

**City of Lakewood, Colorado  
ZONING ORDINANCE**

**ORDINANCE 0-80-51, AS AMENDED**

**Alternate Formats of this Document Available Upon Request**

**ORDINANCE O-80-51 AS AMENDED**

**CITY OF LAKEWOOD ZONING ORDINANCE**

Ordinance amendments which are listed below have been incorporated into this document.

**ORDINANCES INCORPORATED INTO THIS DOCUMENT:**

**DATE:**

	<b><u>EFFECTIVE</u></b>
Ordinance O-81-108	August 25, 1981
Ordinance O-81-110	November 14, 1981
Ordinance O-81-158	February 14, 1982
Ordinance O-82-6	March 13, 1982
Ordinance O-82-19	April 24, 1982
Ordinance O-82-37	May 15, 1982
Ordinance O-82-71	July 17, 1982
Ordinance O-82-108	September 25, 1982
Ordinance O-82-140	December 25, 1982
Ordinance O-82-156	December 25, 1982
Ordinance O-82-170	February 12, 1983
Ordinance O-83-17	March 19, 1983
Ordinance O-83-55	May 28, 1983
Ordinance O-83-158	January 14, 1984
Ordinance O-83-159	December 17, 1983
Ordinance O-83-171	January 29, 1984
Ordinance O-83-183	February 26, 1984
Ordinance O-84-9	March 29, 1984
Ordinance O-84-44	June 10, 1984
Ordinance O-84-51	July 1, 1984
Ordinance O-84-88	September 30, 1984
Ordinance O-84-106	November 11, 1984
Ordinance O-84-107	November 11, 1984
Ordinance O-84-108	November 11, 1984
Ordinance O-84-109	November 11, 1984
Ordinance O-84-131	January 27, 1985
Ordinance O-85-27	April 14, 1985
Ordinance O-85-28	April 28, 1985
Ordinance O-85-31	April 28, 1985
Ordinance O-85-78	October 13, 1985
Ordinance O-85-79	October 13, 1985

Ordinance O-85-80	October 13, 1985
Ordinance O-85-81	October 13, 1985
Ordinance O-85-95	December 1, 1985
Ordinance O-85-125	January 18, 1986
Ordinance O-86-50	August 1, 1986
Ordinance O-87-10	April 13, 1987
Ordinance O-87-12	April 27, 1987
Ordinance O-87-18	June 1, 1987
Ordinance O-87-51	September 13, 1987
Ordinance O-87-54	September 27, 1987
Ordinance O-88-10	April 30, 1988
Ordinance O-88-11	April 30, 1988
Ordinance O-88-20	July 11, 1988
Ordinance O-88-24	August 1, 1988
Ordinance O-88-39	October 15, 1988
Ordinance O-88-43	November 13, 1988
Ordinance O-88-67	January 14, 1989
Ordinance O-89-4	April 2, 1989
Ordinance O-89-5	April 2, 1989
Ordinance O-89-32	October 16, 1989
Ordinance O-89-51	August 28, 1989
Ordinance O-89-65	October 16, 1989
Ordinance O-90-9	April 16, 1990
Ordinance O-90-10	April 16, 1990
Ordinance O-90-18	May 14, 1990
Ordinance O-90-39	September 30, 1990
Ordinance O-91-11	April 28, 1991
Ordinance O-91-12	April 28, 1991
Ordinance O-91-31	July 14, 1991
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Ordinance O-92-21	June 25, 1992
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Ordinance O-93-11	May 30, 1993
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Ordinance O-93-34	August 1, 1993
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Ordinance O-94-28	July 11, 1994
Ordinance O-94-29	July 28, 1994
Ordinance O-94-44	September 8, 1994
Ordinance O-94-81	December 12, 1994
Ordinance O-95-24	September 4, 1995
Ordinance O-96-14	July 1, 1996

Ordinance O-96-16  
Ordinance O-96-74  
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Ordinance O-97-15  
Ordinance O-97-37

July 1, 1996  
March 1, 1996  
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June 2, 1997  
July 21, 1997

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A BILL FOR AN

ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE, LOCATION, HEIGHT AND BULK OF BUILDINGS AND STRUCTURES, AND DIVIDING THE CITY OF LAKEWOOD, COLORADO, INTO ZONE DISTRICTS.

Be it Ordained by the City Council of the City of Lakewood:

**TITLE 17 (As Amended)**

**ARTICLE 1: GENERAL**

**17-1-1. TITLE.** This ordinance shall be known and cited as the "Zoning Ordinance" or the "Zoning Ordinance of the City of Lakewood, Colorado."

**17-1-2. PURPOSE.** Pursuant to statutory authority, this Ordinance is enacted for the following purposes:

- (1) To promote the health, safety, order, convenience, prosperity and welfare of the present and future inhabitants of the City of Lakewood.
- (2) To lessen the impact of traffic and congestion in the streets and roads, to secure safety from fire and other dangers, and to provide adequate sun, light and air.
- (3) To provide for the classification of land uses and the distribution of land development within and utilization of those land uses.
- (4) To avoid undue congestion of population, to facilitate the adequate provision of transportation, water, schools, sewerage, and other public requirements and to promote energy conservation.
- (5) To accomplish the purposes of the City's Comprehensive Plan and of the zoning maps adopted herein.
- (6) To promote vehicle and pedestrian safety.
- (7) To enhance the appearance of the City, promote good civic design and arrangement, protect the value of property and conserve the value of buildings.
- (8) To preserve open space and prevent the overcrowding of land.
- (9) To protect property from adverse influences of adjacent property where differing zone districts abut.
- (10) To provide planned and orderly use of land within the City.
- (11) To update and modernize the previously adopted zoning ordinance of the City.

### **17-1-3. INTERPRETATION AND EFFECT ON PRIVATE COVENANTS.**

- (1) In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of public health, safety, convenience, order, prosperity and the general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or agreements between parties, provided, however, that wherever this Ordinance imposes a greater restriction upon the use of buildings or land or upon the location or height of buildings or structures or requires larger open spaces about buildings than are imposed or required by other laws, ordinances or easements, covenants or agreements between parties, the provisions of this Ordinance shall govern.
- (2) Nothing herein contained shall be construed to render inoperative any restrictions established by covenants running with the land unless such restrictions are prohibited or are contrary to the provisions of this Ordinance.

**17-1-4. SEVERABILITY.** If for any reason any one or more sections, sentences, clauses or parts of this Ordinance are held invalid, such invalidity shall not affect, impair or invalidate the remaining provisions of this Ordinance. It is the intent of the City Council that the provisions of the Ordinance shall be severable.

### **17-1-5. REPEALER.**

- (1) At the time all property not zoned PD (planned development), which is located within the City of Lakewood and which is subject to zoning regulation, is zoned or rezoned to a district created by this Ordinance 0-80-51, all portions of Ordinance 0-70-104, as amended, not previously repealed shall be automatically repealed. The City Council shall declare such occurrence by resolution which shall be conclusive as to the facts found by the Council therein.
- (2) The following sections of Ordinance 0-70-104, as amended, are repealed as of the effective date of this Ordinance 0-80-51: Sections 1-5, 1-6, 1-7, 1-8, 1-14(C)(1), the Board of Adjustment authority to allow side yard exceptions contained in 1-14(C)(3), 1-14(C)(4)(b), 1-15(E)(3), 3-2, 3-5, and 3-7.

**17-1-6. EFFECTIVE DATE.** This Ordinance 0-80-51 shall take effect thirty days after final publication and shall apply to property and uses of property at such times as provided in Section 17-1-7.

### **17-1-7. APPLICABILITY.**

- (1) Any application for an initial zoning or rezoning of property filed on or after the effective date of this Ordinance shall be for a zone district created by this Ordinance. The application shall be governed by and approved or disapproved subject to Article 17 of this Ordinance, and this Ordinance shall in all respects govern the use of property so zoned or rezoned.

- (2) Any application for an initial zoning or a rezoning of property filed prior to and pending on the effective date of this Ordinance shall be amended to propose a zone district created by this Ordinance and shall otherwise conform to and be governed by this Ordinance 0-80-51, unless a hearing on the application has been conducted by the Planning Commission. If a hearing thereon has been conducted by the Planning Commission, the application shall be governed by and the zoning or rezoning shall be approved or disapproved subject to the procedures and standards set forth in Ordinance 0-70-104, as amended, and for such purpose only, Sections 1-11 and 1-12(B) and (C) of Ordinance 0-70-104, as amended, shall remain effective until no such application is pending.
- (3) Notwithstanding any other provision of this Ordinance, the following portions of this Ordinance shall apply to all property on the effective date of this Ordinance, even though no rezoning of the property has occurred:
  - (a) Article 4. All powers granted therein to the Board of Adjustment and Director may be exercised with respect to the various regulations set forth in Ordinance 0-70-104, as amended.
  - (b) Article 9. The parking requirements therein shall apply to uses of property under Ordinance 0-70-104, as amended, which are comparable to uses of property under this Ordinance, unless the conditions set forth in subparagraphs (e)(1) and (2) or (3) below exist, in which event the applicable parking requirements of Ordinance 0-70-104, as amended, shall apply.
  - (c) Article 13. Home occupations permitted therein shall be permitted only in the CO, A-1, A-2, R-1, R-1A, R-1B, and R-2 zone districts of Ordinance 0-70-104, as amended.
  - (d) Article 14. The flood hazard area regulations shall apply to flood hazard areas under Ordinance 0-70-104, as amended, unless the conditions set forth in subparagraphs (e)(1) and (2) or (3) below exist, in which event the applicable flood hazard area regulations of Ordinance 0-70-104, as amended, shall apply.
  - (e) Article 15. The site development regulations shall apply to construction of any new building, structure, parking area, or loading area, or any substantial alteration to an existing building, structure, parking area or loading area, which is located in an R-3A, R-3, R-4, R-T, R-C1, R-C, C-1, C-2, IT-1, IT-2, IT-3, IT-4, or PD zone district under Ordinance 0-70-104, as amended, unless:
    - (1) A completed building permit application for the particular use is on file with the City on the effective date of this Ordinance but not permit has been issued; and
    - (2) The building permit is issued within thirty days after that effective date; or,

- (3) The requirements of any of the sections will specifically and directly conflict with standards for a particular planned development approved by the City Council prior to the effective date of this Ordinance. If such a conflict exists, the requirements of those sections shall be waived but only to the extent necessary to avoid the conflict.
- (f) All definitions in Article 2 which are applicable to the articles listed in this subsection (3).
- (g) Article 7. Setbacks permitted herein shall be applied to the CO, A-1, A-2, R-1, R-1A, R-1B, R-2, R-3, R-3A, R-4, R-CI, RC, C-1, C-2, IT-1, IT-2, IT-3 zone districts of Ordinance 0-70-104, as amended. *(As amended by 0-81-108.)*

(4) The legislative history of the City of Lakewood's use of the terms Mixed Use and Planned Development is as follows:

- (a) Pursuant to Ordinance 0-70-104, as amended, land had been zoned PD Planned Development and in some instances the zoning designation had further conditioned the zoning to designated uses, as defined within 0-70-104, as amended.
- (b) Ordinance 0-80-51 subsequently eliminated the PD Planned Development District and generally replaced that district with the MU Mixed Use District.
- (c) Ordinance 0-85-79 subsequently amended the term MU Mixed Use District and replaced it with the term MU Mixed Use District and replaced it with the term MU Mixed or Single Use District.
- (d) This Ordinance 0-93-34 eliminates the MU Mixed or Single Use District and replaces it with the PD Planned Development District.
- (e) When property develops, if the prior conditional uses referred to uses set forth in Ordinances 0-70-104, 0-80-51, or 0-85-79, as amended, then said property shall be permitted the uses pursuant to those ordinances. *(As amended by 0-93-34.)*

(5) (a) Any property zoned R-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 1-R District of this Ordinance.

(b) Any property zoned R-1A, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the 2-R District of this Ordinance.

(c) Any property zoned A-1, pursuant to Ordinance 0-70-104, as amended, which retained such zoning classification as a result of a special referendum election held August 10, 1982, shall be subject to all regulations applicable to property within the CN District of this Ordinance. *(As amended by 0-82-140.)*

(6) Development of property located within the Villa Italia Activity Center shall be subject to review by the Villa Italia Design Review Committee. The Committee is advisory to the Planning Commission or the Director of Planning, Permits and Public Works, depending on the review status of the development application. *(As amended by 0-85-27.)*

**17-1-8. SAVINGS CLAUSE.** The amendment or repeal of any ordinance or part thereof, by this Ordinance shall not release, extinguish or modify, in whole or in part, any penalty, liability or right of the City incurred or obtained under the amended or repealed ordinance or part thereof. The ordinance or part thereof, so amended or repealed, shall be treated and held as remaining in force for the purpose of sustaining any and all proper actions, suits, proceedings and prosecutions, for the enforcement of any penalty, liability or right of the City, for the purpose of sustaining any judgment, decree, or order which may be rendered in such actions, suits, proceedings or prosecutions, and for the purpose of sustaining any and all proceedings, actions, acts, decisions, hearings and appeals pending before the Lakewood Planning Commission, the Lakewood City Council, the Lakewood Board of Adjustment and any court.

**17-1-9. VIOLATION AND PENALTY.**

(1) It shall be unlawful to construct, reconstruct, alter, maintain, use or cause to be used any building or structure, or to use or cause to be used any land in violation of this Zoning Ordinance or any amendment hereto. Any person, firm or corporation, including the officers or agents of a corporation responsible for its actions and the members of a partnership, firm or joint venture, violating or causing violations of this Zoning Ordinance or amendment hereto, upon conviction thereof, shall be fined not more than nine hundred ninety-nine dollars or imprisoned not more than one hundred and eighty days or both. Each day during which such violation continues shall be deemed a separate offense. *(As amended by 0-84-87.)*

(2) If any building or structure is constructed, reconstructed, altered, maintained, used, or caused to be used, or any land is used or caused to be used, in violation of this Zoning Ordinance or amendment hereto, the City Attorney, or any owner of real estate located either within the district in which such buildings, structure or land is situated, or immediately adjacent thereto, in addition to other remedies or penalties provided in this Ordinance or by law, may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such violation.

**17-1-10. FEES.**

(1) The City Council shall by resolution establish fees as it deems necessary for any appeal, process, procedure or other action relating to the Zoning Ordinance.

(2) Upon 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 Section 3.26.010 of the Lakewood Municipal Code. Such finding shall be made in writing. *(As amended by 0-95-46.)*

## ARTICLE 2: DEFINITIONS AND INTERPRETATION

### 17-2-1. GENERAL INTERPRETATION.

- (1) For purposes of this Ordinance, the words and terms used, defined, interpreted or further described herein shall be construed as follows:
  - (a) The present tense includes the future tense.
  - (b) Words used in the singular number include the plural, and vice versa, unless the context clearly indicates the contrary.
  - (c) The phrase "used for" includes "arranged for," "designed for," "intended for," "maintained for," and "occupied for."
  - (d) The word "shall" is mandatory.
  - (e) The masculine shall include the feminine.
- (2) Where not defined herein, the words used in this Ordinance shall have the common and customary meaning.

17-2-2. **DEFINITIONS.** As used within this Ordinance, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivations shall have the following meanings:

- (1) **Abandoned Sign:** A sign which no longer correctly directs any person, advertises a bona fide business, lessor, owner, product or activity conducted or products available on the premises where such sign is displayed. *(As amended by 0-82-170.)*
- (2) **Accessory Building:** A building or structure, the use of which is supplementary and subordinate to that of the main building on the same lot. *(As amended by 0-83-159 and 0-86-50.)*
- (3) **Accessory Use:** *(See Article 12.)*
- (4) **Amusement Arcade:** A place of business where an individual, association, partnership or corporation maintains more than ten amusement devices. *(As amended by 0-82-108.)*
- (5) **Amusement Center:** A place of business where an individual, association, partnership or corporation maintains less than eleven amusement devices and excepting any number of billiard tables either as a sole business or in conjunction with some other business. *(As amended by 0-82-108.)*
- (6) **Amusement Device:** Any device which, upon insertion of a coin, slug, token, plate or disc, or payment of a consideration, may be used by the public for use as a game, entertainment, amusement, a test of skill, either mental or physical, whether or not registering a score; but shall not include radios, devices that provide music only, television carrying commercial broadcasts only, bowling lanes, or fixed-stand coin-operated kiddie rides. *(As amended by 0-82-108.)*
- (7) **Animated Sign:** Any sign or any part thereof, which changes physical position by any movement or rotation.

- (8) **Atrium**: A glass enclosure which is attached to a building on at least one of its sides.
- (9) **Automobile**: A motor vehicle designed for the transportation of either passengers or cargo and weighing less than six thousand five hundred (6,500) pounds empty weight.
- (10) **Awnings**: A shelter supported entirely from the exterior wall of a building and of a type which can be retracted, folded or collapsed against the face of the supported building. *(As amended by O-82-170.)*
- (11) **Bike/Pedestrian Path**: A surface designed to accommodate both pedestrian and bicycle movements.
- (12) **Billboard**: A third party sign advertising a business, product or service, religious, charitable or nonprofit organization not located upon or available upon the premises whereon the sign is located. Billboards do not include directional or informational signs erected by any governmental institution or agency.
- (13) **Block, Entire**: A site having street frontage on at least one side which forms an approximate perpendicular line between two more or less parallel city streets, and where the property between the two parallel city streets is in the same ownership or occupied by the same business for the length of the street frontage.
- (14) **Brick Paver Area**: That part of the pedestrian path attached to the curb, 2 feet wide and having a brick surface.
- (15) **Buffer Area**: An area of land located within a development that provides a landscaped transition and screen between said development and abutting residential land uses and residentially zoned land, the requirements for which are specified in Article 15 of this Ordinance. *(As amended by O-83-159 and as amended by Ordinance O-89-51.)*
- (16) **Building**: Any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.
- (17) **Building Code**: The Uniform Building Code, as adopted by the City of Lakewood and as amended from time to time.
- (18) **Building Front**: One exterior wall of a building facing a front lot line; or, in the event that the primary entrance is located on an exterior wall which is not facing the front lot line, the building front shall be the exterior wall containing the primary entrance to the building.
- (19) **Building - Height of**: The height of a building shall be the vertical distance measured from the grade at the building to the highest point of the coping of a flat roof, the deck line of a mansard roof, the highest point of the highest gable of a pitched or hipped roof, or the highest point of any other type of roof. The height of a building shall not include mechanical equipment, screening for mechanical equipment, spires, chimneys and antennae. *(As amended by O-88-43.)*
- (20) **Building Separation**: The area across lot lines measured from main building wall to main building wall between adjacent buildings.
- (21) **Bulk**: The total volume of a structure.

(22) **Business Site, Single:** A single lot or series of contiguous lots having common ownership and occupied by one or more single use, free standing buildings where a single business operation occurs.

(23) **Camper:** A unit, containing cooking or sleeping facilities, which is designed to be loaded onto or affixed to the bed or chassis of a truck to provide temporary living quarters for recreational camping or travel use.

(24) **Canopy:** A permanent shade or weather-protection structure which is attached to or supported by a building or other structure, or which is supported by columns or posts.

(25) **Carport:** A canopy for a motor vehicle or travel or utility trailer which may be detached from or partially supported by a building.

(26) **Channel:** That portion of a watercourse with a perceptibly defined bed and banks which confines and continuously or periodically conducts a flow of water.

(27) **Child Care Camp:** A facility intended to accommodate temporary group living for children under sixteen (16) years of age that is substantially oriented toward outdoor activities in a natural environment.

(28) **Child Care Facility:** Any facility, by whatever name known, which is licensed by the State of Colorado and maintained for compensation, for the whole or any part of a day, for the care of five (5) or more children under the age of sixteen (16) years who are not related to the owner, operator or manager thereof, except when such facility serves as the primary residence for said children, in which case the facility shall be regulated as a group home or group living quarters. *(As amended by 0-88-67.)*

(29) **Church:** A building intended primarily for the practice and worship of a religious faith, including convents.

(30) **City Hall:** The primary office building operated by the City of Lakewood, and which houses principal administrative offices of the City. *(As amended by 0-82-61.)*

(31) **Colorado Child Care Act:** Article 6, Title 26, Colorado Revised Statutes 1973, as amended.

(32) **Commercial Mobile Radio Services (CMRS) Telecommunications Site:** Any use of property for antennae, equipment, and equipment shelter(s) employed in the reception, switching, and/or transmission of wireless telecommunication services including, but not limited to, paging, enhanced specialized mobile radio, personal communication services, microwave link antenna, cellular telephone, and other related technologies. *(As amended by 0-97-15.)*

(33) **CMRS Telecommunications Equipment Shelter:** An unattended structure such as a small building or cabinet(s) used to house equipment for a CMRS telecommunications facility associated with either a freestanding CMRS telecommunication facility or a structure or building mounted CMRS telecommunications facility. *(As amended by 0-97-15.)*

(34) **CMRS Telecommunications Provider:** A public or private company providing any type of CMRS or other related technology. *(As amended by 0-97-15.)*

(35) **Commercial Trade or Service:** An economic activity involving the provision of material goods and commodities or personal or professional skills for economic gain.

(36) **Commercial Trailer:** Any wheeled vehicle, without motive power, which is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways and which is registered under the ton-mile tax laws of the State of Colorado. *(As amended by 0-89-32.)*

(37) **Commercial Vehicle:** Any truck tractor, dump truck, semi-trailer commercial trailer, tow truck or vehicle equipped to provide towing services, bus or vehicle with an empty weight of six thousand (6,000) pounds or greater or any vehicle, regardless of weight, which: (1) is used, or normally associated with, the transportation of materials, products, freight, other vehicles, or equipment in furtherance of any commercial activity; or (2) is used "for hire"; or (3) displays advertising thereon. Identification of the vehicle's manufacturer, model or dealer shall not be considered as advertising. *(As amended by 0-89-32.)*

(38) **Common Facilities:** Real property within residential, office, commercial, and/or industrial developments that is owned, operated, and/or maintained by an association, partnership, or other entity made up of the fee owners of the development. *(As amended by 0-89-51.)*

(39) **Comprehensive Plan:** Concept Lakewood, as adopted by the Planning Commission and approved by the City Council, including all adopted and approved amendments thereto.

(40) **Conceptual Site Plan:** A general site plan required with a rezoning application. A Conceptual Site Plan does not constitute a site specific development plan as it relates to a vested property right. *(As amended by 0-88-10, effective 4/30/88.)*

(41) **Containment Area for Domestic Livestock:** The portion of a property that is fenced and used to contain domestic livestock.

(42) **Correctional Institution:** A building or group of buildings in which persons are confined for an indeterminate period of time while on trial for an offense, or while serving sentence for punishment of a crime, or as the result of a specific court order.

(43) **Corner Unit:** A corner unit is one which has frontage on more than one street, parking area, drive aisle, or combination of these. *(As amended by 0-87-51.)*

(44) **Covered Parking:** Attached or detached garages, or carports. *(As amended by 0-89-51.)*

(45) **Dance Hall:** Any place of business, open to the public, the primary purpose or use of which is to furnish to its patrons facilities for dancing. The incidental sale of food or beverages to the patrons shall not change the nature of the business. The term shall include any discotheque or other establishment, regardless of title, which meets the definition of "dance hall" set forth herein.

(46) **Days:** Consecutive calendar days, unless otherwise specifically designated.

(47) **Density:** The number of dwelling units per acre of Lot-Total Area. *(As amended by 0-82-19.)*

(48) **Department:** Department of Community Planning and Development. *(As amended by 0-91-59.)*

(49) **Development:** Any man-made change to real estate or property, including buildings, or other structures, mining, dredging, filling, grading, paving, excavation, or drilling.

(50) **Directional Sign:** Any sign that directs the movement or placement of pedestrian or vehicular traffic on a lot with or without reference to, or inclusion of, the name of a product sold or service performed on the lot or in a building, structure or business enterprise occupying the same.

(51) **Director:** The Planning Director for the City of Lakewood or the Director's designee. *(As amended by 0-97-15.)*

(52) **Display Surface:** The area made available by the sign structure for the purpose of displaying the advertising message.

(53) **Distance of Sign Projection:** The distance from the exterior wall surface of the building, or from the farthest horizontal point on a mansard roof, to the display face of a wall sign. *(As amended by 0-82-170.)*

(54) **Drainway:** A natural or artificial land depression, with or without perceptible bed and banks, to which surface run-off gravitates to form a continuous or intermittent flow of water in a definite direction.

(55) **Drive-In:** A commercial activity where, prior to service, the patron customarily drives a motor vehicle onto the premises, parks the vehicle in a defined parking space, and turns off the engine. Thereafter, the patron customarily is served in the automobile by a carhop or other means which eliminate the need for the customer to exit the vehicle.

(56) **Drive-Through:** A commercial facility where the patron customarily drives a motor vehicle onto the premises and to a window or mechanical device through or by which the customer is served without exiting the vehicle. Prior to service, the engine of the motor vehicle customarily remains in operation.

(57) **Dump Truck:** A truck having a bed that tilts to dump its cargo or contents. *(As amended by 0-89-32.)*

(58) **Duplex:** A building designed for occupancy by two (2) households living in separate dwelling units.

(59) **Dwelling Unit - One Household:**

- A building designed for occupancy by not more than one (1) household.
- Manufactured home:** A one family dwelling unit which is partially or entirely manufactured in a factory, is not less than twenty-four feet (24') in width and thirty-six feet (36') in length, is installed on an engineered permanent foundation, has brick, wood or cosmetically equivalent exterior siding and a pitched roof, and is certified pursuant to the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC 5401, et seq., as amended, and is built for the Colorado climate and snow loads according to the Department of Housing and Urban Development standards established under the provisions of 42 USC 5401, et seq.

(a) **Factory built home:** A one family dwelling unit which is partially or entirely manufactured in a factory and designed for long-term residential use; built in multiple sections, each on a chassis which enables it to be transported to its occupancy site; and is installed on a permanent foundation. Factory built homes must be constructed to the standards of the State of Colorado Factory Built Housing Construction Certification Code (8 CCR 1302-3) and bear a certification insignia in compliance with those standards. *(As amended by 0-96-16.)*

(60) **Dwelling Unit - Multiple Household:** A building designed for occupancy by three (3) or more households living in separate dwelling units, but not including motels or hotels.

(61) **Dwelling Unit - Attached Wall Townhouse:** A building designed for occupancy by three (3) or more households living in separate units attached by side wall or rear wall connection, but not including motels, hotels, or stacked flats. *(As amended by 0-89-51.)*

(62) **Election Sign:** A sign providing information regarding elections, candidates, or issues concerning such elections. *(As amended by 0-82-170.)*

(63) **Emergency Health Care Facility:** An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments. No overnight accommodations for patients are available.

(64) **Entertainment Center:** A commercial business offering recreational and entertainment activities which must include a combination of amusement devices and amusement rides which are contained within a building and which must also include the sale of food which can be eaten at tables within the same premises. *(As amended by 0-92-2.)*

(65) **Equipment - Heavy:** Nonmotorized merchandise of six thousand (6,000) pounds or more empty weight, or motorized merchandise of more than six thousand (6,000) pounds empty weight, having motors of twenty (20) horsepower or more performance. *(As amended by 0-81-108.)*

(66) **Equipment - Light:** Nonmotorized merchandise of less than six thousand (6,000) pounds empty weight, or motorized merchandise of less than six thousand (6,000) pounds empty weight, having motors less than twenty (20) horsepower. *(As amended by 0-81-108.)*

(67) **Erector:** Any person engaged in the business of installing signs. *(As amended by 0-82-170.)*

(68) **Exterior Wall Surface:** The most exterior part of a wall, sun screen, or any screening or material covering a building. *(As amended by 0-82-170.)*

(69) **Fabrication:** The construction of a specific good through the assembly of premanufactured parts which require no processing modification.

(70) **Facade:** Any face (as on a street or court) of a building given special architectural treatment; a false, superficial or artificial appearance or effect.

(71) **Family:** Any number of individuals who are related by blood, marriage or legal adoption, plus up to four (4) additional children placed in the dwelling as a family foster care unit by Jefferson County or other State licensed placement agency, who are "living together as a single housekeeping unit," as that phrase is defined in the definition of "household" as it appears in this Section (17-2-2). *(As amended by 0-88-67.)*

(72) **Fill:** A deposit of material of any kind by other than natural means.

(73) **Final Site Plan:** For the purpose of Article 17 reference to a final site plan shall mean those requirements set forth in Article 15 for a site development plan. A final site plan must conform to the approved conceptual site plan. *(As amended by 0-88-10.)*

(74) **Flashing Signs:** Any directly or indirectly illuminated sign, either stationary or animated, which exhibits changing natural or artificial light or color effects by any means whatsoever.

(75) **Freestanding CMRS Telecommunications Facility:** A facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(e), and associated equipment storage shelter(s). *(As amended by 0-97-15.)*

(76) **Garage - Private:** An accessory building or an accessory portion of a main building, designed for the shelter or storage of motor vehicles owned or operated by the occupants of the main building only.

(77) **Grade:**

- (a) For the purpose of determining height or depth requirements, grade shall mean the average of the finished adjacent ground level at the center of all walls of a building. If case walls are parallel to or within five (5) feet of a sidewalk, alley or other public way, the above ground level shall be measured at the elevation of the sidewalk, alley or public way.
- (b) For the purpose of determining the slope of facilities such as streets, walkways and bike/pedestrian paths, grade shall mean the degree of slope of the ground or finished surface, expressed in a percentage and equal to the total rise or fall in any vertical distance divided by the horizontal distance. For a street, walkway or bike/pedestrian path, the grade shall be the degree of slope of the finished surface at the center line.

(78) **Grand Opening:** The initial opening of a new store or the reopening of a substantially remodeled store. Change of management does not constitute a new store. *(As amended by 0-87-51.)*

(79) **Gross Floor Area:**

- (a) The gross area of all covered and enclosed space on all floor levels of a building including the following:
  - (1) Halls, corridors, lobbies, mezzanines, display areas;
  - (2) Stairways, elevator shafts, escalators, utility cores, air conditioning and heating area; and
  - (3) Common facilities for use of all tenants, such as meeting rooms, nurseries, rest rooms, auditoriums, administrative offices, leasing offices, and first aid rooms.
- (b) Gross floor area does not include:
  - (1) Any relatively open exterior plazas which are eligible for inclusion in covered open space;

- (2) Fully or partially enclosed mall areas or atriums;
- (3) Fully or partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use; and
- (4) Basement storage areas, loading areas, underground truck roads and service facilities.

(80) **Gross Land Area:**

- (a) An area which includes the following:
  - (1) Horizontal lot area in designated use within the property lines, including public and private streets; and
  - (2) One-half the area of any abutting alley or street right-of-way.
- (b) Gross land area does not include:
  - (1) Areas not beneficial to the designated use of land because of restrictions on development due to irregular shape, topography, location or character, as determined by the Planning Commission; and
  - (2) Land area already used predominantly for other use purposes.

(81) **Gross Leasable Area:** The total building area designed for tenant occupancy and exclusive use, including any basements, mezzanines, or upper floors, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces. *(As amended by 0-90-39.)*

(82) **Ground Sign:** A sign structure supported by poles, uprights or braces extending from or anchored into the ground but not attached to any part of the building.

(83) **Group Home:** A one household dwelling or duplex in which unrelated individuals or related and unrelated individuals live, where physical assistance and/or supervision is provided by resident and/or nonresident professional support personnel as a continual benefit. A group home shall be defined according to its client population, as listed below. However, group home will not include a hotel, motel, rooming house, or facility housing juvenile or adult offenders or a facility for treatment of substance abuse problems as defined under Group Living Quarters. Group home shall also include state licensed personal care boarding homes and alternative care boarding homes when such homes comply with all other applicable portions of this Ordinance. *(As amended by 0-88-67.)*

- (a) **Group home for elderly persons:** A group home for persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group homes for elderly must either be licensed by the State Department of Health or Social Services, or approved by Jefferson County as an Adult Foster Care Home.
- (b) **Group home for developmentally disabled persons:** A state licensed group home exclusively for the care of persons with developmental disabilities, as defined and regulated by the State Department of Institutions, Division for Developmental Disabilities.

- (c) **Group home for mentally ill persons:** A state licensed group home exclusively for the care of person with mental illness, as defined and regulated by either the State Department of Health or Social Services.
- (d) **Group home for dependent, neglected children:** A Colorado Department of Social Services licensed group home exclusively for the care of persons under the age of eighteen (18) with emotional, behavioral, or social problems, who under the terms of Title 19, Colorado Revised Statutes 1973, as amended, are determined to be dependant or neglected.
- (e) **Home for victims of domestic violence:** A group home housing residents for the purposes of rehabilitation or special care for domestic violence victims of physical, emotional, or mental abuse.
- (f) **Home for pregnant women and infants:** A group home for care and counseling of pregnant women and infants up to the age of one (1) year. *(As amended by 0-88-67.)*

(84) **Group Living Quarters:** A structure other than a one or two household dwelling unit, hotel, or motel designed and operated for the purpose of housing, or special care and housing, of unrelated individuals or related and unrelated individuals, where centralized provision of meals and services and individual or group sleeping accommodations are included. Group living quarters shall be defined according to their population as listed below. Any group living quarters that meets the definition of correctional institution shall be regulated as a correctional institution. Any group living quarters that meets the definition of a group home or household shall be regulated as a group living quarters rather than as a household or group home.

