

O-2024-12

AN ORDINANCE

AMENDING TITLE 17, ARTICLE 4, SECTION 3, SUPPLEMENTAL STANDARDS FOR ACCESSORY DWELLING UNITS

WHEREAS, the City of Lakewood is a home rule city of the state of Colorado with full authority to legislate in matters of local concern including zoning and land use matters;

WHEREAS, City Council requested an amendment to the accessory dwelling unit standards and requested review by the Planning Commission;

WHEREAS, the Planning Commission previously reviewed the proposed accessory dwelling amendments during a study session on August 23, 2023;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.4(A), the Planning Commission conducted a fact-finding hearing and held public hearings on October 18, 2023, November 8, 2023, November 15, 2023, and December 6, 2023;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.5(D), at their meeting of December 6, 2023, the Planning Commission voted to recommend to the City Council the approval of the proposed amendments;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.5(E), the City Council reviewed the proposed amendments and the recommendations of the Planning Commission, and held a public hearing on May 13, 2024;

WHEREAS, in accordance with the Lakewood Zoning Ordinance 17.2.3.5(E), at their meeting of May 13, 2023, the City Council found the proposed amendments to the Lakewood Zoning Ordinance were consistent with the adopted Comprehensive Plan, and the amendment is necessary to promote the public health safety or welfare of the community; and

WHEREAS, approval of this Ordinance on first reading does not constitute a representation that the City Council, or any member of the City Council, supports, approves, rejects or denies the proposal.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Lakewood, Colorado, that:

SECTION 1. Title 17, Article 4, Section 3 of the Lakewood Municipal Code is amended as follows:

17.4.3: Supplemental Standards

17.4.3.1: Purpose and Applicability This Section sets forth additional standards for

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

The following standards shall apply to any parcel of property where supplemental standards are required to be met, as indicated in Table 17.4.1 found for the zone districts identified in this Article. No Variance or Waiver may be requested for Use and Supplemental Standards.

A. Accessory Dwelling Unit:

Where identified as a limited use in any R zone district, an accessory dwelling unit shall be subject to the following:

1. An accessory dwelling unit is permitted as accessory to a primary single-family dwelling unit.
2. ~~Waivers are allowed only if approved in conformance with Section 17.2.6.4(A) or variances shall not be granted for an accessory dwelling unit.~~
3. Only one accessory dwelling unit shall be permitted per lot.
4. ~~Accessory dwelling units shall not be permitted on lots smaller than 9,000 square feet, regardless of the zone district.~~
5. ~~The owner of the property on which an accessory dwelling unit is located shall occupy either the primary or accessory dwelling unit. Prior to approval of an accessory dwelling unit, the owner shall record a covenant with Jefferson County stating that the owner agrees to restrict use of the primary and accessory dwelling units in compliance with this sub-section. The covenant shall run with the property. A permit for an ADU shall only be issued to an owner occupant or their designee.~~

~~6.5.~~ Dimensional Standards and Location:

- a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.
- b. The maximum height of a detached accessory dwelling unit shall be 30 feet.
- c. An accessory dwelling unit shall not be located in front of the primary dwelling unit.

~~7.6.~~ Single-family Dwelling Design Requirements:

- a. An accessory dwelling unit shall not exceed ~~700~~1400 square feet of gross floor area and shall contain no more than one bedroom.
- b. External alterations that would change the residential character of the property shall be prohibited.
- c. The exterior of an accessory dwelling unit shall be similar in appearance to that of the existing primary dwelling unit including, but not limited to, materials, color, roof pitch and detailing.
- d. Accessory dwelling units located above garages or located on a second floor may be accessed by a separate external stairway. However, ~~a new stairway shall not be located on any street facing façade.~~
- e. Parking shall be provided in accordance with Article 8 if on street parking is legally or practically unavailable. On street parking will be deemed unavailable if the property is located on an arterial or collector street, or if the property is located on a block on which the street is determined to be less than 28 feet wide, or if there are official traffic control signs posted in front of the property prohibiting parking where otherwise permitted.

~~8.7.~~ Accessory dwelling units that are detached or constructed as an addition to a single-family unit shall be subject to the Review of Supplemental Standards process as described in Article 2, and the general design and development standards in Article 6.

Where identified as a limited use in any non-residential zone district, an accessory dwelling unit must be located in the same building as the permitted use and shall be subjected to the following:

1. An accessory dwelling unit is allowed in conjunction with an otherwise permitted nonresidential use located on the same property.
2. An accessory dwelling unit shall be located in the same building as the permitted use and be incidental and subordinate to the permitted use.
3. The accessory dwelling unit must be associated with and directly support the non-residential use of the property.
4. Dimensional and Design Standards:
 - a. An accessory dwelling unit shall comply with all primary structure dimensional standards for the applicable zone district.

b. An accessory dwelling unit shall comply with all primary structure design standards.

~~5. Parking shall be provided in accordance with Article 8.~~

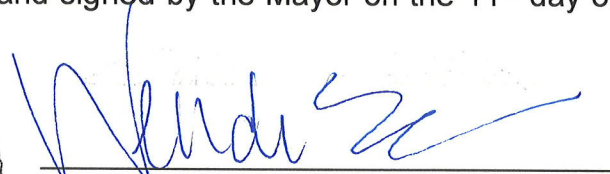
SECTION 2. All provisions of Title 17 of the Lakewood Municipal Code not expressly amended hereby shall remain unaltered by this Ordinance and in full force and effect.

SECTION 3. This Ordinance shall take effect thirty (30) days after final publication.

SECTION 4. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 13th day of May, 2024; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 16th day of May, 2024; set for public hearing to be held on the 10th day of June, 2024; read, finally passed and adopted by the City Council on the 10th day of June, 2024; and signed by the Mayor on the 11th day of June, 2024.





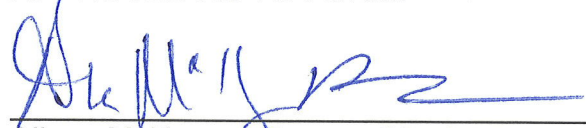
Wendi Strom, Mayor

ATTEST:



Jay Robb, City Clerk

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney