mailed by First Class mail to tenants and owners of property within five hundred (500) feet of the subject property and registered neighborhood organizations within half (1/2) a mile of the subject property.
  - b. For a major variance and major waiver, a written notice shall be mailed by First Class mail to tenants and owners of property within three hundred (300) feet of the subject property and registered neighborhood organizations within a quarter (1/4) mile of the subject property.
  - c. The applicant's written notice shall be in a form prepared by the City and approved by the Director.
  - d. The notice to tenants and owners of property shall be postmarked at least fourteen (14) days, but not more than thirty (30) days, prior to the public hearing.

## Lakewood Zoning Code – 2025

4. Public hearing notification (posted signs, newspaper notifications, and written notifications to tenants and property owners) shall include the following information:
  - a. Type of land development case, description of the proposal, and proposed land uses;
  - b. Date, time, and place of the public hearing;
  - c. Address of the subject property;
  - d. Name and contact information for the applicant; and
  - e. Name and contact information for assigned member of City staff.

### C. Conduct for a Public Hearing

1. The Zoning Code, Comprehensive Plan, including all amendments, and Subdivision Ordinance shall be a part of the record of every public hearing. It shall not be necessary for any party or person to formally introduce these into evidence.
2. The Board of Adjustment shall conduct public hearings pursuant to the Rules and Regulations of the Board of Adjustment, as amended. Additionally, quasi-judicial public hearings shall be held in conformance with due process standards as set forth by law. The Board shall also comply with any regulations for quasi-judicial public hearings adopted by the City Council and made applicable to all boards and commissions of the City.
3. The Planning Commission shall conduct public hearings pursuant to the Rules and Regulations of the Planning Commission, as amended. Additionally, quasi-judicial public hearings shall be held in conformance with due process standards as set forth by law. The Commission shall also comply with any regulations for quasi-judicial public hearings adopted by the City Council and made applicable to all boards and commissions of the City.
4. The City Council shall conduct administrative public hearings pursuant to the City Charter and the Lakewood Municipal Code, as amended. Additionally, quasi-judicial public hearings shall be held in conformance with due process standards set forth by law.

## **17.2.3: Initial Zoning, Rezoning and Legislative Zoning**

### **17.2.3.1: Applicability**

This Section establishes the procedures and criteria for designating a zoning

classification for all land within the City. Initial zoning establishes the appropriate zoning district for land that is annexed to the City of Lakewood. Legislative zoning is a rezoning that is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level and involves changing the boundaries or area of one or more zoning districts as shown on the Official Zoning Map of the City of Lakewood. Rezoning is also a process for changing the zoning classification of any previously zoned parcel of land within the City of Lakewood, as shown on the Official Zoning Map of the City of Lakewood, that is necessitated by the needs/desires of the property owner.

#### **17.2.3.2: Types of Zoning Applications**

##### **A. Initial Zoning**

1. The initial zoning process shall apply when property is annexed or is going to be annexed to the City.
2. The process for initial zoning shall be instituted at any time after a resolution of intent to annex is adopted pursuant to C.R.S. § 31-12-106, as amended, or after a petition for annexation, or a petition for annexation election has been found to be valid in accordance with C.R.S. § 31-12-107, as amended.
3. One or more of the following entities may submit an application for initial zoning:
  - a. All owners of all real property to which the initial zoning would apply; or
  - b. Any person, firm, or corporation with the written consent of all of the owners of the property.
4. If no application for initial zoning is submitted by a property owner or owners, the Director may institute initial zoning.

##### **B. Rezoning**

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

C. Legislative Zoning

1. The legislative zoning process is intended to be a rezoning that is prospective in nature, which means that all uses that were lawfully implemented prior to the adoption of the legislative rezoning remain lawful as nonconforming uses in accordance with Article 12 of this Zoning Code. Legislative zoning reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level.
2. Applications for legislative zoning shall be initiated by the City Manager.

**17.2.3.3: Review Criteria**

A. Review Criteria for Initial Zoning and Rezoning

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

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

B. Review Criteria for Legislative Zoning

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

1. The legislative zoning affects a large number of properties, and the proposed rezoning is not applicable only to a specific individual or readily identifiable group;

## Lakewood Zoning Code – 2025

2. The legislative zoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level;
3. It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties in a quasi-judicial manner on a site-by-site basis;
4. The proposed legislative zoning promotes the purposes of this Zoning Code; and
5. The proposed legislative zoning promotes implementation of the goals and policies of the Comprehensive Plan.

### **17.2.3.4: Review Authority**

- A. City Council designates the Planning Commission to conduct a quasi-judicial public hearing on applications for initial zoning and rezoning. An administrative public hearing shall be held to review any proposed legislative zoning. At the conclusion of the public hearing, the Planning Commission shall make a recommendation to the City Council in accordance with [17.2.3.5:D](#).
- B. Upon receipt of a recommendation from the Planning Commission for an initial zoning or a rezoning, the City Council shall conduct a quasi-judicial public hearing and render a decision in accordance with [17.2.3.5:E](#). Upon receipt of a recommendation from the Planning Commission regarding legislative zoning, the City Council shall conduct an administrative public hearing then render a decision in accordance with [17.2.3.5:E](#).
- C. An ordinance for the initial zoning of property annexed to the City shall be approved by City Council concurrent with the approval of the annexation ordinance or within ninety (90) days after the effective date of the annexation ordinance.
- D. The decision of the City Council on applications for initial zoning, rezoning and legislative zoning shall be final.
- E. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision.

### **17.2.3.5: Review Procedure**

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

## Lakewood Zoning Code – 2025

### A. Application

1. The applicant shall follow procedures for preplanning and formal applications pursuant to [17.2.2.1:A](#) and [17.2.2.1:B](#).
2. Applications for an initial zoning or a rezoning to a planned development zone district shall submit an Official Development Plan (ODP) addressing all of the elements in 17.3.6.

### B. Neighborhood Meeting

At least one (1) neighborhood meeting is required for initial zoning and rezoning proposals. The applicant shall hold a neighborhood meeting pursuant to Section [17.2.2.2:A](#).

### C. Director's Review Authority and Recommendation

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City;
  - b. The applicant followed the procedures as stated in this Zoning Code; and
  - c. The application addresses all criteria in [17.2.3.3](#); and any other applicable City standards.
2. The Director shall make a recommendation to the Planning Commission and the City Council to approve, approve with modifications where appropriate, or deny the application for initial zoning, rezoning or legislative rezoning based on the review criteria in [17.2.3.3](#); and any other applicable City standards.

### D. Planning Commission Public Hearing

1. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B](#).
2. The Planning Commission shall hold a public hearing for an initial zoning, rezoning or legislative zoning application after receipt of the Director's recommendation pursuant to [17.2.2.3:C](#).
3. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or applicant's authorized representative, by the Director or any member of City staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, including both documentary and verbal.

## Lakewood Zoning Code – 2025

4. Following the public hearing, the Planning Commission shall make written findings and a recommendation to the City Council to approve, approve with modifications where appropriate, or deny the application based on the review criteria in [17.2.3.3](#).
5. The Planning Commission shall provide the written findings and a recommendation to the applicant within fourteen (14) days after the public hearing. The written findings and recommendation shall be in the form of a resolution.
6. No substantial amendment to an application may be made after a decision on the application has been made by the Planning Commission unless such amendments are recommended by the Planning Commission.
7. Any person may object to a finding or a recommendation of the Planning Commission by submitting a written statement with the Clerk to the Planning Commission prior to the public hearing before the City Council. Such objection shall become a part of the planning case file.

### E. City Council Public Hearing

1. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B](#).
2. The City Council shall hold a public hearing for consideration of a proposed ordinance for initial zoning, rezoning or legislative zoning after receipt of the Planning Commission's recommendation pursuant to [17.2.2.3:C](#).
3. During the public hearing, the City Council may hear any relevant evidence or statement provided by the applicant or the applicant's authorized representative, by the Director, and by any person in attendance at the hearing. The City Council may, at its sole discretion, accept and consider any other relevant statement or evidence, including both documentary and verbal.
4. Following the public hearing and based on the rezoning criteria in [17.2.3.3](#), the City Council shall take one of the following actions:
  - a. **Approve the application.** Approval of the application shall be by ordinance and shall incorporate the Planning Commission's findings as presented or as amended based upon evidence presented to the City Council.
  - b. **Approve the application with modifications.** Approval of the application shall be by ordinance and shall include a clear statement of any modifications or conditions, and shall incorporate the Planning

## Lakewood Zoning Code – 2025

Commission's findings as presented or as amended based upon evidence presented to the City Council.

- c. **Table the matter.** Continue a decision upon the proposed ordinance to a date certain. This action is appropriate when the public hearing has been completed but due to the lateness of the hour or the length of the balance of the City Council agenda there isn't sufficient time to consider and decide the merits of the application.
  - d. **Deny the application.** Failure to approve an ordinance shall be recognized as a denial of the application. Unless grounds/findings of fact setting forth the reasons for such denial are adopted by the City Council by regular motion, the Planning Commission's findings as presented or as amended, based upon evidence presented to the City Council, shall be recognized as the City Council's grounds for such denial.
  - e. **Remand the application to the Planning Commission.**
    - i. The City Council may remand the proposed application to the Planning Commission for further consideration if at least one (1) of the following is found to be true:
      - a) One of the written findings from the Planning Commission is based on incorrect information upon which the City Council would like additional information; and/or
      - b) New information, that was not available at the time of the Planning Commission public hearing, is presented and has the potential to change the recommendation of the Planning Commission.
    - ii. When remanding an application to the Planning Commission for further action, the City Council shall provide guidance on what is being asked of the Planning Commission, including but not limited to:
      - a) Identifying which aspects of the application should be reconsidered;
      - b) Identifying those issues which require additional public testimony; and
      - c) Notification of the date certain to which the City Council continued its consideration of the application.
5. Final action by the City Council on the application shall be taken within ninety (90) days after the date of the conclusion of the City Council's hearing on the application, or, if the matter is remanded, within thirty (30) days after the date

the City Council receives a supplementary report or recommendation from the Planning Commission, whichever date is later. Failure to approve an ordinance within such period shall be considered, a final decision of the City Council denying the application. If the vote on any application is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code 1.20.030, an additional fourteen (14) days shall be added to the time limit for each such occurrence.

F. Vested Property Rights

1. **General Vesting Period**Generally. A vested property right refers to the legal rights a property owner has in order to develop or use their land according to specific regulations. A “vesting period” or “vested rights period” is the timeframe during which a property right is secured and protected from changes in land use laws and regulations. Such vesting period gives the property owner the right to undertake and complete the development and use of the property under the terms and conditions of the approval. Vesting periods are determined according to the following:

- a. A zoning action approved by the City Council is automatically vested for a period of three (3) years.
- b. All other zoning actions shall vest according to the site-specific development plan in accordance with this Section. For purposes of this Section, a site-specific development plan refers to a plan that has obtained final approval under the standards and procedures contained within this Zoning Code and that describes with reasonable certainty the type and intensity of use for a specific parcel or parcels of property and includes all terms and conditions of approval.

2. **Applicability.**

- a. Vested property rights may be obtained through approval of the following site-specific development plans:
  - iii. Official Development Plans (ODPs) associated with Planned Development (PD) zoning;
  - iv. Development Agreements,
  - v. A subdivision plat with an associated Development Agreement,
  - vi. A phased Major Site Plan (MSP) with an associated Development Agreement, and
  - vii. A Comprehensive Sign Plan.

b. No other plan, plat, draft, preliminary document, or similar document shall be considered a site-specific development plan subject to vested property rights.

c. Notwithstanding the foregoing in Subsection b above, the City Council may approve or designate additional site-specific development plans as needed.

### 3. Vested Rights Request.

a. A vested rights request shall be included with the application for the site-specific development plan.

b. If an applicant seeks approval of a site-specific development plan to create vested property rights, such plan shall include a statement that it is being submitted for designation as a site-specific development plan and list the requested vesting period.

4. **Approval.** A vested rights request shall be deemed approved upon the effective date of the City's final administrative determination, legal action, Planning Commission resolution, or City Council resolution, or ordinance related thereto.

## G. Development Agreements

1. **Generally.** A Development Agreement is a legally binding contract between a property owner or developer and the City. It outlines the specific terms and conditions for development, usually going beyond what is normally required by existing zoning and land use regulations. These agreements can cover various aspects of development such as vested rights, phasing, installation of public improvements and other infrastructure, property dedications, etc.

~~6.~~ 2. Development Agreement Vesting. An applicant may seek to vest the approval of a zoning action for a period of longer than three (3) years through the approval of a Development Agreement. The City Council may enter into a Development Agreement where City Council finds a period of vesting beyond three (3) years to be warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic factors, and market conditions.

~~7.~~ 3. Development Agreement Compliance Review. When a zoning action is modified by an approved Development Agreement the City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the

Development Agreement. Failure to establish such compliance may result in the issuance of a notice of forfeiture from the Director.

**~~8.~~ 4. Forfeiture of Development Agreement; Request for Reconsideration.**

Upon receipt of a notice of forfeiture, an owner or owner's authorized representative may file a written request to the Director, within seven (7) days of receipt, that the Director reconsider such decision. The request for reconsideration shall state the reason for reconsideration and shall specifically describe the actions which constitute compliance with the terms and conditions of approval. The Director shall respond to such request, in writing, within fourteen (14) days of said request being filed with the Director.

**~~9.~~ 5. Appeal of Director's Decision.** Denial by the Director of a timely filed request for reconsideration may be appealed to the Planning Commission.

- a. The owner or owner's authorized representative may submit a written appeal to the Clerk to the Planning Commission within thirty (30) days of the Director's decision.
- b. The Planning Commission shall review appeals of the Director's notice of decision related to non-compliance with the Development Agreement pursuant to the notification process outlined in 17.2.2.3:B of this Zoning Code. The Planning Commission shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
- c. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Code and the terms of the Development Agreement.
- d. Any decision of the Planning Commission on review of an appeal of forfeiture of a Development Agreement shall include the Commission's findings that support its decision for affirming, modifying or reversing the Director's decision.

**~~10.~~ 6. Covenant; Recording.** All provisions and conditions contained within a Development Agreement shall constitute a covenant running with the land and shall be binding upon the heirs, successors, and assigns of the parties to the agreement. The City shall record all approved Development Agreements and related documentation with the Jefferson County Assessor's Office at the expense of the property owner or developer.

## **17.2.4: Special Use Permits**

### **17.2.4.1: Applicability**

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

### **17.2.4.2: Review Criteria**

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

- A. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Code;
- B. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Code;
- C. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Code;
- D. The proposed special use promotes implementation of the Comprehensive Plan and other adopted City plans; and
- E. The proposed special use will not substantially impair the appropriate use or development of adjacent property.

### **17.2.4.3: Review Authority**

- A. City Council designates the Planning Commission to conduct a quasi-judicial public hearing on applications for special use permits and render a decision. The decision of the Planning Commission shall be final.
- B. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision.

### **17.2.4.4: Review Procedure**

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

#### **A. Application**

The applicant shall follow procedures for preplanning and formal applications pursuant to [17.2.2.1:A](#) and [17.2.2.1:B](#). The Director may require that the applicant provide a site

## Lakewood Zoning Code – 2025

plan with an application for a special use permit. The site plan shall illustrate any proposed changes or improvements with the application for a special use permit and shall meet the requirements of this Zoning Code.

### B. Neighborhood Meeting

At least one (1) neighborhood meeting is required for a special use permit application. The applicant shall hold a neighborhood meeting pursuant to [17.2.2.2:A](#).

### C. Director's Review and Recommendation:

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted;
  - b. The applicant followed the procedures as stated in this Zoning Code; and
  - c. The application addresses all criteria in [17.2.4.2](#) and any other applicable City standards.
2. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications where appropriate, or deny the application for a special use permit based on the review criteria in [17.2.4.2](#).

### D. Planning Commission Public Hearing:

1. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B](#) of this Zoning Code.
2. The Planning Commission shall hold a quasi-judicial public hearing for special use permits after receipt of the Director's recommendation pursuant to [17.2.2.3:C](#).
3. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or the applicant's authorized representative, by the Director or any member of City staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, including both documentary and verbal.
4. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications where appropriate, or deny the application. The decision of the Planning Commission may include conditions for the special use permit in addition to the supplemental standards set forth in Article 4 of this Zoning Code.

5. The Planning Commission shall provide the written findings and decision to the applicant within fourteen (14) days after the public hearing. The written findings and decision shall be in the form of a resolution.

#### **17.2.4.5: Expiration of Special Use Permit:**

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

### **17.2.5: Variances**

#### **17.2.5.1: Applicability**

This Section establishes the procedures and criteria for requesting a variance to a dimensional standard in Article 5, 6, 7, 8, 9, and 10 of this Zoning Code or to a similar standard contained in an ODP due to an extraordinary or exceptional situation or condition. No variance may be requested from the Use and Supplemental Standards provided for in Article 4 and 13 of this Zoning Code.

#### **17.2.5.2: Types of Variances**

- A. Major Variance

Except as otherwise noted below, a major variance shall apply when a variation of twenty (20) percent or more to a dimensional standard is proposed.

- B. Minor Variance

A minor variance shall apply to any of the following:

1. When a variation of less than twenty (20) percent to a dimensional standard is proposed;
2. When an increase in the height of a side or rear yard fence is proposed; or
3. To any design standard.

#### **17.2.5.3: Review Criteria**

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

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

#### **17.2.5.4: Review Authority**

A. Major Variance

- 1. The City Council designates the Board of Adjustment to conduct a hearing on applications for major variances and render a decision.
- 2. The decision of the Board of Adjustment on a major variance application shall be final.
- 3. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision.

B. Minor Variance

- 1. The Director shall have the authority to review and render a decision on minor variance applications.
- 2. The Board of Adjustment shall have the authority to hear a referral from the Director and render a decision on a minor variance application.

3. The Board of Adjustment shall have the authority to hear an appeal of the Director's decision and render a decision on a minor variance application.
4. The decision of the Board of Adjustment on a minor variance shall be final.
5. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision.

#### **17.2.5.5: Review Procedure**

##### **A. Major Variance**

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

1. **Application.** The applicant shall follow procedures for formal applications pursuant to [17.2.2.1:B](#).
2. **Director's Review and Recommendation.** The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City;
3. The applicant followed the procedures as stated in this Zoning Code; and
4. The application addresses all criteria in [17.2.5.3](#); and any other applicable City standards.
5. The Director shall make a recommendation to the Board of Adjustment to approve, approve with modifications where appropriate, or deny the application for a major variance based on the review criteria in [17.2.5.3](#); and any other applicable City standards.
6. **Board of Adjustment Public Hearing:**
  - a. The applicant shall provide public notice of the Board of Adjustment public hearing pursuant to [17.2.2.3:B](#) of this Zoning Code.
  - b. The Board of Adjustment shall hold a quasi-judicial public hearing for a major variance after receipt of the Director's recommendation pursuant to [17.2.2.3:C](#).
  - c. During the public hearing, the Board of Adjustment shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of City staff, and by any person in attendance at the hearing. The Board of Adjustment may, at its sole discretion, hear and consider any other relevant statement or evidence, including both documentary and verbal.

## Lakewood Zoning Code – 2025

- d. Following the public hearing, the Board of Adjustment shall make a decision to approve, approve with modifications where appropriate, or deny the application for a major variance.
- e. The Board of Adjustment shall provide the written findings and decision to the applicant within fourteen (14) days after the public hearing. The written findings and decision shall be in the form of a resolution.

### B. Minor Variance:

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

1. **Application.** The applicant shall follow procedures for formal applications pursuant to [17.2.2.1:B](#).
2. **Director's Review.** The Director shall review the application and ensure the following:
  - a. The application is complete when submitted to the City;
  - b. The applicant followed the procedures as stated in this Zoning Code; and
  - c. The application addresses all criteria in [17.2.5.3](#); and any other applicable City standards.
3. **Notification to Owners of Adjacent Property.** The applicant shall mail a notification to owners of adjacent property pursuant to [17.2.2.2:B](#).
4. **Director's Decision:**
  - a. The Director may approve, approve with modifications where appropriate, or deny the application for a minor variance based on the review criteria in [17.2.5.3](#); and any other applicable City standards.
  - b. The Director may decide, at the Director's sole discretion, to refer an application for a minor variance to the Board of Adjustment for consideration and decision pursuant to [17.2.5.4](#). In the event the Director refers an application for a minor variance to the Board of Adjustment for consideration, the Board of Adjustment shall have the same authority as the Director and shall follow the criteria in 17.2.5.3.
5. **Appeal of Director's Decision:** The applicant or owners of adjacent property may appeal the Director's decision on a minor variance application.
  - a. A written appeal shall be submitted to the Clerk to the Board of Adjustment within thirty (30) days of the Director's decision.

6. The Board of Adjustment shall review appeals to the Director's decision for a minor variance. The Board of Adjustment shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
7. The Board of Adjustment review shall determine whether the decision of the Director is consistent with this Zoning Code.
8. Any decision of the Board of Adjustment on review of an appeal to a minor variance shall include reasons for affirming, modifying or reversing the Director's decision.

## **17.2.6: Waivers**

### **17.2.6.1: Applicability**

This Section establishes the procedures and criteria for requesting a waiver to a dimensional, development, design, or sign standard in Articles 5, 6, 7, 8, 9, or 10 of this Zoning Code or to a similar standard contained in an ODP when a request for a superior design or development standard is proposed. No waiver may be requested from the Use and Supplemental Standards provided for in Article 4 of this Zoning Code. An application for a waiver shall be submitted in conjunction with the review of a site plan or a zoning review.

### **17.2.6.2: Types of Waivers**

#### **A. Major Waiver**

A major waiver shall apply when a proposed alternative to a dimensional standard varies the standard by more than twenty (20) percent.

#### **B. Minor Waiver**

A minor waiver shall apply to any of the following:

1. When a proposed alternative to a dimensional standard varies the standard by twenty (20) percent or less;
2. When an increase of up to two (2) feet in the height of a side or rear yard fence is proposed; or
3. To any design standard.

### **17.2.6.3: Review Criteria**

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

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

### **17.2.6.4: Review Authority**

#### **A. Major Waiver**

- 1. The Planning Commission has the authority to review and render a decision on major waiver applications.
- 2. The decision of the Planning Commission on a major waiver application shall be final.
- 3. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision.

#### **B. Minor Waiver**

- 1. The Director has the authority to review and render a decision on applications for a minor waiver.
- 2. The Planning Commission has the authority to hear a referral from the Director and render a decision on a minor waiver application.

3. The Planning Commission has the authority to hear an appeal of the Director's decision and render a decision on a minor waiver application.
4. The decision of the Planning Commission on a minor waiver application shall be final.
5. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision

#### **17.2.6.5: Review Procedure**

##### **A. Major Waiver**

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

1. **Application:**
  - a. The applicant shall submit a formal application for a major waiver pursuant to [17.2.2.1:B](#).
  2. The applicant shall provide sufficient evidence that the request for a waiver meets the review criteria outlined in [17.2.6.3](#).
3. **Director's Review and Recommendation:**
  - a. The Director shall review the application and ensure the following:
    - i. The formal application is complete when submitted to the City;
    - ii. The applicant followed the procedures as stated in this Zoning Code; and
    - iii. The application addresses all criteria in [17.2.6.3](#) and any other applicable City standards.
  4. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications where appropriate, or deny the application for a major waiver based on the review criteria in [17.2.6.3](#).
5. **Planning Commission Public Hearing:**
  - a. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B](#) of this Zoning Code.
  - b. The Planning Commission shall hold a quasi-judicial public hearing for a major waiver after receipt of the Director's recommendation pursuant to [17.2.2.3:C](#).

## Lakewood Zoning Code – 2025

- c. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or the applicant's authorized representative, by the Director or any member of City staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, including both documentary and verbal.
  - d. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications where appropriate, or deny the application for major waiver.
6. The Planning Commission shall provide the written findings and decision to the applicant within fourteen (14) days after the public hearing. The written findings and decision shall be in the form of a resolution.

### E. Minor Waiver

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

1. **Application.** The applicant shall submit a formal application for a minor waiver in conjunction with a zoning review or a site plan.
2. **Director's Review and Decision:**
  - a. The Director shall review the application and ensure the following:
    - i. The formal application is complete when submitted to the City;
    - ii. The applicant followed the procedures as stated in this Zoning Code; and
    - iii. The application addresses all criteria in [17.2.6.3](#) and any other applicable City standards.
3. The Director may, within thirty (30) days from the day of the complete application, either approve, approve with modifications where appropriate, or deny the application based on the review criteria in [17.2.6.3](#) and any other applicable City standards.
4. The Director, at the Director's sole discretion, may decide to refer an application for a minor waiver to the Planning Commission pursuant to [17.2.6.4](#). In the event the Director refers an application for a minor waiver to the Planning Commission for consideration, the Planning Commission shall have the same authority as that of the Director and shall follow the criteria in [17.2.6.3](#).

**5. Appeal of Director's Decision:**

- a. The applicant or owners of adjacent property may appeal the Director's decision on a minor waiver application.
- b. A written appeal shall be submitted to the Clerk to the Planning Commission within thirty (30) days of the Director's decision.
- c. The Planning Commission shall review appeals to the Director's decision for a minor waiver pursuant to the notification process outlined in [17.2.2.3:B](#) of this Zoning Code. The Planning Commission shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Code.
- d. Any decision of the Planning Commission on review of an appeal to a minor waiver shall include reasons for affirming, modifying or reversing the Director's decision.

**17.2.6.6: Expiration of Waiver**

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

**17.2.6.7: Waiver for Disabilities**

A minor waiver shall be granted when a proposed alternative to a dimensional or development standard is necessary when there is a disability affecting the owners or tenants of the property, or any member of the family of an owner or tenant who resides on the property, which impairs the ability of the mobility restricted person(s) to utilize or access the property if a minor waiver is not granted. The reviewing authority may rely upon the determination of an applicant's medical professional that an individual is mobility restricted.

**17.2.7: Major Site Plans**

**17.2.7.1: Applicability**

This Section establishes the procedures and criteria for reviewing major site plans. Site plan standards shall only apply to the area of new development or redevelopment, not the entire site.

## Lakewood Zoning Code – 2025

- A. A major site plan is required when one of the following is proposed within the R-M, M, C or LI zone districts:
  - 1. Any change to a site that affects twenty (20) percent or more of the site area, excluding residential properties with less than three (3) dwelling units;
  - 2. An expansion of a building by twenty (20) percent or more of the building's existing gross floor area, excluding residential structures with less than three (3) dwelling units;
  - 3. Construction of a new building that increases the gross floor area by twenty (20) percent or more of existing gross floor area;
  - 4. A development or redevelopment including three (3) residential units or more; or
  - 5. At the discretion of the Director, a modification of a site, building expansion, and/or new building construction that results in a cumulative change that is equivalent to any one (1) of the above conditions.
- B. A major site plan is required when one of the following is proposed within a R-L zone district:
  - 1. Any non-residential building is constructed or expanded to be larger than the maximum new residential structure allowed in the district;
  - 2. Any change that affects twenty (20) percent or more of site area on a site with a non-residential building larger than the maximum new residential structure allowed in the district; or
  - 3. Development or redevelopment including three (3) or more primary residential buildings.

### **17.2.7.2: Review Criteria**

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

## Lakewood Zoning Code – 2025

- A. Major site plans shall comply with standards outlined in Articles 3, 4, 5, 6, 7, 8, 10, and 13 of this Zoning Code.
- B. The Director shall evaluate how well the proposed modifications contribute to the overall performance of the site and how well the proposed changes meet the standards in Articles 3, 4, 5, 6, 7, 8, 10 and 13 of this Zoning Code.

### **17.2.7.3: Review Authority**

- A. The Director shall have the authority to review and render a decision on a major site plan application.
- B. The Planning Commission shall have the authority to hear a referral from the Director and render a decision on a major site plan application.
- C. The Planning Commission shall have the authority to hear an appeal of the Director's decision and render a decision on a major site plan application.
- D. The decision of the Planning Commission on a major site plan application shall be final.

### **17.2.7.4: Review Procedure**

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

#### **A. Application**

For major site plans, the applicant shall follow the application process for a preplanning and formal application described in [17.2.2.1:A](#) and [17.2.2.1:B](#) and any other applicable City standards.

#### **B. Director's Review and Decision**

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City;
  - b. The applicant followed the procedures as stated in this Zoning Code; and
  - c. The application addresses all criteria in [17.2.7.2](#); and any other applicable City standards.
2. The Director shall approve, approve with modifications where appropriate, or deny the application for a site plan based on the review criteria in [17.2.7.2](#); and any other applicable City standards.

## Lakewood Zoning Code – 2025

3. The communication of an approval or denial of a site plan shall provide reasons for the approval or denial. Red line changes on a site plan shall constitute sufficient detail of the reasons for a denial.
4. No building permit for any development requiring a site plan shall be issued without obtaining the Director's approval.
5. The Director, at his or her sole discretion, may refer a major site plan to the Planning Commission pursuant to [17.2.7.3](#). In the event the Director refers an application for a major site plan to the Planning Commission for consideration, the Planning Commission shall have the same authority as the Director and shall follow the criteria in [17.2.7.2](#).

### C. Appeal of Director's Decision

1. The applicant may appeal the Director's decision on a major site plan.
2. A written appeal shall be submitted to the Clerk to the Planning Commission within thirty (30) days of the Director's decision.
3. The Planning Commission shall review appeals to the Director's decision for a major site plan. The Planning Commission shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application.
4. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Code.
5. Any decision of the Planning Commission on review of an appeal to a major site plan shall include reasons for affirming, modifying, or reversing the Director's decision.

#### **17.2.7.5: Expiration of Major Site Plans**

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

#### **17.2.8: Revocation of Uses**

##### **17.2.8.1: Applicability**

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

##### **17.2.8.2: Revocation of a Special Use Permit**

- A. The stipulations and conditions imposed by the Planning Commission shall be maintained in perpetuity with the special use. If at any time the stipulations are not met or are found to have been altered in scope, application or design, the use shall be in violation and the special use permit shall be subject to revocation.
- B. If any special use is determined to be in violation of the special use permit:
  - 1. The Director shall notify the permit holder and the property owner in writing of said violation and shall provide the permit holder with a fourteen (14) day period in which to abate the violation. The fourteen (14) days may be extended for a reasonable period of time as determined by the Director.
  - 2. The permit holder shall notify the Director and each applicable licensing agency when the violation has been abated.
  - 3. As soon as practicable following receipt of such notification, the Director shall notify the permit holder in writing of the Director's approval of any such abatement action or of the intent to forward the matter to the Planning Commission for further action.
- C. If the violation has not been abated within the fourteen (14) day period:
  - 1. The Clerk to the Planning Commission shall schedule a quasi-judicial public hearing.

## Lakewood Zoning Code – 2025

2. The purpose of this hearing shall be to determine whether the use of the property is in violation of the terms of the special use permit, and if so, whether revocation proceedings or other legal action should be pursued.
  3. The Planning Commission shall use the review criteria as set forth in [17.2.4.2](#): when considering whether the property is being used in compliance with or in violation of the terms of a special use permit.
- D. Following a public hearing before the Planning Commission:
1. The Planning Commission shall issue a decision either revoking or sustaining the special use permit.
  2. The revocation of the special use permit shall require the property owner to immediately stop the use of the property that was found to be violation and forfeit the special use allowed.
  3. After revocation, the permit holder may not reapply for a special use permit for the same or similar use within six (6) months of the revocation action

### **17.2.8.3: Revocation of a Nonconforming Use**

- A. A nonconforming use shall be allowed to continue if it meets the standards of Article 12 of this Zoning Code. If at any time the standards for a nonconforming use stated in this Zoning Code or the Lakewood Municipal Code are not met, the nonconforming use shall be in violation of this Zoning Code and subject to revocation.
- B. If any nonconforming use is determined to be in violation:
1. The Director shall notify the property owner in writing of said violation and shall provide the property owner with a fourteen (14) day period in which to abate the violation.
  2. The property owner shall notify the Director when the violation has been abated.
  3. As soon as practicable following receipt of such notification, the Director shall notify the property owner in writing of the Director's approval of any such abatement action or of the intent to proceed with an administrative hearing.
- C. If the violation has not been abated within the fourteen (14) day period:
1. The Director shall schedule an administrative hearing. The Director shall give the property owner written notice of the date and time of the hearing at least fourteen (14) days prior to such hearing.

## Lakewood Zoning Code – 2025

2. The purpose of this hearing shall be to determine whether the continuation of the nonconforming use, without correction of the violation, creates an increased risk to public health or safety or creates increased adverse impacts to adjacent properties, and if so, whether revocation of the nonconforming use or other legal action should be pursued.
  3. If the nonconforming use is found by the Director to have violated the standards for maintaining a nonconforming use, the Director shall order the nonconforming use to terminate and/or may initiate legal action to terminate the nonconforming use. The revocation of the nonconforming use shall require the property owner to stop the use.
- F. If the Director has ordered the termination of the nonconforming use pursuant to [17.2.8.3:C](#), and the property owner believes the criteria in [17.2.8.3:C](#) have not been met:
1. The property owner may appeal the decision to the Planning Commission within fourteen (14) days of the Director's decision.
  2. The Planning Commission shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application.
  3. Any decision of the Planning Commission on review of a nonconforming use revocation appeal shall include reasons for affirming, modifying or reversing the Director's decision.

### **17.2.8.4: Revocation of a Temporary Use**

- A. A temporary use shall be allowed to continue within the timeframe established for the use if it meets the standards of this Zoning Code. If at any time the standards for a temporary use stated in this Zoning Code or the Lakewood Municipal Code are not met, the temporary use shall be in violation of this Zoning Code and subject to revocation.
- B. If any temporary use is determined to be in violation:
1. The Director shall notify the property owner in writing of said violation and shall provide the property owner with a fourteen (14) day period in which to abate the violation.
  2. The property owner shall notify the Director when the violation has been abated.

- C. If the violation has not been abated within the fourteen (14) day period:
1. The Director shall schedule an administrative hearing and shall give the property owner at least fourteen (14) days written notice of the date and time of the hearing.
  2. The purpose of this hearing shall be to determine whether the continuation of the use, without correction of the violation, creates an increased risk to public health or safety, or creates increased adverse impacts to adjacent properties, and if so, whether revocation of the temporary use or other legal action should be pursued.
  3. If the temporary use is found by the Director to have violated the standards for maintaining the use, the Director shall order the temporary use to terminate and/or may initiate legal action to terminate the temporary use.
  4. The revocation of the temporary use shall require the property owner to stop the use.
- D. If the Director has ordered the termination of the temporary use pursuant to [17.2.8.4:C](#), and the property owner believes that the criteria in [17.2.8.4:C](#) have not been met:
1. The property owner may appeal the decision to the Planning Commission within fourteen (14) days of the Director's decision.
  2. The Planning Commission shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application.
  3. Any decision of the Planning Commission on review of a temporary use termination appeal shall include reasons for affirming, modifying or reversing the Director's decision.

## **17.2.9: Comprehensive Sign Plans**

### **17.2.9.1: Purpose and Intent**

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

#### **17.2.9.2: Applicability**

This Section applies to developments containing over forty thousand (40,000) square feet of building area in the PD, R-M, M, CR, or LI zone districts when the property owner(s) chooses to develop a comprehensive sign plan. The Director may reduce the development minimum size requirement of a development, if it is determined that the proposed development will still meet the intent of the Comprehensive Sign Plan identified in [17.2.9.1:](#).

#### **17.2.9.3: Review Authority**

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

#### **17.2.9.4: Review Criteria**

Decisions regarding comprehensive sign plan applications shall be based on the following review criteria. Comprehensive sign plan applications shall not be approved unless it is demonstrated that:

## Lakewood Zoning Code – 2025

- A. The comprehensive sign plan promotes the purposes of this Zoning Code;
- B. The comprehensive sign plan exhibits high quality design, innovation and sensitivity to the site context;
- C. The design, location and dimensional standards in a comprehensive sign plan shall result in signage that creates consistency with the architecture and site design through the use of common forms, materials and finishes;
- D. The proposed standards and location in the comprehensive sign plan do not adversely affect adjacent properties;
- E. Signs proposed in a comprehensive sign plan shall adhere to the lighting standards outlined in 17.9.3.2; and
- F. Signs proposed in the comprehensive sign plan do not increase the quantity, size or duration of temporary signs.

### **17.2.9.5: Review Procedures**

#### **A. Application**

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

G. Director's Review and Decision

1. The Director shall review the application for a comprehensive sign plan and ensure the following:
  - a. The application is complete when submitted to the City;
2. The applicant followed the procedures as stated in this Zoning Code; and
3. The application addresses all criteria in [17.2.9.4](#); and all other applicable City standards.
4. The Director shall review the application and approve, approve with modifications where appropriate, or deny the application for a comprehensive sign plan based on the review criteria in [17.2.9.4](#).
5. The Director, at the Director's sole discretion, may refer an application for a comprehensive sign plan to the Planning Commission pursuant to [17.2.9.3](#). In the event the Director refers the application to the Planning Commission for consideration, the Planning Commission shall have the same authority as that of the Director and shall follow the criteria in [17.2.9.4](#).

H. Appeal of Director's Decision

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

#### **17.2.9.6: Modifications**

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

##### **A. Review Criteria**

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

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

##### **B. Review Authority**

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

##### **C. Review Procedure**

1. Application:
  - a. The property owner(s) or any person, firm or corporation with written consent of the property owner(s) may serve as the applicant for a comprehensive sign plan modification. The applicant shall follow procedures for preplanning and formal applications pursuant to [17.2.2.1:A](#) and [17.2.2.1:B](#) and any other applicable City standards.

## Lakewood Zoning Code – 2025

2. An application for a comprehensive sign plan modification shall include a comprehensive sign plan articulating the modifications to the governing comprehensive sign plan.

### D. Director's Review Authority and Decision

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City;
2. The applicant followed the procedures as stated in this Zoning Code; and
3. The application addresses all criteria in [17.2.9.6](#) and any other applicable City standards.
4. The Director shall approve, approve with modifications or deny the application for a comprehensive sign plan modification based on the review criteria in [17.2.9.6](#).
5. The Director may, at the Director's sole discretion, refer an application for a comprehensive sign plan modification to the Planning Commission for consideration and decision. In the event the Director refers an application for a comprehensive sign plan modification to the Planning Commission for consideration, the Planning Commission shall have the same authority as that of the Director and shall follow the criteria in [17.2.9.6](#).

### E. Appeal of Director's Decision

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

6. The decision by the Planning Commission on applications for a comprehensive sign plan modification shall be final.

### **17.2.10: Zoning Lot**

#### **17.2.10.1: Applicability**

This Section establishes the procedures and criteria for designation of a zoning lot. Dimensional and development standards shall apply to the entire area designated as a zoning lot rather than individual lots.

#### **17.2.10.2: Review Criteria**

Recommendations and decisions regarding zoning lot applications shall be based on the following criteria:

- A. All lots proposed for inclusion as part of a zoning lot designation shall be contiguous;
- B. A zoning lot shall comply with all provisions of the dimensional and development standards of Articles 5, 6, 7, and 8;
- C. A zoning lot shall have at least one lot line abutting a public street;
- D. A zoning lot shall meet the intent of the applicable zone district; and
- E. The Director shall evaluate how the zoning lot contributes to the overall performance of the site.

#### **17.2.10.3: Review Authority**

- A. The Director shall have the authority to review and render a decision on a zoning lot application.
- B. The Planning Commission shall have the authority to hear a referral from the Director and render a decision on a zoning lot application.
- C. The Planning Commission shall have the authority to hear an appeal of the Director's decision and render a decision on a zoning lot application.

#### **17.2.10.4: Review Procedure**

A request for a zoning lot designation shall follow the procedures described below:

## Lakewood Zoning Code – 2025

### A. Application:

1. The property owner(s) or any person, firm or corporation with written consent of all property owner(s) may serve as the applicant for a zoning lot application. The applicant shall submit a formal application for a zoning lot in conjunction with a major site plan application.
2. Upon written request of the applicant, a zoning lot may be created to allow multiple parcels that border one another to be treated as one large lot when applying standards of the Zoning Code.
3. Where a designated zoning lot is not owned by a single owner or entity, all property owners shall agree in writing to participate in a zoning lot designation.
4. A zoning lot cannot be created if the proposed development does not conform to all applicable dimensional and development standards of the Zoning Code.

### B. Director's Review and Decision:

1. The Director shall review the application and ensure the following:
  - a. The formal application is complete when submitted to the City;
2. The applicant followed the procedures as stated in this Zoning Code; and
3. The application addresses all criteria in [17.2.10.2:](#) and any other applicable City standards.
4. The Director may, within thirty (30) days from the date of the complete application, either approve, approve with modifications where appropriate, or deny the application based on the review criteria in [17.2.10.2:](#) and any other applicable City standards.
5. The Director, at the Director's sole discretion, may decide to refer an application for a zoning lot to the Planning Commission pursuant to [17.2.10.2:](#). In the event the Director refers an application for a zoning lot to the Planning Commission for consideration, the Planning Commission shall have the same authority as that of the Director and shall be required to follow the criteria in [17.2.10.2:](#).

### C. Appeal of Director's Decision

1. The applicant or owners of adjacent property may appeal the Director's decision on a zoning lot application.

## Lakewood Zoning Code – 2025

2. A written appeal shall be submitted to the Clerk to the Planning Commission within thirty (30) days of the Director's decision.
3. The Planning Commission shall review appeals to the Director's decision for a zoning lot pursuant to the notification process outlined in [17.2.2.3:B](#) this Zoning Code. The Planning Commission shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
4. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Code.
5. Any decision of the Planning Commission on review of an appeal to a zoning lot application shall include reasons for affirming, modifying or reversing the Director's decision.
6. The decision of the Planning Commission's on applications for zoning lots shall be final.

### **17.2.10.5: Amendments**

- A. Designated zoning lot boundaries may be amended provided that all new lots or zoning lots comply with the standards of the Zoning Code.
- B. Where an amendment is proposed to a designated zoning lot that is not owned by a single owner or entity, all property owners shall agree to participate in the zoning lot amendment.

## **17.2.11: Permit Applications, General**

### **17.2.11.1: Application Process and Review Authority**

Review of fence permits, sign permits and supplemental standards for the limited and accessory Uses identified in Article 4 is an important Planning function that requires documentation for tracking purposes but does not trigger the need for public input.

The Director shall have the authority to review and render a decision on all permit items unless otherwise set forth within this Zoning Code.

## **17.2.12: Review of Supplemental Standards for Limited and Accessory Uses**

### **17.2.12.1: Applicability**

A Zoning Review is required for any limited or accessory use identified in Article 4 of this Zoning Code and shall follow the process described in this Section. Review of all

supplemental standards associated with *special* uses identified in Article 4 of this Zoning Code shall be reviewed per [17.2.4](#):

#### **17.2.12.2: Review Procedures**

A request for zoning review shall follow the procedures described below.

##### **A. Application**

1. Any one (1) or more of the following entities shall submit a zoning review application:
  - a. The property owner(s) of the property where the use is proposed, or any person, firm or corporation with written consent of all property owner(s), may serve as the applicant for the zoning review application; or
2. A tenant of the property, with written consent of all property owner(s), may serve as the applicant.
3. The applicant shall submit a complete zoning review application

##### **B. Director's Review and Decision:**

1. The Director shall conduct a review of a zoning review application determined by the Director to be complete.
2. The Director shall, within fourteen (14) days from the day of determination that the application is complete, either confirm compliance with all applicable supplemental standards, or return the application to the applicant with a written description of the standards that have not been met.

#### **17.2.13: Sign Permit**

##### **17.2.13.1: Applicability**

This Section establishes the procedures for the administrative planning review of new signs and the alteration of existing signs.

##### **17.2.13.2: Review Procedures**

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

##### **A. Application**

1. One (1) or more of the following entities shall submit a sign permit application:
  - a. All owners of all real property on which the sign will be located;

## Lakewood Zoning Code – 2025

2. A tenant of the property with written consent of all property owners; or
3. A sign contractor registered with the City with written consent of all property owners.
4. The applicant shall submit a complete sign permit application.

### I. Director's Review and Decision

1. The Director shall conduct a review of a sign permit application determined by the Director to be complete.
2. The Director shall, within fourteen (14) days from the day of receipt of the complete application, either approve or deny the application based on standards in this Zoning Code, any other applicable standards, and the following:
  - a. Signs shall be located on the same property as the permitted use; and
3. Permits for signs on property that are a part of a comprehensive sign plan shall meet the standards articulated in the comprehensive sign plan.

### J. Compliance with Sign Permit

1. All signs shall be installed in accordance with a sign permit.
2. When a sign permit has been issued by the City, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Director.
3. If the City finds that work under any sign permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this or any other pertinent ordinances, the City shall take the following actions to remediate the situation:
  - a. The applicant and the owner of the sign shall be notified of such findings and that the violation must be corrected within seven (7) days of notice.
4. If such correction is not made, the permit shall be revoked, and written notice shall be mailed to the property owner, the sign owner, or contractor.
5. Upon receipt of the notice revoking the permit, the property owner, sign owner, or contractor shall have seven (7) days to correct any violation or to file an appeal of the revocation to the Director.
6. A sign constructed or maintained in a manner not in accordance with an applicable sign permit may be designated a nuisance by the Director and

removed in accordance with the City's nuisance abatement procedures, with all costs of such action assessed against the property.

7. If an illegal sign was erected without a permit, the City shall provide written notice to the property owner, the sign owner, or contractor of such findings notifying such party that the violation must be corrected within seven (7) working days of notice. Failure to comply with such notice may result in all appropriate legal action. Additionally, an illegal sign may be designated a nuisance by the Director and removed in accordance with the City's nuisance abatement procedures, with all costs of such action assessed against the property.
8. If actual work either on or off site is not commenced under any sign permit issued within six (6) months from the date of issuance of such permit, the permit shall automatically expire. The Director may extend the sign permit for six (6) months for good cause.

## **17.2.14: Fence Permit**

### **17.2.14.1: Applicability**

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

### **17.2.14.2: Review Authority**

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

### **17.2.14.3: Review Procedures**

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

#### **A. Application**

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

## Lakewood Zoning Code – 2025

### B. Director's Review and Decision

1. The Director shall conduct a review of a fence permit application determined by the Director to be complete.
2. The Director shall, within fourteen (14) days from the day of the complete application, either approve or deny the application based on standards in this Zoning Code and any other applicable City standards.

### C. Compliance with Fence Permit

1. All fences shall be installed in accordance with a fence permit.
2. When a fence permit has been issued by the City, it shall be unlawful to change, modify, alter or otherwise deviate from the terms or conditions of said permit without prior approval of the Director.
3. If the City finds that work under any fence permit issued is not in accordance with the information supplied in the permit application and/or is in violation of this Zoning Code or any other pertinent ordinances, the City shall take the following actions to remediate the situation:
  - a. At least one (1) of the owner(s) of the fence, and any applicant shown on the face of the fence permit, shall be notified of such findings and that the violation must be corrected within fourteen (14) days of notice.
4. If such correction is not made, the permit shall be revoked and written notice shall be mailed to the property owner or contractor.
5. Upon receipt of the notice revoking the permit, the property owner or contractor shall have seven (7) days to correct any violation.
6. Failure to comply with such notice may result in all appropriate legal action.
7. If an illegal fence was erected without a permit, the City shall provide written notice to the property owner or the contractor of such findings and any violation must be corrected within seven (7) working days of notice. Failure to comply with such notice may result in all appropriate legal action.
8. If actual work, either on or off site, is not commenced under any fence permit issued within six (6) months from the date of such permit, the permit shall automatically expire. The Director may extend a fence permit up to six (6) months for good cause.