- (a) **Group living quarters for elderly persons:** A residential facility for persons sixty (60) years of age or older who do not require medical attention associated with a residential health care facility. Group living quarters for elderly shall be either (1) licensed as a personal care boarding home or alternative care boarding home by either the State Department of Health or Social Services, or (2) certified as an adult foster care facility by Jefferson County Social Services.
- (b) **Group living quarters for developmentally disabled persons:** A state licensed facility exclusively for the care of persons with developmental disabilities, as defined and regulated by the State Department of Institutions, Division for Developmental Disabilities.
- (c) **Group living quarters for mentally ill persons:** A state licensed facility exclusively for the care of persons with mental illness, as defined and regulated by the State Department of Health.
- (d) **Group living quarters for dependent, neglected children:** A Colorado Department of Social Services licensed facility exclusively for the care of persons under the age of eighteen (18) with emotional, behavioral, or social problems, who under the terms of Title 19, Colorado Revised Statutes 1973, as amended, are determined to be dependent or neglected.
- (e) **Group living quarters for substance abuse rehabilitation:** A facility established for purposes of rehabilitation, special care, supervision, or treatment for alcohol or narcotic abuse.

(f) **Group living quarters for adult or juvenile offenders:** A facility licensed or certified by the State of Colorado, housing residents placed by the Division of Youth Services of the Department of Institutions, or the Department for Corrections, for purposes of rehabilitation, special care, supervision, or treatment for social, behavioral, or disciplinary problems. This category shall not include facilities meeting the definition of a correctional institution.

(g) **Group living quarters for the temporary shelter of homeless persons:** A facility established and maintained to provide housing and personal care on a "temporary basis" for indigent or homeless persons. The "temporary" period shall be defined by the facility but shall not exceed thirty (30) consecutive days.

(h) **Group living quarters for victims of domestic violence:** A facility housing residents for the purposes of rehabilitation or special care for domestic violence victims of physical, emotional, or mental abuse. *(As amended by 0-88-67.)*

(85) **High Density Residential:** 12 dwelling units per acre or greater.

(86) **Higher education classrooms and offices:** Higher education classrooms are those classrooms where college and university courses are taught including but not limited to professional, technical, or vocational courses. *(As amended by 0-96-16.)*

(87) **Historic Place:** Buildings, historic and prehistoric sites, structures and objects of national, state, or local importance. *(As amended by 0-88-14.)*

(88) **Home Occupation:** *(See Article 13.)*

(89) **Hospital:** An establishment administered by licensed physicians, having as its primary purpose the provision of general health care, nursing, and medical treatment for human ailments, including diagnostic and surgical services. Overnight accommodations are available, but patients normally remain within the hospital for only a limited term. A hospital shall not include nor be considered a residential health care facility.

(90) **Hotel:** A building containing at least six (6) rooms designed and used as sleeping accommodations for usually transient occupancy, and access to the rooms is available through a lobby or supervised office.

(91) **Household:** Means only the following:

- Any family; or
- Any number of unrelated individuals or related and unrelated individuals, living together as a single housekeeping unit up to a maximum of one person per habitable room which is being used for living purposes.
- For the purposes of this definition, a "habitable room which is being used for living purposes" is space in a structure for living, sleeping, eating or cooking. Not included in this definition are bathrooms, toilet compartments, porches, balconies, unfinished rooms, closets, halls, storage and utility spaces, and similar spaces.

- (d) For the purposes of this definition, "living together as a single housekeeping unit" is generally characterized by a family like structure, and/or a sharing of responsibility associated with the household, and a concept of functioning as a family unit with a sense of permanency, as opposed to the transient nature of a boarding home.
- (e) Any household which meets the definition of a group home or group living quarters shall be regulated as a group home or group living quarters rather than as a household. *(As amended by 0-88-67.)*

(92) **Household Pet:**

- (a) Regulated species of household pets shall be any species of animal commonly kept as a pet within households, and which are more than four (4) months of age, such as a dog, cat, rabbit, duck, pot belly pig less than seventy (70) pounds, and ferret and the keeping of which is not prohibited by the Municipal Code.
- (b) Non-regulated species of household pets shall be animals that are typically kept indoors in cage or container such as tropical fish, non-poisonous snakes, chinchillas, hamsters, gerbils, mice and small birds; any of which are kept as a pet and are not being raised for commercial purposes and the keeping of which is not prohibited by the Municipal Code.

(93) **Ideological Sign:** A sign which expresses a religious, political, social or other philosophical position. *(As amended by 0-82-170.)*

(94) **Illuminated Sign:** A sign lighted by or exposed to artificial lighting either by lights on or within the sign or directed towards the sign.

(95) **Illumination, Direct:** Lighting by means of an unshielded light source that is effectively visible as part of the sign, where light travels directly from the source to the viewer's eye. *(As amended by 0-82-170.)*

(96) **Illumination, Indirect:** Lighting of a surface by a light source that is directed at the reflecting surface in such a way as to illuminate the sign from the front, or a light source that is primarily designed to illuminate the entire building facade upon which a sign is displayed, but does not include lighting that is primarily used for purposes other than sign illumination, including without limitation, parking lot lights or lights inside a building that may silhouette a window sign but that are not primarily installed to serve as inside illumination. *(As amended by 0-82-170.)*

(97) **Illumination, Internal:** Lighting by means of a light source that is within a sign having a translucent background, silhouetting opaque letters or designs, or that is within letters or designs that are themselves made of translucent material. For the purpose of Article 10, backlit signage shall be considered internally illuminated. *(As amended by 0-82-170.)*

(98) **Individual Letter Sign:** Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface; but not including a sign painted on a wall or other surface. *(As amended by 0-82-170.)*

(99) **Inoperable Motor Vehicle: Inoperable Vehicle:** Any motor vehicle or trailer that does not have a current license plate and validation sticker lawfully affixed thereto or is not capable of being promptly started and driven in safe operating condition under its own

power upon a street or right-of-way or that has two or more tires which are not fully inflated as to be in safe operating condition. *(As amended by 0-89-32.)*

- (100) **Integrated Access System:** A curb cut or access road connecting two (2) or more separate lots or buildings.
- (101) **Integrated Parking System:** A common parking area or a series of interconnected parking areas which are utilized by two or more building units and where any owner, occupant, patron, customer, employee or other person utilizing any of the building units served has the right to park a motor vehicle within any of the parking areas. Such common right shall be evidenced by a reciprocal parking easement recorded with the Clerk and Recorder of Jefferson County or contained within a lease and shall run in perpetuity with the use of the land.
- (102) **Joint Identification Sign:** A sign which serves as a common or collective identification for two or more business or industrial uses on the same lot. Such sign may contain a directory to said uses as an integral part thereof, or may serve as general identification only for such developments as shopping centers, industrial parks and the like. *(As amended by 0-82-170.)*
- (103) **Junk:** Scrap metal, such as copper, iron, lead, tin, zinc and all other metals and their alloys; inoperable motor vehicles; and other manufactured goods that are so worn, deteriorated or obsolete as to make them unusable in their existing condition, including cloth, rope, rubber or rubber products, tinfoil, bottles, machinery, tools, appliances, fixtures, lumber, utensils, cartons and containers, pipe and pipe fittings, conduit and conduit fittings, and other similar goods.
- (104) **Junk Yard:** An unenclosed but screened area where junk is bought, sold, exchanged, stored, baled, packed, disassembled or handled.
- (105) **Kennel:** Any building, structure or open space used in whole or in part for the boarding or harboring of four (4) or more regulated household pets, above the age of four (4) months, with or without compensation.
- (106) **Laboratory:** A building or a portion of a building devoted to the experimental study in science or the testing and analysis of chemicals, drugs, explosives, minerals, and similar materials.
- (107) **Laboratory - Medical, Dental or Optical:** A building or a portion of a building devoted to the use of providing bacteriological, biological, medical, X-ray, pathological and similar analytical or diagnostic services to doctors or dentists, where no fabrication is conducted on the premises except for the custom fabrication of dentures and the custom fabrication and grinding of optic lenses.
- (108) **Landscaping:** The improvement of a parcel of land with any combination of living plants, such as trees, shrubs, vines, ground covers, flowers or lawns; natural features and nonliving ground covers such as rock, stone and bark; and structural features, such as fountains, reflecting pools, art works, screen walls, fences and benches.
- (109) **Legal Use:** A "legal use" as used herein shall be deemed to mean a "use by right" i.e., any use of realty lawfully established in conformity with law and ordinance (or zoning resolution) in existence at the time of establishment of such use, and which is also presently lawful under applicable law and ordinance. "Legal use" shall include

nonconforming uses lawfully established at the time of establishment, and lawfully maintained, and any accessory use or uses incidental to and commonly associated with such lawfully established uses. As used herein, the term "legal use" is sometimes used for the purpose of referring to the person, firm or corporation entitled to a "legal use."

(110) **Lot:** A unit of land within a subdivision or created by a valid and recorded instrument of conveyance prior to January 22, 1975, which is occupied or designed to be occupied by a main building and the accessory buildings or uses customarily incidental to such main buildings, including the open space required by this ordinance and such open spaces as are arranged and designed to be used in connection with such buildings. A lot may have more than one main building as allowed in the 3-RA, 4-R, 4-RA, 5-R, 5-RA, 6-R, OF, 1C through 5-C inclusive, IN and PD districts provided that: 1) all buildings on the lot are in single ownership or unified control, and 2) all buildings on the lot are in conformance with the general requirements of the Lakewood Zoning Ordinance including Article 15 and the Subdivision Ordinance. *(As amended by 0-85-28; 0-89-51; and 0-93-34.)*

(111) **Lot - Corner:** A lot of which at least two (2) adjacent sides abut for their full length upon a public right-of-way (other than an alley).

(112) **Lot - Interior:** A lot other than a corner lot.

(113) **Lot - Minimum Area:** The minimum square footage that a lot is required to have under the zoning in order to meet the requirements for issuance of a building permit. *(As amended by 0-81-108.)*

(114) **Lot - Through:** An interior lot abutting on more than one (1) street or a corner lot abutting on more than two (2) streets.

(115) **Lot - Total Area:** The square footage of a lot excluding street rights-of-way. *(As amended by 0-81-108.)*

(116) **Lot - Width:** The shortest distance between any two (2) lot lines of a lot which are intersected by the same front setback line, measured from either of such points of intersection.

(117) **Lot Line - Front:** The boundary line of a lot which immediately abuts a public right-of-way (other than an alley). Front lot lines may be either primary front lot lines or non-primary, secondary, or tertiary front lot lines. *(As amended by 0-94-81.)*

(a) **Primary Front Lot Line:** The front lot line closest to that face of the primary, principal or main building(s) on the lot which contains the primary entrance to the building(s), or, in the event the primary entrance does not face a front lot line, the front lot line which abuts the street used in the address assigned to the primary, principal or main building(s) on the lot. *(As amended by 0-94-81.)*

(b) **Non-Primary, Secondary, or Tertiary Front Lot Line:** A front lot line which is not the primary front lot line.

(118) **Lot Line - Rear:** The boundary line of a lot which is most nearly opposite the front lot line of the lot, other than a through lot.

(119) **Lot Line - Side:** Any boundary line of a lot, other than a front lot line or rear lot line.

(120) **Lowest Floor:** The lowest floor, including the basement, of a structure.

- (121) **Low and Medium Density Residential:** Less than 12 dwelling units per acre.
- (122) **Low-profile:** See Monument. *(As amended by 0-82-170.)*
- (123) **Main Building:** The building used to house the principal use of the land.
- (124) **Major Architectural Detail:** Distinguishable design features of the facade of the building such as windows, doors, balconies, columns, or patterns or designs formed at the time of construction by the building material. *(As amended by 0-82-170.)*
- (125) **Mansard Roof:** A roof with two slopes on each of the four sides, the lower steeper than the upper. *(As amended by 0-82-170.)*
- (126) **Mansard Roof Sign:** A sign attached to the side of a mansard roof. *(As amended by 0-82-170.)*
- (127) **Marquee:** A permanent roof structure attached to and uniformly supported by a wall of a building, having no connection or relationship with the roof of the building to which it is attached.
- (128) **Marquee Sign:** Any sign attached to the marquee.
- (129) **Mechanical Equipment:** Equipment or extensions thereof used to operate mechanical facilities within a building, including air vents and air heating/cooling/conditioning units.
- (130) **Microwave Link Antenna:** Any antenna which emits microwave signals, except for receivers otherwise regulated in this ordinance. *(As amended by 0-97-15.)*
- (131) **Mini-Warehouse:** Enclosed warehouse units of less than five hundred (500) square feet per unit which are rented or leased to second parties for storage purposes, and which has no outside storage.
- (132) **Mobile Home:** A factory-assembled structure or structure without a permanent foundation and greater than thirty-five (35) feet in length and designed to be transported on its own wheels arriving at the site as a complete dwelling unit, equipped with the necessary service connections, usually including major appliances and furniture and ready for occupancy. Removal of the wheels and placement on a foundation does not change its classification. The phrase "without a permanent foundation" indicates that the support system is constructed with the intent that the mobile home placed thereon will be moved from time to time at the convenience of the owner. The term "mobile home" does not include travel trailers, campers, camper buses, motor homes, or modular homes. This definition includes half units that are transported to the site on their own wheels and then assembled as one (1) unit.
- (133) **Mobile Home Park:** A lot, parcel, or tract of land which is designated and improved for the purpose of providing a location /r accommodations for one (1) or more mobile homes and within which spaces are available to the general public for rent, lease, and the placement thereon of mobile homes for occupancy. Mobile home unit sales lots on which unoccupied mobile homes are located for inspection or sale shall not be considered mobile home parks.
- (134) **Monument Sign:** Also known as low-profile. A ground sign which is integrated into the sign support, usually a pedestal, relatively low in height, and has an appearance of a continuous mass, similar to a structure. *(As amended by 0-82-170.)*

(135) **Motel:** A building containing at least six (6) rooms designed and used as sleeping accommodations for usually transient occupancy, with access to each room available through an individual entrance from the outside of the building.

(136) **Motor Fuel Filling and Service Stations:** A retail establishment at which vehicles are serviced; especially with fuel, oil, air and water; and where ancillary repair, maintenance or replacement of electrical or mechanical devices may be obtained. *(As amended by 0-81-108.)*

(137) **Motor Vehicle:** A self-propelled piece of mechanized equipment powered by a self-contained power unit.

(138) **Nonconforming Building or Structure:** *(See Article 16.)*

(139) **Nonconforming Sign:** Any sign which:

- (a) On the effective date of this Ordinance was lawfully maintained and had been lawfully erected in accordance with the provisions of any sign regulations in any prior zoning ordinance and the applicable Building Code, but which sign does not conform to the limitations established by this Ordinance; or
- (b) On or after the effective date of this Ordinance was lawfully erected and maintained in accordance with the provisions of this Ordinance, and the applicable Building Code, but which sign, by reason of amendment after the effective date of this Ordinance, does not conform to limitations established by such subsequent amendment.

(140) **Nonconforming Use:** *(See Article 16.)*

(141) **Nonprofit:** A use which is operated where no part of the income or profit of which is distributable to its members, directors, or officers, except that income or profit may be distributable to a member which is another nonprofit use. *(Title 7, Articles 20-29, Colorado Revised Statutes 1973, as amended.)*

(142) **Off-Premises Sign:** A sign advertising a business, product or service, or religious, charitable or nonprofit organization, not located upon or available on the premises whereon the sign is located. Off-premises sign does not include directional or informational signs erected by any governmental institution or agency.

(143) **Official Development Plan:** The stipulations and maps associated with a mixed use zone district that set forth the land use regulations for the property as approved by the City Council. *(As amended by 0-83-159.)*

(144) **Open space Area or Landscaped Area**

- (a) Open space areas or landscaped areas include:
  - (1) Walkways, pedestrian paths, open plazas and malls, concourses, passageways, terraces, natural drainage ways, playgrounds, improved rooftops and similar structures designed specifically for active and passive recreational use and which are not designed to be used by motor vehicles except for emergency and service purposes; and
  - (2) Areas used for design purposes, such as planted or landscaped areas, flowerbeds and planters.

(b) Open space areas or landscaped areas do not include:

- (1) Unused or leftover portions of a property which are capable of being developed and which are specifically used for storage or reserved for future expansion, or outdoor areas which are developed for use as a storage area; and
- (2) Motor vehicle uses such as parking lots, open-air showrooms, roads, or service areas, at, above or below ground level. Landscaping over underground parking, however, will be included.

(145) **Open Space - Usable**

(a) Usable open space includes:

- (1) A landscaped area with a minimum dimension of twelve (12) feet, to be used for active and passive recreational activities.
- (2) Common or "public" yards or areas.
- (3) Private yards, patios, decks, or balconies, defined and/or screened by landscaping, fences, and/or building walls, except those areas of balconies and decks above the first level may not be counted toward the open space requirement.
- (4) Club houses, swimming pools, tennis, or other courts (a club house is considered a recreational amenity and therefore may be counted as usable open space).
- (5) Recreational areas with a minimum size determined by types of activities and by project density.

(b) Usable open space may include ponds, drainage ways, and water areas, including flood plains and floodways which are developed as amenities and located so that they are either physically or visually accessible from the residential units. The Director of Community Planning and Development will decide whether to allow part or all of these areas to count toward the usable open space requirement depending on the quality of the amenity and the amount of usable open space provided in other parts of the development. *(As amended by 0-91-59.)*

(146) **Panel Antenna**: Any antenna with both a vertical and horizontal plane designed to receive, transmit, direct, or aim CMRS telecommunication signals. Panel antennae are commonly mounted to a building or other support structure for the transmission or reception of wireless communications signals. *(As amended by 0-97-15.)*

(147) **Parapet Wall**: A low wall or protective railing above the roof line or along the edge of a roof, balcony or terrace.

(148) **Parking Area**: The total area encompassed by off-street parking spaces, which are available to customers, employees, residents, and visitors to the designated area, with or without time limits, as well as the total area encompassed within all access and egress routes designed for use by motor vehicles. Parking area includes emergency access lanes and loading area spaces. *(As amended by 0-81-108.)*

(149) **Perimeter Landscape Area:** That portion of the perimeter of a property which is adjacent to a public right-of-way (except an alley), the length of which portion is equal to the length of the adjacent portion of the public right-of-way and the width of which portion is equal to the distance between the flow line of the adjacent public right-of-way and the nearest structure, parking lot or mobile home located within the property.

(150) **Permanent Sign:** A sign constructed of durable material and affixed, lettered, attached to or placed upon a fixed, nonmoveable, nonportable supporting structure.

(151) **Person:** Natural person, joint venture, joint stock company, partnership, association, club, company corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them. *(As amended by 0-82-170.)*

(152) **Planned Development:** *(See Planned Development District, Section 17-5-24.)* *(As amended by 0-93-34.)*

(153) **Planted Area:** That part of the landscape area that contains living plant materials.

(154) **Porch, Patio, or Deck:** A structure open to the atmosphere on at least two (2) sides and projecting from the front, side, or rear wall of a building. For the purposes of this Ordinance, only those porches, patios, and decks greater than thirty (30) inches above grade or which have a roof shall be subject to required setbacks. *(As amended by 0-89-51.)*

(155) **Portable:** Any sign which is not permanently affixed to a building, structure, or the ground, except signs painted on or magnetically attached to any licensed vehicles and temporary signs as allowed under Article 10. *(As amended by 0-82-170.)*

(156) **Printing Establishment:** A printing business especially for books, periodicals, or newspapers, of a large scale and extended hours of operation, or which normally requires pick-ups and deliveries by large trucks. *(As amended by 0-83-159.)*

(157) **Printing Facility:** A printing business which typically operates at retail, and which does not normally require pick-ups and deliveries by large trucks. *(As amended by 0-83-159.)*

(158) **Processing:** The manufacture of goods and pieces by means of subjecting raw materials or preprocessed material to a special treatment involving synthesis or artificial modification.

(159) **Projecting Sign:** A sign other than a wall sign which projects from and is supported by a wall. *(As amended by 0-82-170.)*

(160) **Radio Antenna:** A device that is used for transmitting and receiving electro-magnetic waves. *(As amended by 0-87-10.)*

(161) **Radio Tower:** A structure that supports an antenna. *(As amended by 0-87-10.)*

(162) **Redevelopment:** The process of removing existing structures and building new ones with or without land aggregation, or adding buildings to a developed site.

(163) **Residence Inn:** A hotel with rooms that have complete kitchen and bathroom facilities intended for semi-transient occupancy. *(As amended by 0-83-159.)*

(164) **Residential Health Care Facility:** A residential facility intended for the care of the infirm or aged, or for the rehabilitation of injured individuals, where medical attention in the form of skilled or intermediate nursing care is provided as a continual benefit. *(As amended by 0-88-67.)*

(165) **Roof Line:** The highest point on any building where an exterior wall encloses usable floor area.

(166) **Roof Sign:** A sign erected upon or above the parapet, or upon the roof and above the roof line, of the building or structure.

(167) **Satellite Dish Antenna:** A "Satellite Dish Antenna" is a device or instrument designed or used for the reception of television or other electronic communications signals, broadcast or relayed from an earth satellite. It may be a solid, open mesh, or bar-configured structure, typically 8 to 10 feet in diameter, in the shape of a shallow dish or parabola

(168) **School - Public, Parochial and Private:** Any public, parochial or private school for any grades between kindergarten and twelfth that is either accredited by the Colorado Department of Education or recognized by and in good standing with the Colorado Department of Education for purposes of compulsory education requirements.

(169) **Screen:** A solid visual barrier.

(170) **Secondary Uses:** (See Article 11.)

(171) **Self-propelled Motor Home:** A motorized vehicle designed or used as a conveyance upon streets and highways and constructed so as to provide temporary occupancy as a dwelling or sleeping place for one (1) or more persons. (As amended by 0-89-32.)

(172) **Semi-Trailer:** Any wheeled vehicle, without motive power, that is designed to be used in conjunction with a truck tractor so that some part of its own weight and that of its cargo rests upon or is carried by such truck tractor, and is generally and commonly used to carry and transport property over the public highways. (As amended by 0-89-32.)

(173) **Servant Animal:** An animal that is needed to perform duties for any person because of medical or handicap circumstances or which is used under a health care provider's order.

(174) **Setback Line - Front:** A line parallel with a front lot line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway, or chimney) which is closest to the front lot line, and intersecting two (2) other lot lines of the lot; or the line concentrically parallel to the right-of-way line of the street on a cul-de-sac (bulb).

(175) **Setback Line - Rear:** A line parallel with a rear lot line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway or chimney) which is closest to the rear lot line, and intersecting two (2) other lot lines of the lot.

(176) **Setback Line - Side:** A line parallel with a side lot line of a lot, tangent to that part of the building or structure (other than an open fire escape, stairway or chimney) which is closest to such side lot line, and intersection two (2) other lot lines of the lot.

(177) **Shopping Center, Business Center and Office/Industrial/Technical Parks or Centers:** A group of two or more professional, office, commercial, industrial or combination thereof establishments that are planned, developed, owned or managed as a unit, related in location, size, and type of establishments to the service area of the unit, and provide on-site parking in definite relationship to the types and sizes of establishments. Where free-standing buildings function as a part of a shopping center, though they may be under separate ownership, they shall be deemed to be a part of the shopping center. (As amended by 0-87-51.)

(178) **Short-Term Advertising Signs:** Signs which advertise the sale of products or services on a short-term basis. (As amended by 0-82-170.)

(179) **Sight Triangle:** The corner area within a corner lot that is adjacent to both right-of-way frontages. The dimensions of the sight triangle are measured from the intersecting point of the property lines which adjoin the right-of-way line a distance of fifty-five (55) feet along each of the property lines and the resulting distance along a line which connects the end point of these measurements.

(180) **Sign:** Any stationary object or device or part thereof situated outdoors or indoors, but subject to public view, which is used to advertise or identify an object, person, institution, organization, business, product, service, or event by means including words, letters, figures, designs, symbols, fixtures, colors, motion, illumination or projected images.

(181) **Signable Area:** The signable area shall mean that area of a building facade up to the roof line which is free of windows and doors or major architectural detail and may be enclosed by an imaginary rectangle. *(As amended by 0-82-170.)*

(182) **Sign Permit:** A building permit issued for the erection, construction, enlargement, alteration, moving, improvement, removal, conversion, or demolition of any sign, issued pursuant to the Building Code.

(183) **Sign Setback:** Ten (10) feet from the property line when adjacent to a street in all but residential zoning districts. The setback is measured from the leading edge of the sign or, if larger, the backing on which a ground sign is placed. *(As amended by 0-82-170.)*

(184) **Sign Structure:** Sign structure shall include, but not be limited to, the supports, uprights, braces, backing, and framework designed to contain a sign message. Sign structure is not meant to include the message conveyed by the sign. *(As amended by 0-81-108.)*

(185) **Sign With Backing:** Any sign that is displayed upon, against or through any material or color surface or backing that forms an integral part of such display and differentiates the total display from the background against which it is placed.

(186) **Sign Without Backing:** Any word, letter, emblem, insignia, figure, or similar character or group thereof that is neither backed by, incorporated in, or otherwise made a part of, any larger display area.

(187) **Site Specific Development Plan:** A plan submitted in conjunction with a rezoning application, which is processed and approved pursuant to Article 18 of this Zoning Ordinance. No land use plan submitted to the City other than one processed in compliance with Article 18 shall be considered a "Site Specific Development Plan" within the meaning of Article 68 of Title 24, Colorado Revised Statutes 1973, as amended, and no vested property right shall be created thereby. *(As amended by 0-88-11.)*

(188) **Storage Structure:** A structure not to exceed one hundred twenty (120) square feet of floor area located on a residential lot and designed to be used solely for the storage and use of personal equipment and possessions of the occupants of the residence.

(189) **Store Unit:** An enclosed floor space designed to occupancy by not more than one business or commercial establishment with an entrance not common to any other business or commercial establishment.

(190) **Street:** A thoroughfare for vehicular traffic.

(191) **Street - Arterial, Collector, Local:** Classification for these basic streets shall be as set forth in the Comprehensive Plan.

(192) **Street Frontage:** The distance along any boundary line of a lot, which is also the boundary line of a public street, road or highway right-of-way.

(193) **Street Frontage - Major:** That portion of a site's street frontage lying along a major collector or arterial roadway as determined by the City of Lakewood Major Street Plan.

(194) **Street Frontage - Primary Major:** That portion of a site's major street frontage which has been designated by the property owner as the primary frontage for his site on a sign system plan. A site shall have only one primary major street frontage.

(195) **Street Furniture:** Items exclusive of building elements that are part of the streetscape; such as benches, planters, newspaper stands, trash receptacles, and street lighting fixtures.

(196) **Street Trees:** Regularly-spaced shade boulevard trees which are part of the streetscape.

(197) **Streetscape Area:** The area directly behind the Colfax curb line, including the curb, brick paver area, wall, and landscape area.

(198) **Structure:** Anything built or constructed and located on or in the ground or attached to something on or in the ground.

(199) **Structural Alteration:** Any change in the supporting member of a building such as bearing walls, columns, beams or girders, floor joists or roof joists.

(200) **Structure or Building Mounted CMRS Telecommunications Facility:** Any CMRS facility, antenna, or equipment attached to or mounted upon any structure or building. Structure or building mounted CMRS telecommunication facilities do not include freestanding CMRS telecommunication facilities as defined by this section 17-2-2. All structure or building mounted CMRS telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted. *(As amended by 0-97-15.)*

(201) **Structured Parking:** A parking area within or beneath a principal or main building, a multi-level parking garage, or an underground parking structure. *(As amended by 0-89-51.)*

(202) **Substantial Alteration:** An increase in the gross floor area of a building or structure, or an increase in the size of a parking area or loading area, by an amount of twenty (20) percent or more from the size as it existed on the effective date of this Ordinance.

(203) **Substantial Remodel:** Any store or tenant except office tenants, which remodels its space at a value of Ten Dollars (\$10.00) per square foot or more (excluding building maintenance items such as re-roof, HVAC, etc.), or expands the existing square footage of a tenant space or building by twenty percent (20%) or more, or any business which remodel includes compliance to Article 15 of the Lakewood Zoning Ordinance. *(As amended by 0-87-51.)*

(204) **Suburban Segment:** The area within the West Colfax Overlay Zone District, between Iris Street and Youngfield Street, characterized by buildings with deeper setbacks and greater building separations. *(As amended by 0-94-29.)*

(205) **Suspended Sign:** A sign suspended from the ceiling of an arcade or marquee. *(As amended by 0-82-170.)*

(206) **Tavern:** Any establishment selling by the drink, fermented malt beverages, or malt, vinous or spirituous liquors, but not including dance halls.

(207) **Temporary Sign:** Includes, but is not limited to, any exterior sign, banner, pennant, valance, or advertising display which is:

- (a) Constructed of cardboard, paper, cloth, canvas, fabric, plywood, lightweight plastic or other lightweight material, with or without frame; and
- (b) Designed for short-term use, or to be moved about from place to place, or not permanently affixed to a fixed, nonmoveable, nonportable, supporting structure. "Temporary Signs" shall include signs placed in the open bed of a vehicle, or printed, affixed, lettered, placed upon or attached to a vehicle; but, however,
- (c) Temporary signs shall not include signs printed, painted upon or attached to motor vehicles used primarily for the delivery of products, passengers, or services, or for business purposes other than as a sign. *(As amended by 0-82-170.)*

(208) **Third Party Sign:** A sign relating to products or services not on the same marquee. *(As amended by 0-82-170.)*

(209) **Time and/or Temperature Devices:** Signs consisting of devices which provide time or temperature information.

(210) **Trade and Technical Services:** Fabrication, assembly, packaging, wholesaling, indoor storage, repair, rental, or servicing of any commodity, the sale of which is permitted within the zone district.

(211) **Transit Shelters:** A shelter installed at a bus stop or other public transit stop pursuant to an approved and executed agreement between the City and a provider of transit shelters. *(As amended by 0-97-37.)*

(212) **Transit Shelter Sign:** A sign with two (2) panels measuring four (4) feet in width and six (6) feet in height which is attached to a transit shelter by a transit shelter provider which is located along a major transportation corridor and fully conforms to all requirements of an approved and executed agreement between the City and the transit shelter provider and Article 10 of the City of Lakewood Zoning Ordinance. *(As amended by 0-97-37.)*

(213) **Trailer:** Any wheeled vehicle, without motive power, that is designed to be drawn by a motor vehicle and to carry its cargo load wholly upon its own structure and which is generally and commonly used to carry and transport property over the public highways. *(As amended by 0-89-32.)*

(214) **Transition Segment:** That area, within the West Colfax Overlay Zone District, between Simms Street and Carr Street, which contains characteristics of both the urban and suburban zone. *(As amended by 0-94-29.)*

(215) **Travel Trailer:** A portable structure, mounted on wheels and designed to be towed by a motor vehicle and which is of a length equal to or less than thirty-five (35) feet and containing cooking or sleeping facilities to provide temporary living quarters for recreational camping or travel use. Such structures may be constructed with rigid sides or may have collapsible side walls of fabric, plastic or other pliable material.

(216) **Travel Trailer Campground:** Land or property utilized for or intended for use of renting temporary occupancy space to transient users of travel trailers, mounted camper units, motor homes, and tents.

(217) **Truck Tractor:** Any motor vehicle that is generally and commonly designed and used to draw a semi-trailer and its cargo load over the public highways. *(As amended by 0-89-32.)*

(218) **Urban Segment**: That area, within the District, between Iris Street and Sheridan Boulevard characterized by buildings constructed close to the street, more intense development, and more extensive use of hardscape elements (i.e., walls, paved areas, etc.) *(As amended by O-94-29.)*

(219) **Vested Property Right**: The right to undertake and complete the development and use of property under the terms and conditions of a Site Specific Development Plan approved pursuant to Article 18 of this Zoning Ordinance. *(As amended by O-88-11.)*

(220) **Veterinary Hospital**: A place where animals of all types are given medical or surgical treatment, and where use as a kennel is limited to short-time boarding and only incidental to such hospital use and need not be enclosed within the main building.

(221) **Veterinary Clinic - Small Animal**: A place where small animals such as dogs, cats, birds and the like are given medical or surgical treatment, and where use as a kennel is limited to short-time boarding and only incidental to such hospital use, and where all uses are enclosed within a sound-proof building and no objectionable odor is emitted.

(222) **Walkway**: An all-weather surface designed to accommodate pedestrian movements.

(223) **Wall Sign**: A sign attached to, painted on, or erected against a building, structure or fence.

(224) **Watercourse**: A river, creek, gulch, stream, or similar conduit, or a tributary of such a conduit, with or without perceptible bed or banks, in which flows of water occur on a regular or continuous basis.

(225) **West Colfax Overlay District**: That area along West Colfax Avenue identified in "Exhibit A" that these standards and regulations apply to; also referred to in this Ordinance as the "District" or "Overlay District." *(Reenacted by O-94-29.)*

(226) **Whip Antenna**: Any antenna cylindrical in shape that emits signals in a 360 degree horizontal plane for the transmission or reception of wireless communications signals. *(As amended by O-97-15.)*

(227) **Wind-powered Electric Generators**: A mill or other machine that runs on the energy generated by a wheel of adjustable blades or slats rotated by the wind for the purpose of converting mechanical energy into electrical energy.

(228) **Window Area**: The area of all windows on the first floor of a building which faces or are visible from one public right-of-way. *(As amended by O-82-170.)*

(229) **Window Sign**: A sign which is applied or attached to or located within one (1) foot of the interior of a window, which sign can be seen through the window from the exterior of the structure. *(As amended by O-82-170.)*

(230) **Wind Sign**: Any sign set in motion by wind or breeze, such as banners, flags, pennants, or other objects or material. Flags of nations, states, or municipalities shall not be classified as wind signs. *(As amended by O-82-170.)*

(231) **Yard**: An open space which is located on the same lot as a building and which is unoccupied and unobstructed over a height of thirty (30) inches.

(232) **Yard - Front**: That portion of yard lying between the front lot line and the front setback line of such lot. A corner lot shall have at least two (2) front yards.

