

O-2026-5

AN ORDINANCE

REPEALING IN ITS ENTIRETY ORDINANCE 2025-29, AS ADOPTED ON SEPTEMBER 22, 2025, REGARDING ARTICLE 3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, AND REPLACING WITH THAT VERSION OF ARTICLE 3 OF TITLE 17 THAT WAS IN EFFECT ON DECEMBER 31, 2025

WHEREAS, in conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-29 regarding Article 3 of Title 17 of the Lakewood Municipal Code was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 8th day of September, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 11th day of September, 2025; set for public hearing to be held on the 22nd day of September, 2025; read, finally passed and adopted by the City Council on the 22nd day of September, 2025; and signed by the Mayor on the 23rd day of September, 2025, and published as amended upon the City's website on the 25th day of September, 2025;

WHEREAS, Article XIII of the Charter of the City of Lakewood (Charter), declares that all ordinances adopted by the City Council that are legislative in character shall be subject to referendum, and § 7.4(c) of the Charter establishes a forty-five day referendum period for any ordinance that zones, rezones or changes any zoned district beginning after adoption by the City Council and publication by title including amendments;

WHEREAS, a petition calling for a referendum of Ordinance 2025-29 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended;

WHEREAS, the Lakewood City Clerk's Office received the signed petition on November 10, 2025, such petition asking to hold a referendum on Ordinance 2025-29 (referendum);

WHEREAS, a protest was filed against such referendum on December 8, 2025, a hearing was held on December 19, 2025 to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025 finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3);

WHEREAS, in accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026;

WHEREAS, Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council.

WHEREAS, approval of this ordinance on first reading is intended only to confirm that the City Council desires to comply with the Lakewood Municipal Code by setting a public hearing to provide City staff and the public an opportunity to present evidence and testimony regarding the proposal; and

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

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

SECTION 1. Ordinance 2025-29, as adopted on September 22, 2025, regarding Article 3 of Title 17 of the Lakewood Municipal Code is repealed in its entirety, and shall be replaced by that version of Article 3 of Title 17 that was in effect on December 31, 2025.

SECTION 2. This ordinance shall incorporate all recitals as set forth above.

SECTION 3. Effective Date. This ordinance shall take effect immediately upon approval by a majority of all members of the City Council in accordance with the provisions of Article XIII of the Charter of the City of Lakewood. This ordinance is not subject to referendum.

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

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 12th day of January, 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 15th day of January, 2026; set for public hearing to be held on the 26th day of January, 2026; read, finally passed and adopted by the City Council on the 26th day of January, 2026; and signed by the Mayor on the ____ day of January, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney