

O-2025-28

AN ORDINANCE

AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING
ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE

WHEREAS, the City of Lakewood (the “City”) 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, the Planning Commission of the City recently adopted, and the City Council recently approved, *Envision Lakewood 2040* as the City’s Comprehensive Plan, in part to guide development and redevelopment within the City;

WHEREAS, *Envision Lakewood 2040* includes Future Land Use Elements that provide guidance on the desired future land use patterns and building forms for areas of the City;

WHEREAS, at the August 11, 2025, regular meeting of the City Council where this ordinance was considered at first reading, the City Council amended Ordinance 2025-27 to reflect an intent that the proposed zoning code be considered in four sections, rather than one, to allow for a more thorough public review and engagement process of the entire zoning code;

WHEREAS, the other three sections of the fully revised zoning code shall be considered in three additional ordinances to be identified as:

1. O-2025-27: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE
2. O-2025-29: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLE 3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE
3. O-2025-30: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING THE EXISTING ZONING MAP, REPLACING IT WITH THE NEW ZONING MAP, AND REZONING PROPERTIES THEREBY

WHEREAS, the City Council finds and determines that amending Articles 1, 2, 4 and 5 of Title 17 of the Lakewood Municipal Code (the “Zoning Code”) is a legislative function as recognized by Colorado law and such amendments are therefore not subject to any requirement for individualized notice to specific property owners;

WHEREAS, the City created a robust engagement process to gather public input on the proposed changes to the Zoning Code which included:

- A. The creation of a digital engagement platform on Lakewood Together to track all Zoning Code updates, touchpoints, polling, discussions, questions, and more;

- B. Articles, news stories, reports, and/or write-ups in Looking@Lakewood, Friday Reports, Lakewood Together newsletters, the Jeffco Transcript, registered organizations' newsletters, Nextdoor.com, and the "YourHub" section of the Denver Post;
- C. At least twenty (20) posts on social media (Facebook, Instagram, X, LinkedIn, YouTube);
- D. Numerous neighborhood and business association meetings, and other in-person community events;
- E. A Planning Commission study session on February 19, 2025;
- F. A City Council study session on March 17, 2025;
- G. An open house on April 3, 2025; and
- H. Three City Council in-person workshops on May 5, 2025, May 19, 2025, and June 2, 2025;

WHEREAS, the electronic tracking of the City's robust engagement process netted at least 227,433 "touchpoints" through all mediums to include printed newsletters, electronic newsletters, registered neighborhood organization newsletters, social media, City websites, and other forums;

WHEREAS, the Planning Commission conducted two public hearings on April 23, 2025, and May 21, 2025, and unanimously voted to recommend the adoption of the proposed Zoning Code to the City Council;

WHEREAS, as part of a holistic revision to the City's Zoning Ordinance it is necessary to repeal and replace Articles 1, 2, 4 and 5 of the Zoning Code to incorporate updates throughout each Article; 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 any particular proposal related to the items identified herein.

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

SECTION 1. The recitals set forth above are incorporated as if set forth herein.

SECTION 2. The Zoning Code is amended by repealing Articles 1, 2, 4 and 5 of the existing Zoning Code and replacing them with Articles 1, 2, 4 and 5 of the new Zoning Code which are attached hereto and made part hereof.

SECTION 3. The proposed legislative amendments to Articles 1, 2, 4 and 5 promote the purposes of this Zoning Code.

SECTION 4. The proposed legislative amendments to Articles 1, 2, 4 and 5 promote implementation of the City’s new Comprehensive Plan *Envision Lakewood 2040*.

SECTION 5. Articles 1, 2, 4 and 5 are part of a fully revised Zoning Code and Zoning Map that are being considered for adoption in four parts to allow for a more thorough public review and engagement process. To accommodate this extended process, all four portions of the revised Zoning Code and Zoning Map, including Articles 1, 2, 4 and 5, will become operative on January 1, 2026 or, at the determination of the Chief of Sustainability & Community Development, up to sixty (60) days subsequent to January 1, 2026 to allow for the entire Zoning Code and Zoning Map to become operative on the same date. If the Chief of Sustainability & Community Development modifies the operational date of Articles 1, 2, 4 and 5 in conformance with this paragraph, such operational date shall be published on the City’s website.

SECTION 6. 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 such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 7. The effective date of this Ordinance shall be forty-five (45) days after final publication.

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 25th day of August, 2025; published by title in the Denver Post and in full on the City of Lakewood’s website, www.lakewood.org, on the 28th day of August, 2025; set for public hearing to be held on the 8th day of September, 2025; read, finally passed and adopted by the City Council on the 8th day of September, 2025; and signed by the Mayor on the 18th day of September, 2025.

ATTEST:



Jay Robb, City Clerk



Wendi Strom, Mayor

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney

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ARTICLE 1: PURPOSE AND ADMINISTRATION

17.1.1: Title

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

17.1.2: Purpose and Intent

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

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

species and conserving natural open space; to ensure that new development conserves or creates open space that contributes to habitat, stormwater, management and climate resilience.

17.1.3: Relationship to Comprehensive Plan

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

17.1.4: Effective Date

This Zoning Code shall apply to property and uses of property on and after January 1, 2026, in accordance with O-2025-27, O-2025-28 and O-2025-29.

- A. In thirty (30) months, a comprehensive report shall be generated by containing all relevant information pertaining to the creation of affordable and market-rate housing units within the City of Lakewood since the adoption of the current Zoning Code.

17.1.5: Authority

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

17.1.6: Applicability

The regulations, requirements, limitations, and provisions of this Zoning Code shall extend and apply to all land, buildings, structures, property, and uses of land within the corporate limits of the City of Lakewood, Colorado unless otherwise explicitly stated. Adoption of this Code or any amendment to it does not by itself require change to any legally established use or site improvement as this Title applies prospectively to new construction, additions, or site work.

17.1.7: General Provisions

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

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

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

17.1.7.2: Conflicting Provisions

- A. Where any regulation, requirement, or condition imposed by any provision of this Zoning Code conflicts with any other regulation, requirement, or law, the provision which is more restrictive, or which imposes a higher standard or requirement, shall govern unless otherwise explicitly stated.
- B. Where any illustrative figure of this Zoning Code conflicts with the text of this Zoning Code, the text shall govern.
- C. Nothing herein shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited by, or are contrary to, the law or the provisions of this Zoning Code. Nothing in any restrictions established by covenants running with the land shall render inoperative any provisions established by this Zoning Code.

17.1.7.3: Rules of Measurement

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

line from the closest point on the boundary line of one (1) property to the closest point on the boundary line of the other property.

17.1.8: Administration and Roles

17.1.8.1: City Council

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

17.1.8.2: Director

- A. It shall be the duty of the Director to enforce the provisions of this Zoning Code and the regulations contained herein. No oversight or error on the part of the Director or any employee of the City shall legalize, authorize, or excuse the violation of any of the provisions in this Zoning Code.
- B. The Director shall have the authority to:
 - 1. Interpret and apply the provisions set forth in this Zoning Code. When this Zoning Code does not specify the criteria to use in making a decision, the Director shall approve an application, or approve it with conditions, if the Director determines that:
 - a. The application complies with all applicable provisions of this Zoning Code, or if it does not comply with one or more provisions, that the body authorized by this Zoning Code to allow variations from those provisions has given its approval to the variations; and
 - b. The application is consistent with the City's Comprehensive Plan and all other plans adopted by the Planning Commission and City Council that are applicable to the property.
 - 2. Make district boundary interpretations when there is uncertainty as to where the district boundaries are located.
 - 3. Delegate to any employee of the Department any responsibilities assigned to the Director by this Zoning Code. The designee shall be subject to the same restrictions and standards as are applicable to the Director.

4. In publicly owned parks, the Director may waive any standard in this Zoning Code, except for any uses identified in Article 4, including section 17.4.1.2 limiting such property to open space or park purposes.
- C. Require the Director to prepare a written justification for any waiver or interpretation, citing relevant code provisions, Comprehensive Plan goals, and reasons for the decision. These findings must be included in the public record and posted on the City’s website.

17.1.8.3: Planning Commission

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

17.1.8.4: Board of Adjustment

- A. The duties and responsibilities of the Board of Adjustment shall be as set forth in the City Charter, the Lakewood Municipal Code, this Zoning Code, and the Board of Adjustment Rules and Regulations.
- B. The Board of Adjustment has jurisdiction to:
1. Hear appeals from any final order, decision, requirement, or determination of the Director regarding an interpretation or application of this Zoning Code;

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2. Hear any appeals of the Director's determination made pursuant to the City of Lakewood Municipal Code 14.16; and
 3. Hear any appeals made pursuant to the City of Lakewood Municipal Code 14.25.190.
- C. The Board of Adjustment acts in a review or quasi-judicial capacity when it acts as an appeal body of decisions from the Director on minor variances or when it is a decision maker on applications for a major variance. In its appellate role, the Board of Adjustment will be evaluating decisions to determine whether they are consistent with the requirements of this Zoning Code and supported by the evidence in the record and whether the Director exceeded the Director's authority or abused the Director's discretion.

17.1.8.5: Historic Preservation Commission

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

17.1.8.6: Design Review Commission

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

17.1.9: Common Facilities

Any development that includes common facilities shall be subject to the following:

- A. All common facilities must be in single ownership or unified control, such as a homeowners' association.
- B. An approved site plan in conformance with Article 2 of this Zoning Code.

The City does not have jurisdiction to review condominium applications.

17.1.10: Building Permits

- A. In addition to the requirements of the building code, no building permit shall be issued unless the plans for the proposed construction, enlargement, alteration, repair, improvement, or conversion, and the use of the building or structure conform to all requirements of this Zoning Code.

- B. For new buildings or building additions requiring a building permit, before form inspections and approval thereof, the property owner, lessee, builder, or contractor shall retain the services of a Colorado Licensed Professional Land Surveyor to locate the property boundaries and stake the corners of the proposed building foundation based upon the setbacks of the approved building permit.
- C. Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health, or property, and except in cases exempted pursuant to Article 11, upon the filing of an application for a permit for the performance of any work coming within the scope of Article 11 of this Zoning Code, the Director shall require the applicant to meet the additional submittal requirements set forth in Article 11 of this Zoning Code.
- D. No protected trees, defined as trees greater than eight (8) inches in caliper, may be removed from a site until a valid grading permit has been issued and all site plans, including landscaping and tree preservation requirements, have been approved by the City, inclusive of sign off by the City Forester and Director of Community Resources. This cannot be overridden by the Director of Planning or any other administrative approval.

17.1.11: Fees

- A. The City Manager shall establish fees as necessary for any appeal, process, procedure, or other action relating to the Zoning Code.
- B. Upon written application to the City Manager, the City Manager may waive or reduce said fees if such action will further the economic goals of the City as set forth in the Lakewood Municipal Code.
- C. If the decision is made to waive fees, the waiver should be part of the public record (i.e. included with other project documents and be available on a City platform that is publicly accessible).

17.1.12: Violation and Penalty

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

17.1.13: Severability

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If any part, section, sentence or clause of this Zoning Code shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Code. Any such part, section, sentence or clause shall not be taken to affect or prejudice in any way the remaining part or parts of this Zoning Code.

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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 Type	Application Processes		Review, Decision, and Appeal Authority			
	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.

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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;

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- 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.
 - d. Notices for neighborhood meetings shall be translated to Spanish.
 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.

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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.
 - d. All written notices shall be translated to Spanish.

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

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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 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.

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- 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.
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.
5. All public hearings, notices, staff reports, and written findings shall be posted on the City's official website.

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

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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

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- 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;
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.

- 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](#).

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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.
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.

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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 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. **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

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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

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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.
2. **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.
3. **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.
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.
5. **Appeal of Director's Decision.** Denial by the Director of a timely filed request for reconsideration may be appealed to the Planning Commission.

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- 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.
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 Clerk and Recorder’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:

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- 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 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;

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- 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:

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- 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.
 - 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.

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- 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:

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- 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.

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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](#).
- 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

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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.

B. 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. Written decisions on minor waivers shall be made available to the public through the City's website and physical copies at the City Clerk's Office.
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.

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- 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:

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- 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.

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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.

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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.

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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.
- E. 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:

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- 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.

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F. 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.](#)

G. 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.

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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:

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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.

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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

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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;

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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.

H. 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.

I. 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.

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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.

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ARTICLE 4: USE AND SUPPLEMENTAL STANDARDS

17.4.1: General

17.4.1.1: Purpose and Intent

This Article is intended to identify land use categories and their relationship to zone districts to ensure the appropriate location for different types of land uses within the City of Lakewood (the “City”). This Article identifies the uses in each zone district that are permitted, limited, accessory, subject to a special use permit, or prohibited, and sets forth use-specific standards that apply to listed uses to ensure compatibility and minimize impacts on adjacent properties.

17.4.1.2: Uses

Permitted, limited, special, accessory, and prohibited uses are listed in [Table 2](#) together with references to specific regulations governing certain uses. Uses are classified into land use groups and specific use types. These are described and defined in Article 14. Uses are identified in the first column of the Use Table. Any supplemental standard associated with a use is identified in the column titled “Supplemental Standards.”

- A. **Permitted Uses:** Uses identified with a “P” in the Use Table are permitted as a use in the specific zone district subject to compliance with all other applicable standards of this Zoning Code.
- B. **Limited Uses:** Uses identified with an “L” in the Use Table are permitted as a use in the specific zone district subject to compliance with any supplemental standards identified in the final column of the table and all other applicable standards of this Zoning Code.
- C. **Special Uses:** Uses identified with an “S” in the Use Table are allowed if reviewed and approved in accordance with the special use procedures identified in Article 2. Special uses are subject to compliance with any supplemental standards identified in the final column of the table and all other applicable standards of this Zoning Code.
- D. **Accessory Uses:** Uses identified with an “A” in the Use Table are allowed in the specific zone district as accessory to a permitted use only, subject to compliance with any supplemental standard as identified in the final column of the table, and all other applicable standards of the Zoning Code.
- E. **Prohibited Uses:** Uses that contain a blank cell in a zone district are expressly prohibited in the specific zone district.

17.4.1.3: Determination of Use

Any use that is not clearly identified in the Use Table shall be assigned to an existing use category by the Director in accordance with the following:

- A. Upon receipt of an application for a use that is not clearly identified within the Use Table, the Director shall determine whether the proposed use is both similar to, and compatible with, uses specifically named within the particular zone category.
- B. In determining whether the proposed use is similar to, and compatible with a specifically named zone category, the Director shall consider, among other relevant factors, traffic generation, density of population, and hours of operation of the proposed use as compared to:
 - 1. Known uses within a zone category;
 - 2. Characteristics of zone categories that permit a similar use; and
 - 3. The goals and strategies set forth in the City’s Comprehensive Plan.
- C. Director shall issue a written determination summarizing the factors considered, any Comprehensive Plan strategies that support the decision, and the basis for concluding that the use is similar and compatible. The determination must be posted on the City’s website with a defined appeal period.
- D. Any appeal by the applicant of a decision by the Director regarding an unnamed land use shall be made to the Planning Commission. In deciding the appeal, the Planning Commission shall apply the same standards used by the Director. Specifically, the Planning Commission shall evaluate whether the Director’s decision is and was consistent with the requirements of this Zoning Code and supported by the evidence in the record and whether the Director exceeded the Director’s authority or abused the Director’s discretion.
- E. Written determinations of unlisted uses shall be made available to the public through the City’s website and physical copies at the City Clerk’s Office.

17.4.1.4: Reuse of Existing Structures

Structures or buildings existing prior to the adoption of this Zoning Code may be converted to fully residential use regardless of building size or Use Table permissions.

17.4.1.5: City Owned Open-Space and Parks

City owned land which is used or held for open space or park purposes shall not be permitted to be used for any purpose other than open space or park purposes.

17.4.2: Use Table

[Table 2](#) identifies the uses that are permitted, accessory, special, limited, or prohibited in each zone district within the City. It shall be unlawful to engage in any use identified in Table 2 as prohibited in the applicable zone district.

Table 2: Land Use Table; 17.4.2

Table 2: Land Use Table													
	Zone District												
	Residential				Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I	
Land Use													Supplemental Standards
P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited													
Residential													
Residential Dwelling	L	L	L	L	P	P	P	P	P				See Table 4
Accessory Dwelling Unit	L	L	L	L	L								See Section 17.4.3.1:A
Temporary Dwelling Unit				P	P	P	P	P	P	P	P	P	
Commercial and Light Industrial													
Adult Business							L			L			See Chapter 5.47 of the Lakewood Muni Code
Animal Care													
Indoor	P					L	L	L	L	P	L	P	See Section 17.4.3.1:B
Outdoor	P					S	L	S	S	P	L	P	See Section 17.4.3.1:B
Bar						P	P	P		P	P		
Bed and Breakfast	S	S	S		S	S							See Section 17.4.3.1:F

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Table 2: Land Use Table													
	Zone District												
	Residential				Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I	
Land Use													Supplemental Standards
	P = Permitted		A = Accessory		S = Special		L = Limited		[blank] = Prohibited				
Cemetery	S												
Club, Lodge, or Service Organization						P	P	P	A	P	P		
Contractor Shop							L	L	L	P		P	
Crematory										S		L	
Day Care Facility, Child or Adult	A	A	A	P	P	P	P	P	L	P	P	P	
Emergency Medical Facility							P	S		P	P	P	
Entertainment Facility													
Indoor						P	P	P	S	P	P		
Outdoor							S			P		P	
Fitness or Athletic Facility, Private						P	P	P	A	P	P		
Gallery or Studio						P	P	P	A	P	P		
Golf Course	S												

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Table 2: Land Use Table														
	Zone District													
	Residential					Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I		
Land Use													Supplemental Standards	
	P = Permitted		A = Accessory			S = Special		L = Limited		[blank] = Prohibited				
Hotel							P	P		P	P			
Junkyard or Motor Vehicle Wrecking												S		
Manufacturing														
Light							P			P		P		
Heavy												P		
Medical Marijuana Business						L	L	L		L			See Chapter 5.51 of the Lakewood Municipal Code	
Mini-Warehouse or Storage							S			L		L	See Section 17.4.3.1:Q	
Mortuary							P			P		P		
Motel							P			P				
Motor Vehicle Rental						L	L	L		P	L	P	See Section 17.4.3.1:R	
Motor Vehicle Sales														
Indoor Display and Storage							P	P		P				

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Table 2: Land Use Table													
Land Use	Zone District												Supplemental Standards
	Residential					Mixed-Use				Commercial / Light Industrial			
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I	
	P = Permitted		A = Accessory		S = Special		L = Limited		[blank] = Prohibited				
Outdoor Display and Storage							L			P			See Section 17.4.3.1:S
Motor Vehicle Service													
Car Wash										S	P	S	See Section 17.7.6.3.A
Fueling Station – Petroleum							A			S	P	S	See Sections 17.4.3.1:M & 17.7.6.3.B
Fueling Station – Non-Petroleum							S			L	L	L	See Sections 17.4.3.1:N
Major Repair							S			L		L	See Section 17.4.3.1:T
Minor Repair						A	L	A		L	L	P	See Section 17.4.3.1:U
Office	L	L	L		L	P	P	P	A	P	P	P	See Section 17.4.3.1:V
Parking, Stand-Alone													
Structured							P	P		P	P	P	
Surface						L	L	L	L	L	L	L	See Section 17.4.3.1:W

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Table 2: Land Use Table

Table 2: Land Use Table														
	Zone District													
	Residential					Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I		
Land Use													Supplemental Standards	
	P = Permitted		A = Accessory			S = Special		L = Limited		[blank] = Prohibited				
Pawnbroker							L			L			See Chapter 5.24 of the Lakewood Municipal Code	
Personal Service	L	L	L		L	P	P	P	A	P	P		See Section 17.4.3.1:X	
Plant Nursery	S	S								P	P	P		
Restaurant						P	P	P	A	P	P	P		
Rental, Service, or Repair of Large Items							L			P		P	See Section 17.4.3.1:Y	
Retail	L	L	L	L	L	P	P	P	A	P	P	A	See Section 17.4.3.1:Z	
Storage, Outdoor							A			S	A	P	See Section 17.4.3.1:CC	
Vehicle Dispatch Facility							S			P		P		
Warehouse or Distribution												P		
Public / Civic / Institutional														
Community Building	L	L	L	P	P	P	P	P	P	P	P	P	See Section 17.4.3.1:G	

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Table 2: Land Use Table													
	Zone District												
	Residential				Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I	
Land Use													Supplemental Standards
	P = Permitted		A = Accessory		S = Special		L = Limited		[blank] = Prohibited				
Convention or Exposition Center							P	S		P		P	
Correctional Institution										S		S	See Section 17.4.3.1:K
Community Service Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Hospital							S	P		P			
Park	P	P	P	P	P	P	P	P	P	P	P	P	
Religious Institution	L	L	L	P	P	P	P	P	P	P	P	P	See Section 17.4.3.1:G
School, Public or Private	P	P	P	P	P	P	P	P	P	P	P		
School, Vocational or Trade							P	S		P	P	P	
Solar Garden						S	S	S	S	L	L	L	See Section 17.4.3.1:BB
Transportation Facility, Public	L	L	L	P	P	P	P	P	P	P	P	P	See Section 17.4.3.1:G
University or College							P	P	P	P	P	S	
Utility Facility													
Major	S	S	S	S	S	S	S	S	S	S	S	S	

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Table 2: Land Use Table														
	Zone District													
	Residential					Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I		
Land Use													Supplemental Standards	
	P = Permitted		A = Accessory			S = Special		L = Limited		[blank] = Prohibited				
Minor	P	P	P	P	P	P	P	P	P	P	P	P		
Agriculture														
Animals, Large	A	A	A										See Section 17.4.3.1:C	
Animals, Small	A	A	A	A	A	A	A	A	A				See Section 17.4.3.1:D	
Apiaries	P	L	L		L	L	L	L	L	L	L	L	See Section 17.4.3.1:E	
Community Garden	L	L	L	L	L	L	L	L	L	L	L	L	See Section 17.4.3.1:H	
Horticulture	P	P	P	P	P	P	P	P	P	P	P	P		
Temporary														
Construction or Sales Trailer	A	A	A	A	A	A	A	A	A	A	A	A	See Section 17.4.3.1:I	
Roadside Stand	L	A	A										See Section 17.4.3.1:AA	
Temporary Use, Long-term	S	S	S	S	S	S	S	S	S	S	S	S	See Section 17.4.3.1:DD	
Temporary Use, Short-term	L	L	L	L	L	L	L	L	L	L	L	L	See Section 17.4.3.1:EE	

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Table 2: Land Use Table													
	Zone District												
	Residential				Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I	
Land Use													Supplemental Standards
P = Permitted A = Accessory S = Special L = Limited [blank] = Prohibited													
Other													
Amateur Radio Tower or Antenna	A	A	A						A				
Electric Vehicle Supply Equipment	A	A	A	A	A	A	A	A	A	A	A	A	See Section 17.8.5.3
Home Business													
Major	S	S	S	S	S	S	S	A	A				See Section 17.4.3.1:P
Minor	A	A	A	A	A	A	A	A	A				See Section 17.4.3.1:O
Satellite Dish Antenna	A	A	A	A	A	A	A	A	A	A	A	A	See Section 17.5.5.2
Solar Collection System	A	A	A	A	A	A	A	A	A	A	A	A	See Section 17.5.5.3
Wind-Powered Electric Generator, Freestanding													See Section 17.5.5.4
Wireless Communications Facility													
Stealth	P	P	P	P	P	P	P	P	P	P	P	P	
On Existing Structures													

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Table 2: Land Use Table														
	Zone District													
	Residential					Mixed-Use				Commercial / Light Industrial				
	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	M-N	M-G	M-C	M-R	C-R	C-L	L-I		
Land Use													Supplemental Standards	
	P = Permitted		A = Accessory			S = Special			L = Limited		[blank] = Prohibited			
Building Façade Mounted	A	A	A	A	A	A	A	A	A	A	A	A		
Roof Mounted	A	A	A	A	A	A	A	A	A	A	A	A		
Other Freestanding Support Structure	A	A	A	A	A	A	A	A	A	A	A	A		
New Freestanding Structures														
60 feet in height or less				P	P	P	P	P	P	P	P	P		
Greater than 60 feet in height				S	S	S	S	S	S	S	S	S		

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 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 2](#) 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 residential zone district, an Accessory Dwelling Unit (ADU) shall be subject to the following:

1. An ADU is permitted as an accessory use to a single-unit detached dwelling where the City allows single-unit detached dwellings.
2. Waiver requests are subject to the major waiver review process as defined in Article 2.
3. Only one ADU shall be permitted per lot.
4. An ADU shall not exceed one thousand four hundred (1,400) square feet of gross floor area.
5. ADUs shall be subject to the architectural design standards found in 17.6.2.1.B.
6. ADUs located above garages or located on the second floor of accessory buildings may be accessed by a separate external stairway.

B. Animal Care:

1. Where identified as a limited use, an animal care facility shall be subject to the following:
 - a. All animals shall be confined indoors; and
 - b. When adjacent to an existing residential use, indoor areas containing cages or pens are not permitted to have operable windows, doors, or other penetrations on exterior walls adjacent to the existing residential

use, unless required by the City of Lakewood Building Code (the “Building Code”).

2. Where identified as a special use, an animal care facility shall be subject to the above standards and any exterior pens, buildings or containment areas shall:
 - a. Only be used during the daytime for supervised exercise and training use;
 - b. Not be located in front of the primary structure; and
 - c. Be located a minimum of twenty (20) feet from any side or rear property line.

C. Animals, Large:

The keeping of large animals shall be subject to the following:

1. Livestock:

- a. All livestock shall be kept in a fenced area.
- b. Electrified fences are permitted in side and rear yards only if placed inside another security fence. Warning signs shall be posted in a conspicuous location. Electrified fences shall be supplied from the secondary side of an approved or listed electrified fence device. The electric wiring for the fence shall be installed pursuant to the manufacturer’s instructions.
- c. Up to four (4) horse equivalents per acre shall be permitted for R-L-A or R-L-B and R-L-C zoned lots, provided that at least nine thousand (9,000) square feet of open lot area is provided for the first horse equivalent and six thousand (6,000) square feet of open lot area is provided for each additional horse equivalent.
- d. One (1) horse equivalent equals: one (1) horse, one (1) cow, one (1) donkey, one (1) mule, two (2) llamas, two (2) alpacas, two (2) goats, or two (2) sheep.
- e. A minimum containment area of three hundred (300) square feet shall be provided and used for each animal.

2. Emus and Ostriches:

- a. All emus and ostriches shall be kept in a fenced area. The fence shall be a minimum of sixty-six (66) inches in height and shall be placed in a manner as to provide for the protection of the general public on adjoining land, public property, or rights-of-way.

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- b. The minimum square footage of open lot area shall be eight thousand (8,000) square feet for the first emu or ostrich and five thousand five hundred (5,500) square feet for each additional emu or ostrich.
 - c. A minimum containment area of three hundred (300) square feet shall be provided and used for each emu or ostrich.
 3. Accessory structures to include pens, buildings, corrals, and riding rings, or containment areas for large animals shall not be located in a primary front yard. Accessory structures or containment areas may be located in a non-primary front yard. A riding ring may be located in a portion of the primary front yard if there is not adequate space in the side and rear lots, subject to approval of the Director.
 4. Any fence that serves to contain large animals shall be constructed of permanent materials, maintained in good condition, and be of sufficient strength and height to confine any animal located on the property. If any large animals are found to be encroaching on an adjacent property, as determined by the Director, and/or if a livestock animal has damaged or is damaging adjacent property, an accessory structure or containment area shall then be set back a minimum of an additional eight (8) feet from the side or rear property line.
 5. Slaughtering of large animals on the premises shall be prohibited.

D. Animals, Small:

Where identified as an accessory use the keeping of small animals shall be subject to the following:

1. Rabbits and Chinchillas:
 - a. Shall be in a fenced area or private hutches with no more than one (1) animal for every six (6) square feet of gross floor area.
 - b. Hutches shall be set back a minimum of fifteen (15) feet from the side and rear property lines and behind the front edge of the primary structure.
2. Pigeons:
 - a. May be kept without regard to number as long as they are in a fenced containment area or pigeon coops.
 - b. Pigeon coops shall contain no more than one (1) bird for every four (4) square feet of gross floor area.

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- c. All pigeon coops must be set back a minimum of fifteen (15) feet from the side and rear property lines and behind the front edge of the primary structure.
 - d. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop or house so long as the pigeons do not create a public nuisance pursuant to the Lakewood Municipal Code.
3. Poultry and Fowl:
- a. A maximum of six (6) female chickens, six (6) female ducks, or five (5) female ducks and one (1) male duck shall be allowed on a single property less than six thousand (6,000) square feet in size.
 - b. For properties greater than six thousand (6,000) square feet, coops shall contain no more than one (1) bird for every four (4) square feet of gross floor area.
 - c. Male chickens, also known as “roosters,” shall be prohibited on lots less than twelve thousand and five hundred (12,500) square feet in size.
 - d. A predator-resistant enclosure shall be provided for all poultry and fowl. The enclosure shall have a minimum of four (4) square feet of living space for each animal and shall be secure, roofed, and well ventilated. The total size of an enclosure shall not exceed thirty-six (36) square feet and shall not exceed ten (10) feet in height where limited to six (6) poultry and fowl.
 - e. Poultry and fowl shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of four (4) feet shall enclose the yard area.
 - f. Any poultry and fowl enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 4.
 - g. In mixed-use districts the keeping of poultry and fowl may be allowed where a residential dwelling exists as a non-conforming use.
4. Dwarf Goats:
- a. A maximum of three (3) female dwarf goats or two (2) females and one (1) male shall be allowed on a single property. Goats shall be counted towards the total number of household pets permitted on a property. Unneutered male dwarf goats shall be prohibited.
 - b. A predator-resistant enclosure must be provided for all dwarf goats. The enclosures shall have a minimum of ten (10) square feet of living space for each animal and shall be secure, roofed, and well ventilated. However, the

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total size of an enclosure shall not exceed ninety (90) square feet and shall not exceed ten (10) feet in height.

- c. Dwarf goats shall be kept in the enclosure or fenced yard at all times. A fence with a minimum height of four (4) feet shall enclose the yard area.
- d. Any dwarf goat enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 4.
- e. Slaughtering of dwarf goats on the premises shall be prohibited.

E. Apiaries:

Where identified as a limited use, apiaries shall be accessory to the permitted use, and subject to the following:

1. One (1) beehive shall be allowed for each six thousand (6,000) square feet of lot area.
2. Beehives in residential zone districts shall be located in a side or rear yard only, and no closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 4.
3. Beehives in mixed-use zone districts may not be located in any front yard.
4. Beehives shall be set back at least twenty-five (25) feet from the nearest edge of a public walk.
5. The front of any beehive shall face away from the property line of an adjacent residential property closest to the beehive.
6. A flyway barrier shall be placed along the side of the beehive that contains the entrance to the hive. The flyway barrier shall be located within five (5) feet of the hive and shall extend at least two (2) feet on either side of the hive (See [Figure 7](#)).

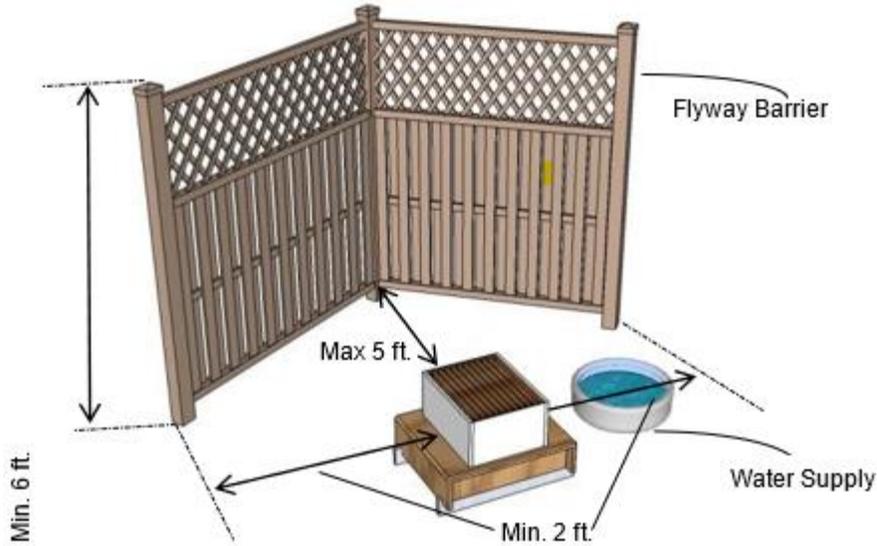


Figure 7: Example of Flyway Barrier; 17.4.3.1:E.6

7. The flyway barrier shall be six (6) feet in height and consist of a solid hedge or be constructed of materials that comply with the standards set forth in 17.6.6.1.
8. No flyway barrier constructed of any materials other than a solid hedge shall be erected without a building permit unless the structure is less than eight (8) feet long.
9. No such flyway barrier shall be required if beehives are located at least twenty-five (25) feet from all property lines and for beehives that are located on porches or balconies at least ten (10) feet above grade and more than five (5) feet from a property line.
10. A supply of fresh water shall be maintained on the lot in a location readily accessible to all beehives throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
11. Africanized bees are prohibited.

F. Bed and Breakfast:

Where identified as a special use, a bed and breakfast shall be subject to the following:

1. A bed and breakfast shall be operated by an individual who occupies the primary dwelling unit as a primary residence.
2. All bed and breakfast structures shall comply with all dimensional standards of the applicable zone district.

3. Food service shall be restricted to guests of the bed and breakfast.
4. The exterior of a dwelling unit may be modified for a bed and breakfast. However, the exterior shall be similar in appearance to that of the surrounding residential neighborhood character, including but not limited to, materials, color, roof pitch, and architectural detail.
5. Signage shall comply with the standards set forth in Article 9.
6. Except for spaces required as part of the primary residence, all off-street parking required for the bed and breakfast shall be located behind the primary structure.
7. Parking shall be provided in accordance with Article 8.
8. A bed and breakfast shall be subject to the major site plan process, as described in Article 2, and the general design and development standards in Article 7.

G. Community Buildings, Religious Institutions, and Public Transportation Facilities:

Where identified as a limited use and located on a local or minor collector street, community buildings, religious institutions, and public transportation facilities shall be limited in size as follows:

1. In the R-L-R zone district to a maximum of fifty thousand (50,000) square feet of gross floor area; and
2. In the R-L-S and R-L-U zone districts to a maximum of twenty thousand (20,000) square feet of gross floor area.

H. Community Garden:

Where identified as a limited use, a community garden shall be subject to the following:

1. A community garden shall be well maintained at all times, including necessary watering, weeding, pruning, pest control, and removal of dead or diseased plant material.
2. Structures that are incidental to a community garden, such as storage or utility buildings, gazebos, trellises, or greenhouse structures, are allowed if they are one hundred and twenty (120) square feet or less in size and ten (10) feet or less in height.
3. One (1) structure shall be allowed for each community garden containing up to six thousand (6,000) square feet of garden space. One (1) additional structure shall be allowed per each additional six thousand (6,000) square feet of community garden space.

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4. Structures shall comply with the accessory structure dimensional standards, except that all structures shall be located at least twenty-five (25) feet from any adjacent public street.
5. Community gardens shall be subject to the Review of Supplemental Standards process as described in Article 2.

I. Construction or Sales Trailer:

Where identified as a temporary accessory use, a construction or sales trailer shall be subject to the following:

1. The trailer may be approved by the Director for a period of up to one (1) year, and may be renewed annually; and
2. The trailer must be removed from the site prior to issuance of the final certificate of occupancy for the project.

J. Contractor Shop:

Where identified as a limited use, the overnight parking of business-related vehicles on site shall be limited to six (6) vehicles.

K. Correctional Institution:

Where identified as a special use, a correctional institution shall be subject to the following:

1. A correctional institution shall comply with all applicable license requirements of the State of Colorado; and
2. Contrary to other provisions within this Zoning Code, the City Council shall have sole discretion and authority to hear requests for special use permits involving correctional institutions.

L. Day Care Facility:

Where identified as a limited or accessory use, a day care facility shall be subject to the following:

1. A day care facility shall comply with all applicable license requirements of the State of Colorado.
2. Day care facilities for adults in the R-L and R-MH districts shall be limited to a maximum of twelve (12) adults.

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3. External alterations that would change the residential character of a residential property shall be prohibited.
4. Parking associated with day care facilities shall be confined to the street frontage of the lot containing the day care, the driveway, the garage, or carport.
5. Any play equipment associated with a home child day care shall not be located within the primary front yard of the lot.
6. Signage shall comply with the standards set forth in Article 9.

M. Fueling Station – Petroleum:

1. Where identified as a special use, a petroleum fueling station:
 - a. Shall comply with all site design requirements of 17.7.6.3.B and all other requirements of the zone district;
 - b. Shall ensure the fueling islands and fueling operations are shielded from precipitation with a canopy;
 - c. Shall be located on a lot with frontage on an arterial street;
 - d. Shall not be located within two thousand six hundred and forty (2,640) feet of another fueling station;
 - e. Shall not be located within one thousand fifty-six (1,056) feet of any residential use; and
 - f. Shall provide at least three (3) electric vehicle charging stations accessory to the primary use. One (1) or more of those stations must utilize a current technology for the most rapid charging of electric vehicles.
2. Where identified as an accessory use, a petroleum fueling station shall be an ancillary use to an individual retail store with a minimum building footprint of seventy-five thousand (75,000) square feet.

N. Fueling Station – Non-Petroleum:

Where identified as a limited or special use, a non-petroleum fueling station as a primary use:

1. Shall comply with all site design requirements in Article 7, electric vehicle supply equipment (EVSE) requirements in Article 8 and all other requirements of the zone district;
2. Shall ensure the EVSE and charging operations are shielded from precipitation with a canopy;

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3. Shall provide EVSE with a minimum of Level 2 charging or equivalent technology. At least one (1) EVSE installed shall be a direct current fast charger (DCFC) or equivalent technology; and
4. May not be located within one thousand fifty-six (1,056) feet of another fueling station of the same fuel type.

O. Home Business, Minor:

Where identified as an accessory use, minor home business shall be subject to the following:

1. Minor home businesses shall be conducted entirely in the primary dwelling or accessory structure, and not on outdoor portions of the lot.
2. External alterations that would change the residential character of the property are prohibited.
3. Minor home businesses shall be conducted by no more than two (2) residents of the dwelling unit. One (1) additional employee or one (1) volunteer is permitted in the residence at any given time. Within multifamily units, additional employees or volunteers shall be prohibited.
4. Outdoor storage of inventory or supplies shall be prohibited.
5. Garage sales shall not exceed four (4) sales of three (3) consecutive days each per calendar year, or one (1) sale per calendar year lasting no more than fourteen (14) consecutive days. Placement of personal belongings or household effects associated with a garage sale shall not extend into the right-of-way. Overnight outdoor storage of personal belongings or household effects associated with a garage sale is prohibited.
6. Parking associated with minor home businesses shall be confined to the street frontage of the lot containing the minor home business or businesses or the driveway, the garage, or carport of the lot containing the minor home business or businesses.
7. A minor home business shall not create noise, dust, vibration, smell, smoke, glare, electrical interference, fire hazard, or any other nuisance or hazard that disturbs the peace and quiet of a residential area.
8. Production, dumping, or storage of combustible or toxic substances shall be limited to the nature and quantity ordinarily found in a residential neighborhood.
9. Motor vehicle repair, heavy equipment repair, contractor shops, and marijuana businesses are prohibited as home occupations.

P. Home Business, Major:

Where identified as a special use, a major home business shall be subject to the following:

1. A major home business shall be located on a lot, or lots, that are within one hundred and fifty (150) feet of the intersection, as measured from the back of curb or edge of asphalt, of one of the following:
 - a. Two arterial streets;
 - b. Two collector streets;
 - c. A collector street with an arterial street; or
 - d. A local street with an arterial street, provided the live/work unit fronts onto the adjacent arterial street.
2. The major home business shall not have more than two (2) employees or two (2) volunteers in addition to the resident(s) on the premises at any given time.
3. Either the business owner, or an employee of the business, shall occupy the residential portion of the live/work unit.
4. Outside storage of any type is prohibited.
5. Design Requirements:
 - a. The design of a unit shall reflect the primary residential character of the neighborhood in which it is located including, but not limited to, materials, color, roof pitch, and architectural detail; and
 - b. Parking shall not exceed fifty (50) percent of the front yard area. Parking shall be provided in accordance with Article 8.

Q. Mini-Warehouse Storage:

Where identified as a limited or special use, a mini-warehouse storage facility shall be subject to the following:

1. One (1) accessory dwelling unit for the facility manager or caretaker shall be permitted.
2. Outdoor storage of any kind shall be prohibited.
3. Design Requirements:
 - a. If the facility is adjacent to a residential zone district, the building architecture shall be compatible with the residential character of the abutting neighborhood including, but not limited to materials, color, roof pitch, and architectural detail; and
 - b. The facility shall be designed so that doors to individual storage units do not face any abutting public street frontage or residential zone district.
4. In multi-storied buildings, mini-warehouse storage facilities that face an arterial or collector street shall have:
 - a. Ground floor commercial space for commercial uses other than mini-warehouse storage-units across sixty (60) percent of the ground floor building façade;
 - b. The commercial space shall be built to a minimum depth of forty (40) feet; and
 - c. The ground floor shall be built to a minimum height of fourteen (14) feet.
5. Open space requirements for Mini-Warehouse Storage uses shall be increased by five (5) percent above the minimum open space required in Tables 5, Mixed-Use Dimensional Standards, and 8, Commercial and Light Industrial Dimensional Standards.
6. Ground floor commercial space for sites fronting more than two (2) streets shall be subject to [17.4.3.1:Q.4](#) at the discretion of the Director.

R. Motor Vehicle Rental:

Where identified as a limited use, a motor vehicle rental facility shall be subject to the following:

1. The maximum number of licensed and operable vehicles that may be stored on a surface parking lot on the site for rent to customers at any given time shall be limited to the requirements found in [Table 3](#).

2. When a facility is located in a multi-tenant building or structure, proof of adequate parking for customers of all businesses in the building or structure, and storage of rental vehicles shall be provided to the City.
3. On-site servicing of vehicles shall be prohibited.

Table 3: Maximum Number of Stored Vehicles Permitted						
Regulation	Zone District			M District Contexts		
	CR	CL	LI	S	U	T
X = Applicable -- = Not Applicable						
10 Vehicles	--	--	--	--	X	X ⁽¹⁾
15 Vehicles	--	--	--	X	--	--
30 Vehicles	--	X	--	--	--	--
Unlimited Vehicles	X	--	X	--	--	--
⁽¹⁾ Within the M-C-T Zone District, zero vehicles shall be permitted.						

Table 3: Maximum Number of Stored Vehicles Permitted; 17.4.3.1:R.1

S. Motor Vehicle Sales with Outdoor Display and Storage:

Where identified as a limited use, motor vehicle sales with outdoor display and storage shall be subject to the following:

1. In the Suburban Context, the number of spaces dedicated to outdoor display and storage of motor vehicles shall be unlimited.
2. In the Urban Context, the number of spaces dedicated for outdoor display and storage of motor vehicles and vehicle parking shall not exceed two hundred (200) percent of the maximum parking requirements in Article 8.
3. In the Transit Context, motor vehicles sales with outdoor display and storage shall be prohibited.
4. The area utilized for the outdoor display and storage shall meet all the standards in 17.8.10.2.

T. Motor Vehicle Service, Major:

Where identified as a limited or special use, a major motor vehicle service facility shall be subject to the following:

1. Any outdoor storage associated with a major motor vehicle service facility shall be completely screened with a wall surrounding the storage area. The wall shall be architecturally compatible with the primary structure including, but not limited to, materials, color, roof pitch, and architectural detailing and be a minimum of six (6) feet in height.

U. Motor Vehicle Service, Minor:

Where identified as a limited or special use, a minor motor vehicle service facility shall be subject to the following:

1. Overnight outdoor storage of vehicles shall be limited to the number of service bays.
2. Overnight outdoor storage of any vehicle shall not exceed a twenty-four (24) hour period.

V. Office:

Where identified as a limited use, a residential structure with less than three (3) units may be used as an office subject to the following:

1. The residential structure is located on a lot abutting an arterial or collector street, except those backing onto an arterial or collector street (See [Figure 8](#)).

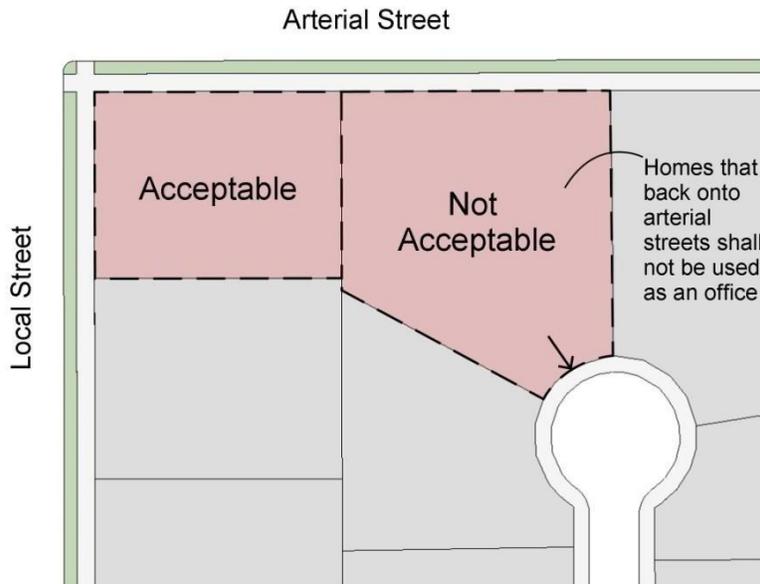


Figure 8: Location restrictions for a limited office land use; 17.4.3.1:V.1

2. The existing residential structure shall be converted to allow a non-residential occupancy through the building permit and certificate of occupancy process.
3. The office use shall be subject to the major site plan process, as described in Article 2, and the general design and development standards in Articles 6 and 7.
4. Any proposed addition shall comply with the primary structure setbacks.
5. Outdoor storage of inventory or supplies shall be prohibited.

6. Signage shall comply with the standards set forth in Article 9.
7. Design Requirements:
 - a. The exterior of the building shall be similar in appearance to that of the surrounding residential character of the neighborhood in which it is located including, but not limited to, materials, color, roof pitch, and architectural detailing; and
 - b. Parking shall be provided in accordance with Article 8 and shall be screened from all adjacent residentially zoned properties.

W. Parking, Stand-Alone Surface

Where identified as a limited use, a stand-alone surface parking lot shall be subject to the following:

1. A stand-alone surface parking lot shall be permitted only in the Suburban or Urban Contexts.
2. A stand-alone surface parking lot shall not front an arterial or collector street in Urban Contexts.
3. The principal use(s) associated with the stand-alone surface parking lot shall be separated by no more than a local street or an adjacent lot line.
4. The total number of parking spaces provided on-site and on the stand-alone surface parking lot shall not exceed the maximum permitted parking spaces identified in Article 8.
5. The stand-alone surface parking lot shall meet all the requirements of 17.7.7.

X. Personal Service:

Where identified as a limited use, personal service shall be subject to the following:

1. The personal service use may occupy no more than seven hundred and fifty (750) square feet.
2. No parking is allowed in front of the structure.
3. Drive-through facilities shall be prohibited.
4. Signage shall be limited to one (1) wall sign no larger than ten (10) square feet in size and shall not be illuminated.
5. Operating hours shall not commence before 6:30 a.m. or extend beyond 9:00 p.m.

6. An existing residential structure with less than three (3) dwelling units may be utilized for personal service and may exceed seven hundred and fifty (750) square feet, subject to the following:
 - a. The existing residential structure is located on a lot abutting an arterial or collector street, except those backing onto an arterial or collector street.
 - b. The existing residential structure shall be converted to allow a non-residential occupancy through the building permit and certificate of occupancy process.
 - c. The personal service shall be subject to the major site plan process, as described in Article 2, and the general design and development standards in Articles 6 and 7.
 - d. Any proposed addition shall comply with the primary structure setbacks.
 - e. Outdoor storage of inventory or supplies shall be prohibited.
 - f. Signage shall comply with the standards set forth in Article 9.
 - g. Design Requirements:
 - i. The exterior of the building shall be similar in appearance to that of the surrounding residential character of the neighborhood in which it is located including, but not limited to, materials, color, roof pitch, and architectural detailing; and
 - ii. Parking shall be provided in accordance with Article 8 and shall be screened from all adjacent residentially zoned properties.

Y. Rental, Service or Repair of Large Items

Where identified as a limited use, the rental, service, and repair of large items shall be permitted only in the Suburban Context.

Z. Retail

Where identified as a limited use, retail shall be subject to the following:

1. The retail use may occupy no more than seven hundred and fifty (750) square feet.
2. No parking is allowed in front of the structure.
3. Drive-through facilities shall be prohibited.
4. Signage shall be limited to one (1) wall sign no larger than ten (10) square feet in size and shall not be illuminated.

5. Operating hours shall not commence before 6:30 a.m. or extend beyond 9:00 p.m.

AA. Roadside Stand

1. Where identified as a limited use, a roadside stand shall be subject to the following:
 - a. A stand shall not operate for more than six (6) months within any twelve (12) month period.
 - b. Stands may sell items grown or produced on the property and items produced from another property, provided that at least fifty (50) percent of the products sold originate from the host property and are labeled as such.
 - c. A stand shall be set back at least fifteen (15) feet from any edge of asphalt or back of curb of an abutting street.
 - d. Parking shall be provided in accordance with Article 8.
 - e. Signage shall comply with the standards set forth in Article 9.
 - f. A roadside stand shall be subject to the Review of Supplemental Standards process, as described in Article 2.
2. Where identified as an accessory use, a roadside stand shall be subject to the following:
 - a. A stand shall not operate for more than six (6) months within any twelve (12) month period.
 - b. Items sold at a stand shall be limited to food products grown, raised, and/or made on the premises.
 - c. Permanent structures are not permitted.
 - d. A farm stand may not exceed one hundred (100) square feet in size.
 - e. A farm stand may not encroach into public right-of-way.
 - f. Signage shall not exceed four (4) square feet in size.

BB. Solar Garden

1. Where identified as a limited or special use in any zone district, solar gardens shall be subject to the following:
 - a. Solar gardens shall be reviewed via the major site plan process, as described in Article 2.

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- b. Site plans for solar gardens shall comply with the following dimensional and design standards, or as determined by the Lakewood Planning Commission:
 - i. All structures must comply with the front setback and be setback at least fifteen (15) feet from all side and rear property lines.
 - ii. Solar panels shall not exceed twenty (20) feet in height at any angle.
 - iii. Solar gardens are exempt from the open space requirement in all zone districts; however, landscaping and/or screening materials shall be provided to assist in screening the facility from public rights-of-way and neighboring residences.
 - iv. Access to the site must be an improved surface and meet all access requirements.
 - v. Solar panels shall be oriented to minimize glare on adjacent properties and roadways. This information will need to be demonstrated in the photometric plan required with the major site plan.
- c. For all mixed-use, commercial, and light industrial zone districts, the following design standards shall apply:
 - i. 17.7.3 Screening of Utility Structures, Outdoor Storage, and Service Areas, for all accessory equipment associated with the solar garden.
 - ii. 17.7.7 Landscape Design Standards, except 17.7.7.3: A, B, & C do not apply.
 - iii. 17.7.8 Fence and Wall Design Standards, and Table 14 Fence and Wall Standards.
 - iv. 17.7.9: Exterior Lighting Standards.
 - v. Solar gardens are exempt from all other design and dimensional standards not included in [17.4.3.1:EE.2](#).
2. The property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a solar collector(s) to protect solar access and shall record the easement with Jefferson County. If no such easement is recorded, the owner of the solar garden shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction would cast shadows on the solar collection system.

3. Any solar energy system that has not been in working condition for a period of one (1) year shall be subject to Section 116 (Unsafe Structures and Equipment) of the International Building Code, which may require the panels and associated equipment to be removed, or the unsafe condition otherwise mitigated if it is determined to be unsafe. If the Building Official determines that there is an unsafe condition, the panels and associated equipment shall be promptly removed from the property, after which the site and/or building, as applicable, must be returned to its preexisting condition.

CC. Storage, Outdoor

Where identified as an accessory use, outdoor storage shall be subject to the following:

1. Outdoor storage shall be screened from view from adjacent streets and adjoining properties.
2. Outdoor storage shall not extend above the required screening.
3. The screening shall be architecturally compatible with the primary structure including, but not limited to, materials, color, roof pitch, and architectural detail.
4. The minimum height of any screening shall be six (6) feet.

DD. Temporary Use, Long-term

Where identified as a special use, a long-term temporary use shall be subject to the following:

1. The Director may recommend approval of a long-term temporary use to operate up to two (2) years. The Director may approve one (1) extension of up to an additional six (6) months.
2. Parking for a long-term temporary use shall be determined by the Director and consistent with similar uses and context as identified in Article 8. If a long-term temporary use is located on a property with another use, adequate parking for both uses shall be provided. Shared parking may be permitted.
3. A long-term temporary use shall be subject to the special use process as described in Article 2. The Planning Commission, at its discretion, may require certain site improvements as a condition of approval in accordance with other standards of this Zoning Code.

EE. Temporary Use, Short-term

Where identified as a limited use, a short-term temporary use shall be subject to the following:

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1. The Director may, at his or her sole discretion, approve a short-term temporary use not to exceed a cumulative of four (4) months within any twelve (12) month period per property.
2. Parking for a short-term temporary use shall be determined by the Director and consistent with similar uses and context as identified in Article 8. Shared parking may be permitted.
3. The temporary use shall be subject to the Review of Supplemental Standards process as described in Article 2.

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ARTICLE 5: DIMENSIONAL AND DEVELOPMENT STANDARDS

17.5.1: General

17.5.1.1: Purpose and Intent

The following standards regulate the placement and height of buildings within the City and shall apply to all new development and redevelopment.

17.5.1.2: Setback Requirements

The following setback requirements apply to all zone districts:

- A. Unless specifically excluded by this Zoning Code, any building or structure, including any accessory building or structure, shall conform to the setback requirements for the applicable zone district as set forth in the dimensional standards identified in Article 5.
- B. Setbacks shall not apply to interior lots within a non-residential development that do not front a public or private street serving the development.
- C. No building or structure may be constructed, placed, or erected within or above public right-of-way or any easements unless otherwise approved by the City. A license or encroachment agreement may be required.
- D. Where a curvilinear sidewalk exists, the setback shall be measured in a straight line from the furthest point behind a sidewalk between curves or as determined at the discretion of the Director.
- E. Minor architectural or site elements shall be permitted to encroach into required setbacks. Exceptions to setbacks include, but may not be limited to:
 - 1. Awnings that encroach no more than five (5) feet into the front setback and are at least ten (10) feet above a sidewalk surface;
 - 2. Balconies that encroach no more than five (5) feet into the front setback and are at least ten (10) feet above a sidewalk surface;
 - 3. Cantilever windows that encroach no more than two (2) feet into the required side or rear setback, or no more than five (5) feet into the front or non-primary front setback and are at least ten (10) feet above a sidewalk surface;
 - 4. Driveways;
 - 5. Eaves, if they encroach no more than two (2) feet into the required setback;

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6. Flagpoles no greater than thirty-five (35) feet in height;
 7. Freestanding works of art;
 8. Mailboxes and newspaper racks;
 9. Minor utility facilities;
 10. Planters, if no greater than thirty (30) inches in height;
 11. Patios and decks, if uncovered and no greater than thirty inches (30) inches in height;
 12. Porches that encroach no more than eight (8) feet into the required front yard setback;
 13. Retaining walls;
 14. Walkways;
 15. Walls, fences, and entry features, if in compliance with Articles 6 and 7; and/or
 16. Window planter boxes that encroach no more than two (2) feet and are at least ten (10) feet above a sidewalk surface.
- F. The Director may grant other exceptions similar to those listed above.

17.5.1.3: Setback Measurements

- A. Setbacks shall be measured from the foundation of any building or structure.
- B. Setbacks in all residential zone districts except R-M shall be measured as follows (See [Figure 9](#)):

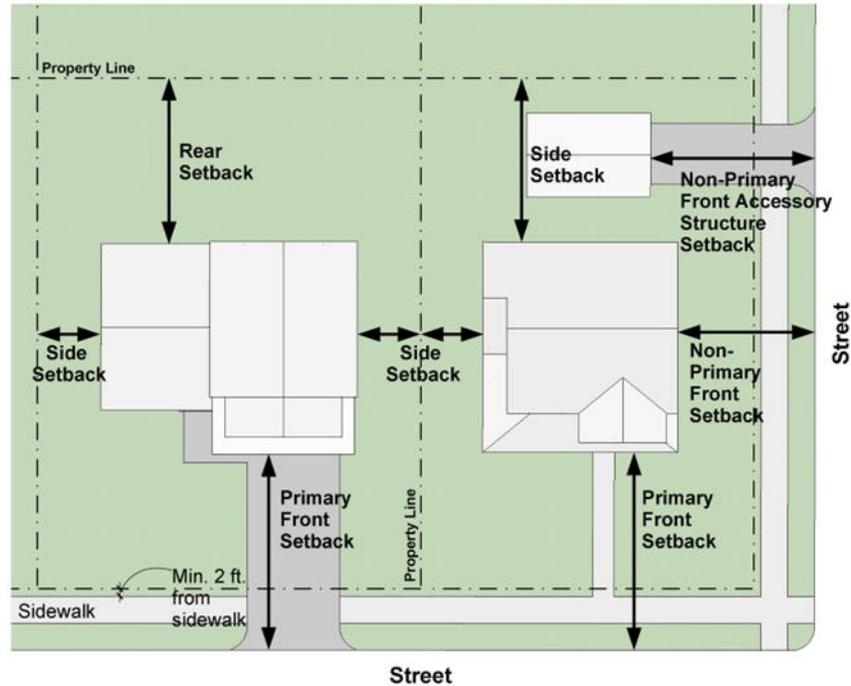


Figure 9: Residential Zone District Setback Measurements; 17.5.1.3:B

1. Front and non-primary front setbacks shall be measured from the back of curb. If a curb does not exist, an additional three (3) feet shall be added to the setback distance as measured from the edge of asphalt.
 2. Front setbacks for flag lots shall be measured from the portion of the lot, closest to the back of curb or edge of asphalt, where the lot width meets the minimum standard for the zone district.
 3. Side setbacks shall be measured from each side property line to the outermost exterior finish material of the adjacent structure.
 4. Rear setbacks shall be measured from the rear property line to the outermost exterior finish material of the adjacent structure.
- C. Setbacks in R-M, mixed-use, commercial, and light industrial zone districts shall be measured as follows (See [Figure 10](#)):

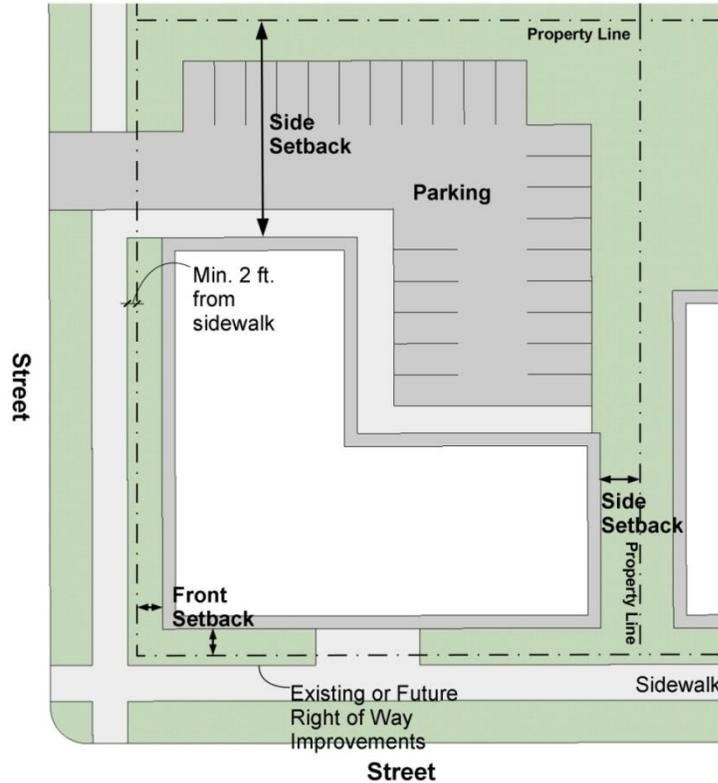


Figure 10: Mid-form Residential, Institutional, Mixed-Use, commercial and Light Industrial Zone District Setback Measurements; 17.5.1.3:C

1. Front setbacks shall be measured as follows:
 - a. Where existing right-of-way improvements meet the City's Transportation Engineering Design Standards or Functional Plans, the front setbacks shall be measured from the edge of the existing right-of-way improvements;
 - b. Where existing right-of-way improvements do not meet the City's Transportation Engineering Design Standards or Functional Plans, the front setbacks shall be measured from the edge of the future required right-of-way improvements; or
 - c. As determined by the Director, when a compelling City interest exists.
2. Side setbacks shall be measured from each side property line.
3. Rear setbacks shall be measured from the rear property line.
4. A setback greater than the minimums identified in [Table 5](#) and [Table 8](#) may be required, subject to Building Code requirements.

5. Greater front, side, and rear setbacks may be required, based on specific use standards identified in Article 4 or landscape requirements identified in Articles 6 and 7.

17.5.1.4: Height Requirements

The following height requirements apply to all zone districts:

- A. Unless otherwise stated in this Zoning Code, any building or structure, including any accessory building or structure, shall conform to the height requirements applicable to the relevant zone district as set forth in the dimensional standards identified in this Article.
- B. The following architectural elements and utilities not intended for occupancy may exceed the maximum height requirements for the applicable zone district. Any exception shall only be erected to the minimum height necessary to accomplish the purpose intended. Height exceptions include, but are not limited to:
 1. Belfries;
 2. Bulkheads;
 3. Chimneys;
 4. Cupolas;
 5. Domes;
 6. Elevator penthouses;
 7. Flagpoles;
 8. Skylights;
 9. Spires;
 10. Ventilators;
 11. Roof mounted solar collection system, if otherwise compliant with [17.5.5.3](#);
 12. Roof mounted wind-powered electric generator, if otherwise compliant with [17.5.5.4](#);
 13. Roof mounted wireless communication systems on existing buildings that are non-conforming in height, if otherwise compliant with Article 10; and/or
 14. Necessary mechanical equipment and screening located above the roof level.

- C. Exceptions listed above, excluding spires, belfries, cupolas, domes, flagpoles, and chimneys, shall be set back from the perimeter of the building a minimum of one (1) foot horizontally for each foot of vertical height greater than the maximum height allowed in the applicable zone district.
- D. Elevator penthouses not serving the roof and other enclosed or unenclosed mechanical equipment, including vertical or sloped screen walls for such equipment, shall not exceed a height of fifteen (15) feet above the permitted height of the building.
- E. The Director may grant other exceptions similar to those listed above.

17.5.1.5: Height Measurements

- A. Building and structure height shall be measured as follows:
 - 1. Building and structure height shall be measured from average grade to the coping of a flat roof, the deck line of a mansard roof, the mid-point of the highest gable of a pitched or hipped roof, or the highest point of any other type of roof (See [Figure 11](#)).

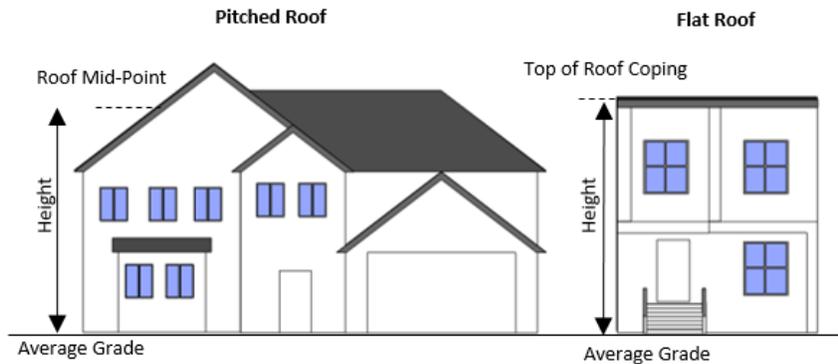


Figure 11: Height Measurement; 17.5.1.5:A.1

- 2. Average grade shall be measured as follows:
 - a. Average grade shall be determined by calculating the average of the highest and lowest elevation points adjacent to the building or structure along the pre-development grade or the improved grade, whichever is more restrictive.
 - b. Where significant grading has been approved by the City, the average grade shall be considered the improved grade following such approved grading.

B. Façade Stepback Requirement:

1. Buildings taller than forty-five (45) feet in height, as measured from grade at the right-of-way, shall be subject to an upper level stepback for any façade on a front or non-primary front lot line.
2. For these façades, the floor of the building exceeding forty-five (45) feet in height must stepback at least ten (10) feet from the outer edge of the first story.
3. An additional ten (10) feet of stepback shall be required for every additional thirty (30) feet in height of the building.
4. Allowable encroachments include balconies, terraces, and other uncovered outdoor spaces with open or transparent railings.

17.5.1.6: Build-To-Zone Measurements

The build-to-zone requirement is intended to help create vibrant and pedestrian-friendly mixed-use and commercial corridors by bringing building façade to the street.

The build-to-zone is the area between the minimum and maximum front setbacks. To determine compliance with the build-to-zone requirements, the total width of the building or building portion(s) located in the build-to-zone is divided by the width of the lot or parcel on which the building is located (See [Figure 12](#)).

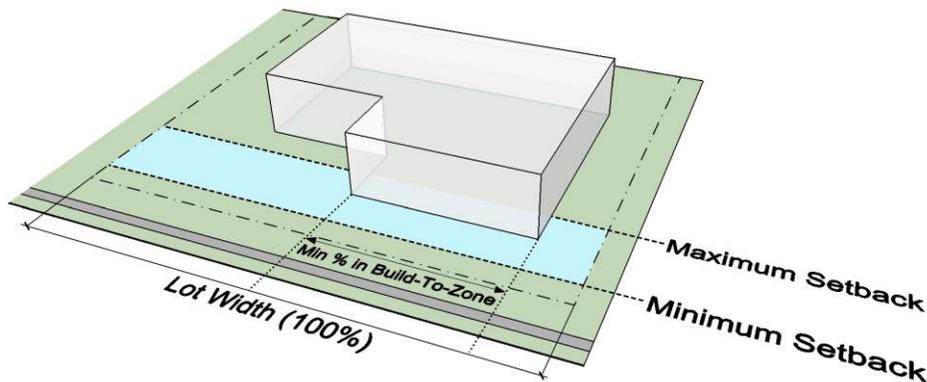


Figure 12: Build-To-Zone Requirement; 17.5.1.6

Where multiple stories are required or where a site has multiple street frontages, the total aggregate of the build-to-zone may be satisfied on one (1) or more of the required number of stories or street frontages. Plaza or patio areas satisfying the requirements of 17.7.5.2.B may be used to meet the build-to-zone requirement. The baseline 'lot width' dimension for a build-to-zone on corner lots is the dimension at the maximum setback line on both sides.

17.5.1.7: Build-To-Zone Plazas

When plaza areas are proposed to satisfy the build-to-zone requirement, plaza areas shall be constructed in compliance with 17.7.5.2.B.

17.5.1.8: Sites with More than Two Public Street Frontages

If a site is bound by more than two (2) public streets, the Director may determine that additional frontages do not need to comply with the front setback and building frontage requirements, based on the following review criteria:

- A. The pedestrian and traffic volume on each street;
- B. The street classification, as identified in the Transportation Engineering Design Standards;
- C. The impact on any adjacent residential properties;
- D. The desired land use and pedestrian characteristic of each adjacent street;
- E. The street frontages are most appropriately defined by buildings; and/or
- F. Any other applicable criteria that may affect building placement, as determined by the Director.



**Figure 13: Example for sites with more than two (2) public street frontages;
17.5.1.8**

17.5.2: Residential Standards

17.5.2.1: Dimensional Standards

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1. All development in residential zone districts must comply with the dimensional standards of [Table 4](#), except that the minimum lot size and minimum lot width requirements apply only to the creation of new lots. Lots existing prior to the adoption of this Zoning Code and recognized as legal by the City, do not need to comply with the lot size or lot width requirements identified in [Table 4](#).
2. For the purposes of calculating residential gross floor area (GFA) in this section, below grade space shall not be included. Any level with an average of at least thirty (30) inches in height above grade along the street facing façade will be counted toward the overall structure GFA. Egress stairs added to an existing building are also excluded from GFA calculation in this Section. This definition may differ from square footage reported in real estate listings.
3. If an adjacent property contains a planned or permitted solar energy system (roof-mounted or ground-mounted), the applicant must submit a solar access/shading analysis demonstrating that the new building will not reduce the system's annual output by more than ten (10) percent, or must adjust the building design (step backs, roof pitch, orientation, etc.) to mitigate shading.

Table 4: Residential Dimensional Standards; 17.5.2.1

Table 4: Residential Dimensional Standards						
	Low-Form Residential				Mid-Form Residential	
Standard	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	Notes
Minimum Lot Size and Width						
Minimum Size for New Lots (SF)	7,000	5,000	1,500	See Notes	N/A	Minimum R-L-MH parcel size: five (5) acres. Single-wide (SW) dwelling: two thousand four hundred (2,400) SF. Double-wide dwelling: three thousand six hundred (3,600) SF.
Minimum Width for New Lots (Feet)	75	60	25	35 (SW) 40 (DW)	18	Refer to the Subdivision Ordinance for corner lot regulations.
Maximum Primary Structure Size (Square Feet)						
Primary Structure / One Per Lot						
Maximum Gross Floor Area (GFA) 1-2 Units	4,000	4,000	4,000	N/A	N/A	Each lot in an R-L or R-M zone may have one primary structure.
Maximum GFA 3+ Units	5,000	5,000	5,000	N/A	N/A	Any single building on a lot in an R-L zone proposed to contain more than three (3) units will require a special use permit under 17.2.4. This requirement will sunset on January 1, 2027.

Table 4: Residential Dimensional Standards						
	Low-Form Residential				Mid-Form Residential	
Standard	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	Notes
Primary Structure / Multiple on One Lot						
Maximum GFA Per Structure	1,800				None	Lots that exceed the minimum lot size may have one additional primary for each 3,000 SF of lot area above the minimum lot size required in the zone district.
Maximum Accessory Structure Size (Square Feet)						
Detached Accessory Dwelling Unit	1,400					The square footage of the detached accessory dwelling unit shall not be included in the maximum permitted square footage for primary buildings on a lot.
Accessory Structure	Varies ⁽¹⁾					⁽¹⁾ Refer to 17.5.5.1:
Minimum Primary and Large Accessory Structure Setbacks (Feet)						Refer to 17.5.1.3:A
Front	25	25	25	25	10	All accessory structures, including ADUs, shall be located behind the front edge of the primary structure along the primary street frontage.
Non-Primary Front	20	20	20	20	10	
Side	10	5	5	5	5	In the R-L-C and R-M districts, no setback is required for common wall lot lines.
Rear	15	15	15	15	15	

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Table 4: Residential Dimensional Standards						
	Low-Form Residential				Mid-Form Residential	
Standard	R-L-A	R-L-B	R-L-C	R-L-MH	R-M	Notes
Minimum Accessory Structure Setbacks (Feet)						Refer to Section 17.5.1.3:A
Front	Behind the front edge of the primary structure along the primary street frontage.					
Non-Primary Front	20					Refer to Section 17.5.5.1:
Side	10	5	5	5	5	Refer to Section 17.5.5.1:
Rear	5	5	5	5	5	
Maximum Height (Feet)						
Primary Structure	35	35	35	25	45	
Detached Accessory Dwelling	20	20	20	20	20	Maximum height is increased to thirty (30) feet if located over a detached garage.
Accessory Structure	35	20	20	20	20	
Solar Collection System						
Ground Mounted	10					
Roof Mounted						Refer to Section 17.5.5.4:
Wind Powered Generator	60					
Minimum Open Space						
Open Space (Percent)	50	50	50	25	30	

17.5.3: Mixed-Use Standards

17.5.3.1: Dimensional Standards

All development in mixed-use zone districts must comply with the dimensional and density standards of [Table 5](#), unless otherwise stated in this Zoning Code.

Table 5: Mixed-Use Dimensional Standards; 17.5.3.1

Table 5: Mixed-Use Dimensional Standards												
	M-N			M-G			M-C		M-R			
Standard	M-N-S	M-N-U	M-N-T	M-G-S	M-G-U	M-G-T	M-C-U	M-C-T	M-R-S	M-R-U	M-R-T	Notes
Building Height (Feet)												
Minimum	N/A	N/A	30 ⁽¹⁾	N/A	N/A	30 ⁽¹⁾	30 ⁽¹⁾	45 ⁽¹⁾	N/A	N/A	N/A ⁽¹⁾	⁽¹⁾ Refer to 17.5.3.2 .
Maximum	45	45	60	60	90	Varies ⁽²⁾	120	Varies ⁽²⁾	60	60	90	⁽²⁾ Refer to 17.5.3.3 . Refer to 17.5.3.4 : when adjacent to an R-L zone district. Refer to 17.5.3.7 : for incentive regulations regarding height.
Setbacks (Feet)												
Front												
Minimum	10	0	0	10	0	0	0	0	10	5	0	Refer to 17.5.1.3.C .

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Table 5: Mixed-Use Dimensional Standards												
	M-N			M-G			M-C		M-R			
Standard	M-N-S	M-N-U	M-N-T	M-G-S	M-G-U	M-G-T	M-C-U	M-C-T	M-R-S	M-R-U	M-R-T	Notes
Maximum	85	20	20	85	20	20	20	20	140	25	20	Refer to 17.5.3.5 : for additional setback regulations. (³) Buildings not located at the 0-foot setback, shall be located a minimum of five (5) feet from the property line.
Minimum Side	5	0/5 ⁽³⁾	5	0/5 ⁽³⁾	0/5 ⁽³⁾							
Minimum Rear	10	0/5 ⁽³⁾	10	0/5 ⁽³⁾	0/5 ⁽³⁾							
Open Space (Percent)												
Minimum Open Space (Percent)	30	30	10	30	30	10	30	10	35	30	15	
Build-to-Zone (Percent)												
Build-to-Zone Req.	40	50	60	45	55	65	70	75	25	50	75	Refer to 17.5.1.6 : for additional regulations.
Maximum Non-Residential Building Footprint												
Maximum Building Footprint (Square Feet)	15,000	15,000	30,000	None	100,000	40,000	60,000	40,000	None	None	None	Refer to 17.5.3.6:C
Minimum Residential Density (Dwelling Unit Per Acre)												

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Table 5: Mixed-Use Dimensional Standards												
	M-N			M-G			M-C		M-R			
Standard	M-N-S	M-N-U	M-N-T	M-G-S	M-G-U	M-G-T	M-C-U	M-C-T	M-R-S	M-R-U	M-R-T	Notes
Minimum Residential Density	8	10	12	5	10	25	20	35 ⁽⁴⁾	5	10	30	⁽⁴⁾ Refer to 17.5.3.6:A.
Maximum Retail Allowed (Square Feet of Gross Floor Area)												
Retail – Maximum Allowed per Business	20,000(P)	20,000(P)	20,000(P) 20,001-40,000(S)	None	100,000(P) More than 100,000(S)	40,000(P) More than 40,000(S)	60,000(P) More than 60,000(S)	40,000(P) 40,001-60,000(S)	20,000(P)	20,000(P)	20,000(P)	(P) Indicates Permitted (S) Indicates Special Use Permit approval is required.

17.5.3.2: Minimum Building Story Requirement

In addition to the minimum height identified in [Table 5](#), the following minimum number of occupiable stories shall be required as identified in [Table 6](#). When a minimum number of stories are required to be provided in the build-to-zone, the minimum story requirement shall be provided with one (1) vertical building façade plane.

Within the build-to-zone, the occupiable second story shall be at least a minimum of fifty (50) percent of the width and fifty (50) percent of the depth of the building footprint. The minimum height in stories shall not apply to the expansion of a one (1) or two (2) unit residential structure, if no new dwellings are proposed.

Table 6: Minimum Building Story Requirement	
Zone District	Minimum Height in Floors
M-N-T	2
M-G-T	2
M-C-U	2
M-C-T	3
M-R-T	3

Table 6: Minimum Building Story Requirement; 17.5.3.2

17.5.3.3: Maximum Building Height in Defined Station Areas

The maximum height allowed within the M-G-T and M-C-T districts varies by the station area location as identified in [Table 7](#):

Table 7: Maximum Building Height by Station Area		
Station Area	M-C-T	M-G-T
Sheridan Boulevard	120 feet	90 feet
Wadsworth Boulevard	120 feet	90 feet
Oak Street	90 feet	90 feet
Union Corridor	180 feet	180 feet

Table 7: Maximum Building Height By Station Area; 17.5.3.3

17.5.3.4: Height Transition to Adjacent Residential Districts

Where a non-residential building or residential building with three (3) or more units is constructed adjacent to an R-L district or a public park greater than ten (10) acres in size:

- A. No portion of the building shall extend beyond a forty-five (45) degree bulk plane from the adjacent R-L zoned lot or public park; and
- B. Where a front or side lot line separates the zone districts or public park, the first two (2) floors of the building shall be permitted to encroach into the forty-five (45) degree bulk plane. (See [Figure 14](#))

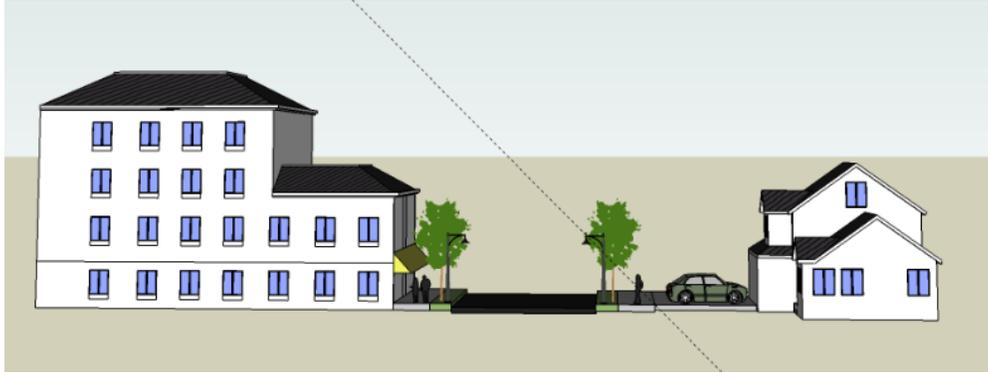


Figure 14: Bulk Plane Height Transition; 17.5.3.4:B

17.5.3.5: Additional Building Setback Regulations

- A. Within any Suburban or Urban context, buildings located interior to a site shall not be required to meet the front setback requirements or, where applicable, the minimum height as required by [Table 5](#), provided that liner buildings meeting the requirements of [Table 5](#) are constructed. The liner buildings shall have a minimum depth of sixty (60) feet. Within the Urban context, the liner buildings shall be designed as multi-tenant structures.
- B. Within any Urban or Suburban context, buildings over one (1) story in height on arterial or collector roads shall provide at least seven (7) feet between the back of the sidewalk and the front façade of the building.

17.5.3.6: Requirements for Specific Mixed-Use Zone District Contexts

The following mixed-use development requirements apply to all projects within the districts indicated:

- A. The following shall apply to all M-C-T zone districts:
 - 1. A vertical mix of residential, commercial, and/or public/civic/institutional uses as allowed in the M-C-T zone district shall be required for all buildings adjacent to arterial or collector streets.
 - 2. All buildings adjacent to arterial or collector streets shall include ground floor space designed for retail occupancy fronting on the street(s) and fulfilling the following requirements:

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- a. The ground floor space shall have a minimum depth of forty (40) feet.
 - b. The minimum floor to ceiling height of the ground floor space shall be fourteen (14) feet.
 - c. The ground floor space shall meet the building code requirements for retail occupancy.
3. Amenities associated with the building may occupy up to fifty (50) percent of the space designed for retail occupancy (See [Figure 15](#)).

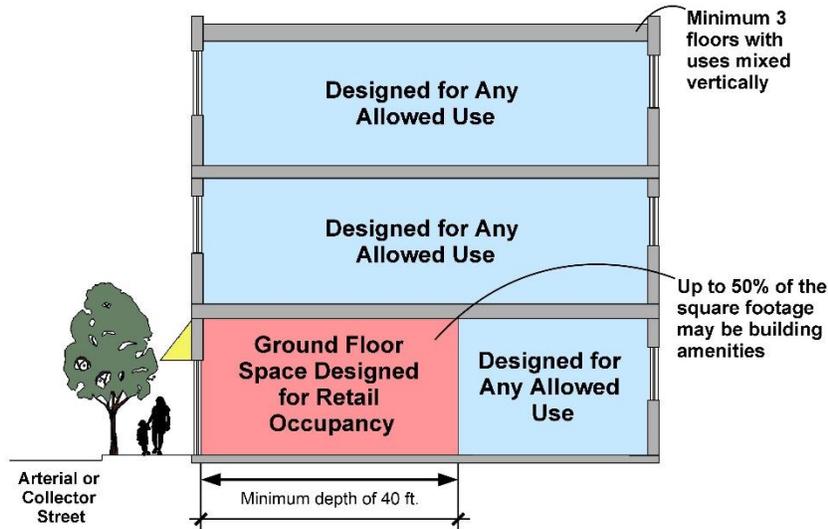


Figure 15: Institutional, Mixed-Use, Commercial, and Light Industrial Requirement and Minimum Commercial Use Depth in M-C-T; 17.5.3.6:A.3

4. Other portions of the ground floor that are not required to be designed for retail occupancy may be designed for any allowed use in the zone district.
5. Where a building is located at the intersection of an arterial or collector street with a local street, the ground floor commercial space shall extend along the local street a minimum length of forty (40) feet (See [Figure 16](#)).

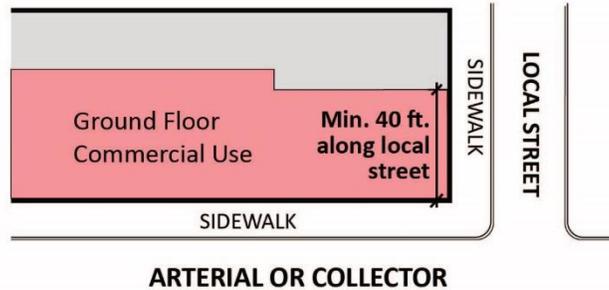


Figure 16: Minimum Commercial Depth Along a Local Street; 17.5.3.6:A.5

6. Single-use buildings are allowed within the zone district, provided that the requirements of [17.5.3.6:A.1.](#) through [17.5.3.6:A.3.](#) above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.
- B. The following shall apply to all M-G-T zones:
1. All buildings adjacent to arterial or collector streets shall include ground floor space designed for retail occupancy. The retail space shall be provided along the entire building frontage, excluding space used for vehicular access. Buildings shall front on the street(s) and meet the following requirements:
 - a. The ground floor space shall have a minimum depth of forty (40) feet.
 - b. The minimum floor to ceiling height of the ground floor space shall be fourteen (14) feet.
 - c. The ground floor space shall meet the building code requirements for retail occupancy.
 2. Amenities associated with the building may occupy up to fifty (50) percent of the space designed for retail occupancy (See [Figure 17](#)).

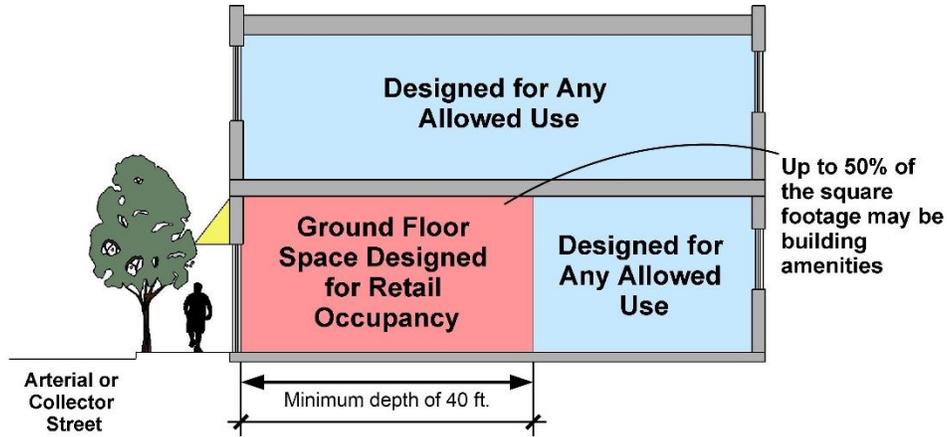


Figure 17: Institutional, Mixed-Use, Commercial and Light Industrial Use Requirement and Minimum Commercial Depth in M-G-T; 17.5.3.6:B.2

3. Other portions of the ground floor that are not required to be designed for retail occupancy may be designed for other allowed uses.
4. Single-use buildings are allowed within the zone district, provided that the requirements of [17.5.3.6:B.1.](#) above are met, or if the parcel on which the building is located is only adjacent to a local street or streets.

C. The following shall apply to all M-R zones:

1. All buildings located adjacent to an arterial street may contain leasable non-residential space on the ground floor adjacent to the arterial street. However, the amount of commercial and/or office space shall not exceed thirty (30) percent of the total building gross floor area (See [Figure 18](#)).
2. For buildings located adjacent to collector or local streets, the amount of non-residential space shall not exceed twenty (20) percent of the total building gross floor area (See [Figure 18](#)).

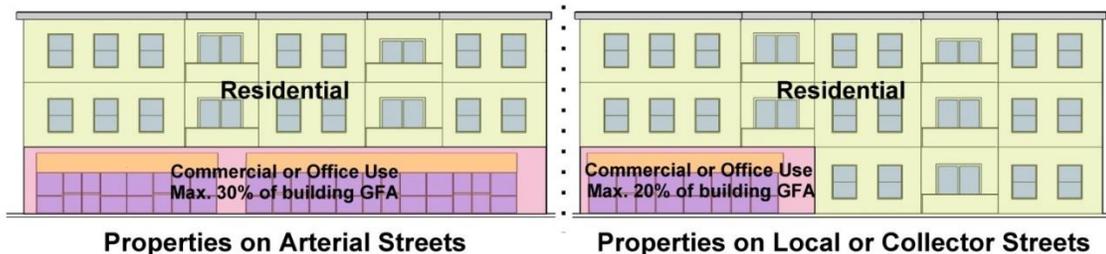


Figure 18: Commercial or Office Space Allowance in M-R Zones; 17.5.3.6:C

17.5.3.7: Incentives for Increased Height

The maximum building height within the mixed-use zone districts may be increased by one (1) story to a maximum of twelve (12) additional feet, for each of the following incentives that are achieved:

- A. The development project is registered with the Green Business Certification Inc. (GBCI) with the goal of Leadership in Energy and Environmental Design (LEED) Gold certification or greater at the time of building permit issuance. The applicant must submit a LEED scorecard and proof of LEED registration.
- B. The development project includes at least twenty (20) percent affordable units.

17.5.4: Commercial and Light Industrial Standards

17.5.4.1: Dimensional Standards

All development in commercial and light industrial zone districts must comply with the dimensional and density standards of [Table 8](#), except as otherwise expressly provided.

Table 8: Commercial and Light Industrial Dimensional Standards; 17.5.4.1

Table 8: Commercial and Light Industrial Dimensional Standards					
Standard	C-R	C-L	LI	LI-RD	Notes
Height (Feet)					
Minimum	None	None	None	None	
Maximum	90	45	60	60	Refer to Section 17.5.3.4 ; when adjacent to an R-L zone district.
Setbacks (Feet)					
Front					Refer to Section 17.5.1.3:C
Minimum	15	15	15	10	
Maximum	None	None	None	None	
Minimum Side	5	5	5	5	
Minimum Rear	5	5	5	5	

Table 8: Commercial and Light Industrial Dimensional Standards					
Standard	C-R	C-L	LI	LI-RD	Notes
Open Space (Percent)					
Minimum Open Space	25	25	25	25	

17.5.4.2: Height Transition Adjacent to Residential Zone Districts

Where a non-residential building is constructed adjacent to an R-L zone district or a public park greater than ten (10) acres in size:

- A. No portion of the building shall extend beyond a forty-five (45) degree bulk plane from the adjacent R-L zoned lot or public park; and
- B. Where a front or side lot line separates the zone districts or public park, the first two (2) floors of the building shall be permitted to encroach into the forty-five (45) degree bulk plane. (See [Figure 19](#))

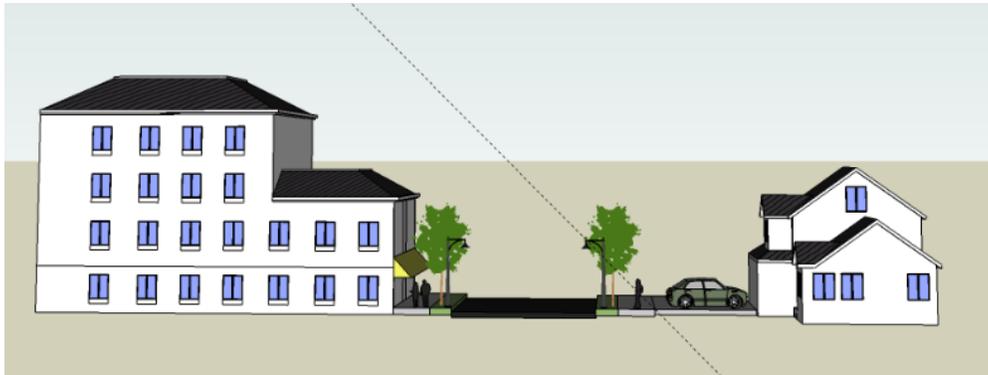


Figure 19: Bulk Plane Height Transition; 17.5.4.2:B

17.5.5: Accessory Structures and Elements

17.5.5.1: Detached Structures

- A. A detached accessory structure shall be located a minimum of three (3) feet from the primary structure as measured from the closest adjacent walls and a minimum of two (2) feet from the primary structure as measured from the closest adjacent eaves.

- B. A detached accessory structure located on a lot with one (1) or two (2) dwelling units on a single lot in a residential zone district shall be subject to the following standards:
1. An accessory structure or combination of accessory structures shall not exceed more than fifty (50) percent coverage of the combination of the rear yard, side yards, and non-primary front yard area of a lot, and no more than ten (10) percent of the total lot area (See [Figure 20](#)).

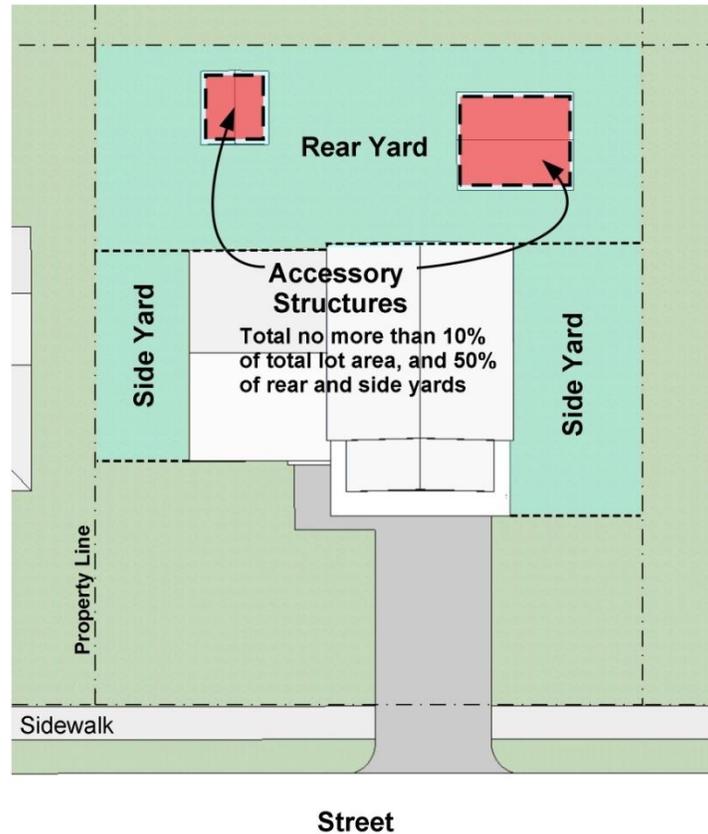


Figure 20: Determination of Accessory Structure Lot Coverage; 17.5.5.1:B.1

2. An accessory structure shall not exceed the above ground GFA of the primary structure.
3. Large accessory structures with any wall greater than thirty-two (32) feet in length or with any wall twelve (12) feet or greater in height shall comply with the minimum setbacks for a primary structure and be architecturally complementary to, and compatible with, the primary structure (See [Figure 21](#)). Large accessory structures shall also meet the standards of 17.6.2.1.B. Accessory structure wall height shall be measured using the averages of the existing grade.

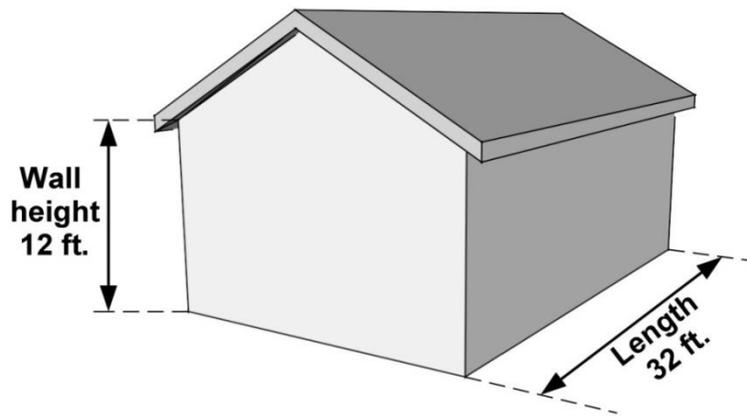


Figure 21: Measurement of Wall Height and Length; 17.5.5.1:B.3

4. An accessory structure that is less than or equal to two hundred (200) square feet in size with a vertical wall height less than ten (10) feet may encroach into the non-primary front setback if the accessory structure is located behind a solid six (6) foot high fence or wall. The structure shall not be placed in a designated easement or flood plain.
- C. A detached accessory structure located on a lot with a non-residential land use or a residential land use with three (3) or more dwelling units in the residential, mixed-use, commercial, or light industrial district shall be subject to the following standards:
1. An accessory structure shall not be located between a primary building and a public street;
 2. An accessory structure shall not be located within any required landscape area or parking spaces; and
 3. The structure shall reflect the design and color scheme of the primary structure.

17.5.5.2: Satellite Dish Antenna

- A. A satellite dish antenna located on a lot with one (1) or two (2) dwelling units in the R-L or R-M districts shall be subject to the following:
1. Satellite dish antennas with a diameter of forty (40) inches or less shall be allowed without restrictions.
 2. One (1) dish antenna greater than forty (40) inches in diameter shall be allowed per dwelling unit.

3. A satellite dish antenna with a diameter greater than forty (40) inches shall be ground-mounted, shall be no greater than ten (10) feet in height, and shall comply with the accessory structure dimensional standards identified in [Table 4](#).
- B. A satellite dish antenna located on a lot, other than those specifically listed in [17.5.5.3:A](#) shall be subject to the following:
1. Satellite dish antennas with a diameter of forty (40) inches or less shall be allowed without restrictions.
 2. A ground-mounted satellite dish antenna with a diameter greater than forty (40) inches shall comply with the dimensional standards identified in [Table 4](#) for R-M zones, [Table 5](#) for mixed-use zones, or [Table 8](#) for commercial and light industrial zones.
 3. A ground-mounted satellite dish shall not be located in an area required for parking, landscaping, buffering, or water detention.
 4. A ground-mounted satellite dish antenna shall not exceed twelve (12) feet in height.
 5. A ground-mounted satellite dish antenna shall be screened from any adjacent public street or residential use through the installation of landscaping or decorative solid fencing. Landscaping shall be capable of reaching a height of eight (8) feet within two (2) years of the installation of the dish antenna. Fencing shall be constructed to a height equal to the dish antenna, or to the maximum height allowed within the zone district, whichever is less.
 6. A roof-mounted satellite dish antenna greater than forty (40) inches in diameter shall be screened. This screening can be accomplished through the utilization of parapet walls, through the installation of mechanical equipment screens, or other means to the extent that the dish antenna is hidden from view from all adjacent public streets or residential uses.

17.5.5.3: Solar Collection System

- A. A solar collection system located on a lot with one (1) or two (2) dwelling units in the R-L or R-M districts shall be subject to the following:
1. Ground mounted solar collection system:
 - a. A solar collector system (a “collector” or “collectors”) shall not be located in the front yard between a primary structure and a public right-of-way, unless the collector is located more than twice the distance as the required setback identified in [Table 4](#) and the collector is screened and not visible from the adjacent street.

- b. Collectors shall be allowed in the non-primary front yard if they are located behind a solid six (6) foot high fence or wall.
- c. Collectors shall be a minimum of five (5) feet from all property lines.
- d. The area covered by collector arrays in any residential district shall be considered a detached accessory structure and shall comply with the coverage limitations of [17.5.5.1](#): (See [Figure 22](#)).

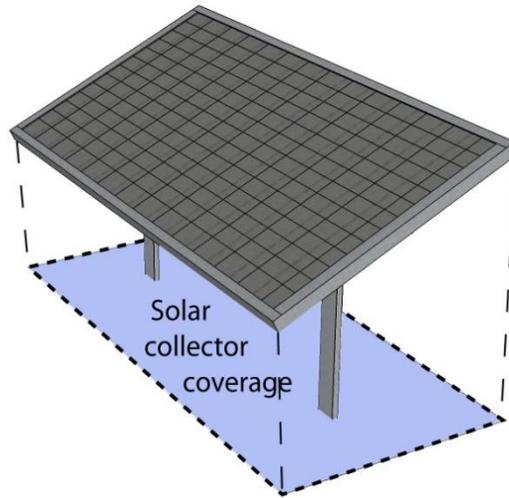


Figure 22: Measurement of Solar Collector Coverage; 17.5.5.3:A.1.d

- e. Collectors shall not exceed the maximum allowed height for an accessory structure.
 - f. A ground mounted collector shall be subject to the zoning review process.
2. Roof mounted or wall mounted collectors:
- a. Collectors shall be located a minimum of five (5) feet from all property lines and other structures, except the structure on which it is mounted.
 - b. Collectors shall not project beyond the peak of the roof (See [Figure 23](#)). If a collector is attached to a flat roof, the collector shall not extend more than five (5) feet above the roof.

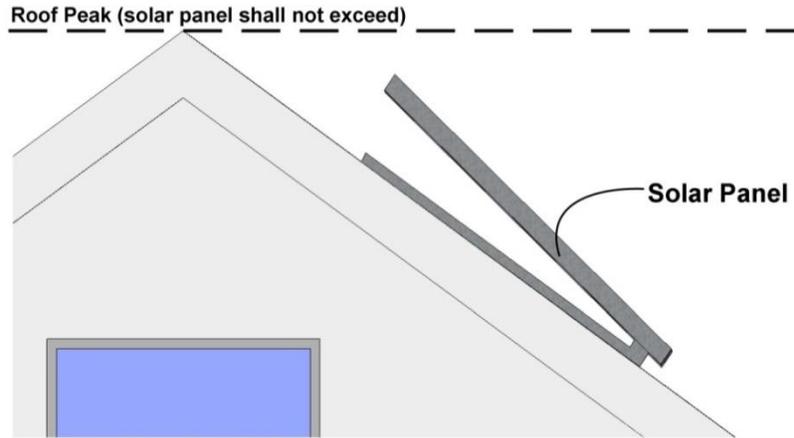


Figure 23: Solar Collector Projection Above Roof Peak; 17.5.5.3:A.2.b

3. Solar easements:

- a. A property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a collector to protect solar access and shall record the easement with Jefferson County.
- b. If no such easement is recorded, the owner of the collector shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction will cast shadows on the collector.
- c. Any recorded solar easement(s) shall not be used to circumvent any requirements of this Zoning Code to include landscaping requirements.

B. A collector located on a lot, other than those specific listed in [17.5.5.3:A](#) shall be subject to the following:

1. All collector shall comply with the primary structure dimensional requirements.
2. Solar easements:
 - a. A property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a collector to protect solar access and shall record the easement with Jefferson County.
 - b. If no such easement is recorded, the owner of the collector shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction would cast shadows on the solar collection system.

- c. Any recorded solar easement(s) shall not be used to circumvent any requirements of this Zoning Code to include landscaping requirements.
3. A collector shall be subject to the zoning review process.

17.5.5.4: Wind-Powered Electric Generator

- A. A wind-powered electric generator located on located on a lot with one (1) or two (2) dwelling units in the R-L or R-M districts shall be subject to the following:
 1. No wind-powered electric generator shall exceed sixty (60) feet in height measured from ground level to the top of the blade diameter.
 2. No wind-powered electric generator blade shall be located closer than fifteen (15) feet above the finished grade of the surrounding property.
 3. No wind-powered electric generator or portion thereof may extend or encroach into the accessory building setbacks or onto any adjacent property.
 4. Sound produced by the turbine under normal operating conditions, as measured at the nearest property line and at ground level of any adjacent property improved with a dwelling unit at the time of the issuance of a building permit, shall not exceed fifty-five (55) dBA sound level for any period of time, except during short-term events out of the owner's control, such as utility outages or strong windstorms.
 5. A turbine and tower shall be of a neutral color.
 6. All electrical wiring shall be located underground and within the tower.
 7. A wind-powered electric generator shall be subject to the zoning review process.
- B. A wind-powered electric generator located on a lot, other than those specifically listed in [17.5.5.3:A](#), shall be subject to the following:
 1. No ground-mounted wind-powered electric generator shall exceed sixty (60) feet in height measured from ground level to the top of the blade diameter.
 2. All roof-mounted wind-powered electric generators shall comply with the dimensional requirements of the district in which it is located.
 3. No wind-powered electric generator or portion thereof may extend or encroach into the building setbacks or onto any adjacent property.
 4. Sound produced by the turbine under normal operating conditions, as measured at the property line of any adjacent property improved with a

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dwelling unit at the time of the issuance of a building permit, shall not exceed fifty-five (55) dBA sound levels for any period of time. The fifty-five (55) dBA sound level may be exceeded during short-term events out of the owner's control such as utility outages or strong windstorms.

5. A turbine and tower shall be of a neutral color.
6. All electrical wiring shall be underground or contained within the building to which the generator is attached.
7. A wind-powered electric generator shall be subject to the zoning review process.