(233) **Yard - Non-Primary Front**: Those front yards which do not have the main entrance of the principal building oriented toward them.

- (234) **Yard - Primary Front:** The front yard abutting a public right-of-way where the main entrance of the principal building is oriented.
- (235) **Yard - Rear:** That portion of a yard lying between the rear lot line and the rear setback line of the lot.
- (236) **Yard - Side:** That portion of a yard lying between a side lot line and the nearest parallel side setback line of the lot.
- (237) **Zero Lot Line Dwelling:** A dwelling unit constructed such that one or more walls are located immediately adjacent to one or more lot lines, either side or rear.

## ARTICLE 3: DISTRICTS AND MAPS

17-3-1. **CREATION OF DISTRICTS.** In order to carry out the purposes of this Ordinance, the City of Lakewood shall be divided into the following zone districts: *(As amended by 0-97-09.)*

R1A Residential One Acre District  
RR Rural Residential District  
1-R Large Lot Residential District  
2-R Small Lot Residential District  
3-R Duplex and Small Lot Residential District  
3-RA High Density Detached/Low Density Attached Residential District  
4-R Medium Density Attached Residential District  
4-RA High Density Attached Residential District  
5-R Higher Density Residential District  
5-RA Unlimited Density Residential District  
6-R Mobile Home Residential District  
OF Office District  
1-C Convenience Commercial District  
2-C Neighborhood Commercial District  
3-C Community Commercial District  
4-C Regional Commercial District  
5-C Large Lot Commercial District  
IN Industrial District  
PD Planned Development Zone District

### 17-3-2. **ZONING DISTRICT MAP**

- (1) The location of land placed within specified zone districts prior to the effective date of this Ordinance is shown on the maps entitled Official Zoning District Map of the City of Lakewood, hereby designated as the official City of Lakewood zoning district maps. These maps are made a part of this Ordinance by this reference, and the districts set forth and shown therein are hereby approved. The official maps shall be filed in the Office of the City Clerk of the City of Lakewood and with the City Planning Commission.
- (2) When land is initially zoned or rezoned pursuant to this Ordinance, such changes shall be made on the Official Zoning District Map of the City of Lakewood within forty-five (45) days after the ordinance embodying the zoning or rezoning is adopted by the City Council.
- (3) In the event that the Official Zoning District Map becomes damaged, destroyed, lost or difficult in interpret because of the nature or number of changes and additions, the City Council may, by resolution, adopt a new Official Zoning District Map, which shall supersede the prior Official Zoning District Map. The new Official Zoning District Map may correct drafting or other errors or omissions in the prior Official Zoning District Map, but no such correction shall have the effect of amending the original zoning ordinance or any subsequent amendment thereto.

**17-3-3. INTERPRETATION OF DISTRICT BOUNDARIES.** Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district maps, the following rules shall apply:

- (1) In subdivided areas, unless otherwise shown on the maps, the district boundaries are either streets, alleys or record lot lines, and where a district boundary line is approximately along a street, alley or record lot line, said street, alley or lot line shall be construed to be the boundary.
- (2) In unsubdivided areas, the district boundaries, unless otherwise shown on the maps, are streets, highways or land survey lines. Where a portion of any district is indicated upon the district map as a strip paralleling a street or highway, the width of the strip, unless given in figures, shall be determined by the use of the scale of the map.

**17-3-4.** The Official Zoning District Maps of the City of Lakewood are hereby amended so that all references to the MU Mixed Use Zone District and the MU Mixed or Single Use Zone District are deemed to be references to the PD Planned Development Zone District. *(As amended by 0-93-34.)*

**17-3-5.** The official Zoning District Maps of the City of Lakewood are hereby amended so that all references to the (CN) Conservation Zone District are deemed to be references to the (R1A) Residential one Acre Zone District. *(As amended by 0-97-9.)*

## ARTICLE 4: ADMINISTRATION, VARIANCES AND APPEALS

### 17-4-1. BUILDING PERMITS.

- (1) In addition to the requirements of the Building Code, no building permit shall be issued unless:
  - (a) Issuance of the permit is authorized by the Director; and
  - (b) The plans for the proposed construction, enlargement, alteration, repair, improvement or conversion, and the use of the building or structure conforms to all requirements of this Zoning Ordinance.
- (2) The application for each building permit, in addition to any other required information, shall give a description of the lot or land involved, the location and intended use of the proposed building or buildings, the number of housekeeping units the building is designed to accommodate, if any, and such other information as may be required by this Ordinance. All applications for permits and copies of permits issued shall be kept for ready public reference by the Department of Community Planning and Development. *(As amended by 0-91-59.)*
- (3) For all new buildings, before footing inspections and approval thereof, the owner, lessee, builder or contractor shall locate the property boundaries by placing at the property corner of the building site stakes or other monuments to establish said boundaries.

### 17-4-2. DEPARTMENT OF COMMUNITY PLANNING AND DEVELOPMENT. *(As amended by 0-91-59.)*

- (1) It shall be the duty of the Director of Community Planning and Development to enforce the provisions of this Ordinance and the regulations contained herein.
- (2) The Director of Community Planning and Development may delegate to any employee of the Department of Community Planning and Development any of the responsibilities assigned to the Director by this Ordinance. The delegation by the Director shall be in writing with the specific responsibilities delegated also designated in writing. The designee shall be subject to the same restrictions and standards as are applicable to the Director.
- (3) The Director of Community Planning and Development and such persons as he may designate in writing shall be considered peace officers within the meaning of the Lakewood Municipal Code Section 1.04.010(10) solely for the purposes of enforcing the provisions of this Ordinance. *(As amended by 0-91-59.)*
- (4) No oversight or dereliction or error on the part of the Director or any employee of the Department of Community Planning and Development or on the part of any other official or employee of the City of Lakewood shall legalize, authorize, or excuse the violation of any of the provisions of this Ordinance.

#### **17-4-3. BOARD OF ADJUSTMENT VARIANCES.**

- (1) In passing upon appeals, the Board of Adjustment may vary the application of the regulations set forth in this Zoning Ordinance only if the Board finds that: *(As amended by 0-93-11.)*
  - (a) By reason of exceptional narrowness, shallowness or shape of a specific piece of property on the date this section takes effect or by reason of exceptional 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 variance, if granted, will observe the spirit of this Ordinance, secure the public safety and welfare, and achieve substantial justice;
  - (c) The variance, if granted, will not adversely affect the adjacent property or the neighborhood;
  - (d) The variance, if granted, will not substantially or permanently impair the appropriate use or development of adjacent property;
  - (e) The variance, if granted, is the minimum variance that will afford relief with the least modification possible of this Ordinance; and,
- (2) In deciding variance applications, the Board may consider whether the alleged difficulty or hardship was self-imposed.
- (3) The Board of Adjustment may not grant any variance relating to the use of property. *(As amended by 0-93-11.)*
- (4) The Board of Adjustment shall conduct a public hearing on each variance application, with prior notice thereof pursuant to its rules and regulations.
- (5) No variance shall be granted by the Board of Adjustment until a variance fee has been paid by the applicant. The amount of the fee shall be established by the City Council, and shall vary according to whether the variance is deemed major or minor. *(As amended by 0-85-125.)*

#### **17-4-4. MINOR VARIANCES.**

- (1) Upon application, the Director may grant a variance from the application of standards relating to setback, lot area, lot width, and the minimum number of required parking spaces, for a particular use on a specific piece of property only if:
  - (a) The variance, if granted, does not deviate more than twenty (20) percent from the requirement, independent of variances granted for other requirements; provided, however, the Director may not grant variances of lot area more than ten (10) percent of the minimum lot area, and may not grant variances of lot width more

than ten (10) percent of the minimum lot width, independent of variances granted for other requirements. The Director may grant variances to the number of required parking spaces up to ten (10) percent or five (5) parking spaces, whichever is less. The intent of this provision is to provide for variances with certain percentage limitations, and further to clarify that any variance is considered to be independent of any other variance and is not to be considered cumulative. The Director shall have no authority to grant a variance for the purpose of qualifying any property for rezoning consideration. *(As amended by O-94-81.)*

- (b) The Director finds that the proposed variance meets each of the standards set forth in Section 17-4-3(1)(a) through (e).
- (c) The applicant pays a variance fee in an amount established by City Council Resolution.

(2) In deciding variance applications, the Director may consider whether the alleged difficulty or hardship was self-imposed.

(3) Written notice shall be provided at the applicant's expense, on forms provided by the Department of Community Planning and Development, to all owners of property adjacent to the applicant's property, that a variance application is pending, describing the variance requested, indicating where written or oral objections to the variance may be presented, and stating that no hearing on the variance application will be held unless objections to the variance and a request for a hearing are filed, in writing, with a specified person in the Department of Community Planning and Development, within a time set forth in the notice, but not earlier than ten (10) days after mailing of the notice. On the same day that written notice is provided to owners of adjacent property, notice that the variance application is pending shall also be posted by the applicant on the applicant's property for at least ten (10) days and shall state where additional information on the variance may be obtained. The posted notice shall be in such form and contain such additional information as the Director may require. *(As amended by O-91-59.)*

**17-4-5. EXPIRATION OF VARIANCE.** Any variance granted by the Board or Director shall automatically expire within one hundred eighty (180) days of the date it was granted, or within such other time as the Board or Director may prescribe, unless a building permit for the variance is obtained within such period of time. Extensions of time may be granted for good cause shown, but only if an application for the extension is made prior to the expiration of the variance.

**17-4-6. APPEALS TO THE BOARD OF ADJUSTMENT.**

- (1) Unless otherwise stated in this Ordinance, the Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee in the enforcement of this Ordinance. *(As amended by O-94-81.)*
- (2) Appeals of an order, requirement, decision, or determination may be made by the owner or lessee of the property to which the Director's or employee's action pertains. An order, requirement, decision, or determination by the Director or any employee shall be made

in writing and sent by regular mail to the address furnished by the owner or lessee. Appeals by the owner or lessee to the Board of Adjustment must be filed in writing with the Director no later than 15 days from the date of the Director's or employee's action. Any appeal shall be accompanied by a Board of Adjustment appeal fee in an amount established by City Council Resolution. *(As amended by O-94-81)*

**17-4-7. ADDITIONAL POWERS OF THE BOARD OF ADJUSTMENT.**

- (1) Upon application, the Board of Adjustment may reduce the total number of off-street parking spaces required pursuant to Section 17-9-1(3) if the Board finds that the parking demand engendered by different uses included in any integrated parking and access system occurs at such different times of day that successive, rather than simultaneous, demands for use will be placed on the parking spaces within the system. The total number of spaces required, although reduced, shall remain sufficient to reasonably serve the demand created by all uses included in the system.
- (2) Upon application, the Board of Adjustment may reduce the number of off-street parking spaces required for any particular use if the Board finds that, because of the unique and peculiar nature of a proposed use of property, the total number of parking spaces required by this Ordinance for the use is unnecessary or would create practical difficulties or unnecessary hardship. The number of spaces required for such use, although reduced, shall remain sufficient to reasonably serve the demand created by the use.
- (3) Upon application, the Board of Adjustment may reduce the structural parking requirements of Section 17-9-2(3)(b) for multi-family structures upon evidence that the parking required by Section 17-9-2(3)(a) and the open space required by Section 17-5-12(5) for such multi-family structures is provided on the site. *(As amended by O-82-71.)*
- (4) All applications for parking variances to the Board of Adjustment must be supported by technical documentation to justify the variance request. Typically, parking accumulation studies for uses similar to the one for which a variance is being requested will suffice. *(As amended by O-85-125 and O-90-39.)*
- (5) Any application for a parking variance, as provided in subsections (1) through (3) above, shall be accompanied by an application fee in an amount established by City Council Resolution. *(As amended by O-85-125.)*
- (6) The Board shall have such other powers as are granted to it by this and any other ordinance of the City of Lakewood. *(As amended by O-85-125.)*

**17-4-8. MINIMUM WIDTH OR AREA OF LOT.** Upon proof that a lot is shown on a subdivision plat of record in the Office of the County Clerk and Recorder of Jefferson County on or before April 30, 1969, with a smaller area or less width than the minimum area or width requirements of this Ordinance, a building permit for the construction, conversion, or structural alteration of a building or buildings on such lot may be issued so long as all other requirements of this Ordinance are met.

17-4-9. **JUDICIAL REVIEW.** Any person applying to the courts for a review of any final and reviewable decision made under this Zoning Ordinance by the City Council, Planning Commission or Board of Adjustment, shall pay the cost of preparing any necessary transcript and any necessary record of proceedings.

## ARTICLE 5: DISTRICT REGULATIONS

### 17-5-1. **LOTS.** Except as may be otherwise specifically provided herein:

- (1) No lot shall be reduced or diminished, nor shall any structure be so enlarged or moved, as to reduce below the minimum, the required yard, lot area, width of lot, open spaces, setbacks or other requirements of the zone district where located, except where the Board of Adjustment grants a variance and the use of the remaining land within its zone district would not create a hazardous situation or be unreasonable.
- (2) Every main building hereafter constructed in the R1A, R-R, 1-R, 2-R, and 3-R zone districts and every single household dwelling unit or duplex that is constructed in the 3-RA zone district which is not a part of a larger development that includes common facilities shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot. In the 3-RA district where common facilities are provided, and in the 4-R, 4-RA, 5-R, 5-RA, 6-R, OF, 1-C through 5-C inclusive, IN, and PD districts there may be more than one main building per lot provided the following conditions are satisfied: 1) all buildings on the lot are in single ownership or unified control, such as a condominium association for residential uses, or a partnership or other entity for commercial, office or other similar uses; 2) all buildings on the lot are in conformance with the site development standards as set forth in the general requirements of the Lakewood Zoning Ordinance, including Article 15, and the Lakewood Subdivision Ordinance. *(As amended by 0-81-108; 0-85-28; 0-89-51; and 0-93-34.)*
- (3) The front of a yard on a lot shall be as indicated on the plat, regardless of the location or facing of any building or structure thereon, and shall be that portion adjacent to a public street which corresponds to the fronts of the majority of the lots in the block. A corner lot shall have at least two (2) front yards.
- (4) Street Frontage - Cul-de-sac Lot: A cul-de-sac lot will have at least thirty (30) feet of street frontage. *(As amended by 0-82-19.)*

### 17-5-2. **UNNAMED USES.** Uses not specifically named within a zone district are not allowed except as follows:

- (1) Upon application therefor, the Director of Community Planning and Development may determine whether a proposed use which is not specifically named within any zone district created by this Ordinance, and is not an accessory or secondary use, is similar to and compatible with uses otherwise allowed within a specific zone district and may, upon making a determination of similar and compatible uses, allow the proposed use within that district. *(As amended by 0-91-59.)*
- (2) In making the determination of similarity and compatibility, the Director shall consider, among other relevant matters, traffic generation, density of population and hours of operation of the proposed use in comparison to specifically named uses within the zone district, and the location of use criteria set forth in the Comprehensive Plan.
- (3) Any appeal from a decision of the Director shall be made to the Board of Adjustment pursuant to Section 17-4-6. In considering the appeal, the Board of Adjustment shall apply the same standards applicable to the decision of the Director.

### **17-5-3. ADDITIONAL USE REGULATIONS.**

- (1) In addition to other applicable regulations, uses in every zone district shall comply with the applicable regulations set forth in this Zoning Ordinance for setbacks, fences, walls, and obstructions, off-street parking of motor vehicles, display of signs, secondary uses, accessory uses, and flood hazards.
- (2) Regulation of Illumination on Private Property. In the interest of compatibility of surrounding land uses, illumination of any kind on private property shall be directed and controlled in such a manner so that there shall be no direct rays of light which extend beyond the boundaries of the property from where it originates. It is not the intent of this Section 17-5-7 to regulate illumination of public recreation facilities. *(As amended by O-81-108.)*

### **17-5-4. ADDITIONAL USES PERMITTED IN ALL ZONE DISTRICTS.**

- (1) The following uses are permitted in every zone district:
  - (a) Public transportation structures and facilities;
  - (b) Irrigation ditches;
  - (c) Electric transmission lines;
  - (d) Telephone exchanges, electric substations designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity at less than 115 kilovolts; and gas regulator stations; provided that no repair or storage facilities are maintained;
  - (e) Railroad rights-of-way, but not including railroad freight yards, passenger stations, or storage; and
  - (f) Public parks.
  - (g) Outdoor civil defense public warning siren system, and the apparatus to which it is attached, installed by the City of Lakewood or authorized contractor of the City of Lakewood. This system is not subject to the height restrictions of the individual zone districts in which it may be located. *(As amended by O-85-78.)*
- (2) The following uses are permitted in every zone district upon approval of a site plan pursuant to Article 15 of this Ordinance:
  - (a) Electric substations designed to provide switching, voltage transformation, or voltage control required for the transmission of electricity at 115 or more kilovolts;
  - (b) Public recreational facilities, which may include, as a Secondary Use, amusement centers; *(As amended by O-82-156.)*
  - (c) Private nonprofit recreational facilities open to use by the public, which may include, as a Secondary Use, amusement centers; *(As amended by O-82-156.)*
  - (d) Emergency health care facilities, other than ambulance service facilities;

- (e) Public fire and police stations;
- (f) Emergency, noncommercial, helipad;
- (g) Public water supply wells, public water treatment and storage facilities, but not including waste water. *(As amended by 0-85-78.)*
- (h) Churches; and
- (i) Public, parochial, and private schools.
- (j) City Hall, or any subsequent use of a building originally constructed for and used as a City Hall, subject to the restrictions and regulations of the Office (OF) District. *(As amended by 0-82-37.)*

(3) In any zone district, a mobile home or other structure may be used temporarily for office purposes during construction or remodeling activities connected with a use permitted on a lot, provided that:

- (a) The mobile home or other structure is removed from the site when the construction or remodeling is completed;
- (b) The mobile home or other structure is adequately secured against damage and overturning by winds; and
- (c) The mobile home or other structure meets the requirements of the Building Code regarding construction, foundation, blocking and utilities, and such compliance is evidenced by issuance of a temporary certificate of occupancy for a period of one (1) year, with one renewal permitted but not to exceed a total period of two (2) years.

(4) The following uses are permitted in every zone district subject to the approval of a Special Use Permit pursuant to Article 6 of this Ordinance:

- (a) Government office building or any subsequent use of a building originally constructed for or used as a government office building, subject to the restrictions and regulations of the Office (OF) Zone District. *(As amended by 0-85-81.)*
- (b) Group living quarters for the temporary shelter of homeless persons when located in a church, school, or other community building. *(As amended by 0-88-67.)*

(5) Historical Buildings, Structures and Sites. A Historic Place is allowed in all zone districts and shall comply with the use regulations of the applicable zone district. Applications for designation as a Historic Place, including exceptions to the Zoning Ordinance to establish conditions to protect existing features in or on a historic place without modifying the place shall be through a Special Use Permit as outlined in Section 17-6-4 (16). *(As amended by 0-88-14.)*

**17-4-4.5 ADDITIONAL USES PERMITTED IN RESIDENTIAL ZONE DISTRICTS.** *(As amended by O-96-16).*

(1) The following uses are permitted in every residential zone district subject to the approval of a Special Use Permit pursuant to Article 6 of this Ordinance:

(a) Higher education classrooms and offices.

**17-5-5. OCCUPANCY OF TRAVEL TRAILER, MOTOR HOME, OR CAMPER UNIT.** A travel trailer, motor home, or camper unit not located within a travel trailer campground, may be occupied for a period of time not to exceed two (2) weeks from the date that the travel trailer, motor home, or camper unit first arrives within the City. During such time, an adequate water supply and adequate toilet facilities shall be available at all times to the occupants of the trailer. In no case shall occupancy of such travel trailer, motor home, or camper unit extend beyond the two week limitation set forth herein.

**17-5-6. STORAGE OF TRAVEL TRAILER, MOTOR HOME, OR CAMPER UNIT.** Not more than one travel trailer, motor home, or camper unit per dwelling unit shall be stored on private premises in any residential zone district.

**17-5-7. (R1A) RESIDENTIAL ONE ACRE.** *(As amended by O-97-9)*

(1) No building or land within the R1A District shall be used and no building or structure shall be hereafter constructed or altered except for one or more of the following uses:

- (a) Agricultural uses.
- (b) Cemeteries and crematoriums.
- (c) Single household dwellings.
- (d) Child care camps.
- (e) Public and private stables, including riding academies, and the keeping of only the following animals: horses, cattle, sheep, goats, poultry, pigeons, rabbits and chinchillas.

(1) All horses, cattle, sheep, and goats shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit but including the garage, shall be nine thousand (9,000) square feet for the first such animal, and six thousand (6,000) square feet for each additional such animal. A minimum containment area of 300 square feet shall be provided and used for each animal and any previously constructed containment area that does not meet the minimum area requirement must be enlarged.

- (2) The use of temporary buildings or trailers for the stabling of horses in excess of one (1) fifteen (15) day period during each calendar year is prohibited.
- (3) No building, riding ring, or corral, shall be located in any manner so that any part thereof shall be less than one hundred (100) feet from the front lot line or less than fifteen (15) feet from the side or rear lot line.

(4) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. All such houses, coops and hutches must be set back fifteen (15) feet from the side and rear property lines and one hundred (100) feet from the front lot line. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.

(5) Sanitary Conditions. The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. If an owner chooses to accumulate manure in a pile or in piles, it shall be removed from the property at a minimum of once each month or cultivated into the ground. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste.

(f) Home occupations.

(g) Private garage.

(h) Veterinary hospitals.

(i) Wind-powered electric generators not to exceed sixty (60) feet in height measured from ground level to the top of the blade diameter. *(As amended by 0-81-108.)*

(2) Notwithstanding anything to the contrary in Subsection 17-5-7(1), City-owned land within the R1A District which is used or held for open-space or park purposes shall not be permitted to be used for any other purpose than open-space or park purposes. *(As amended by 0-97-9.)*

(3) The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

(a) Group homes. *(As amended by 0-88-67.)*

(b) Mineral resource extraction of sand, gravel, rock, earth, and other similar materials. *(As amended by 0-85-80.)*

(c) Golf driving ranges.

(d) Private golf course, country club, or other private club operated for benefit of members only and not for gain.

- (e) Campground for travel trailers, mounted camper units, motor homes, and tents. This permits only campground areas for tourists, campers, hunters, fishermen, mountain climbers, and other such individuals involved in similar temporary transient activity. It shall not be construed to permit mobile homes.
- (f) Greenhouses and nurseries, including landscaping materials, both wholesale and retail.
- (g) Roadside stands for operation during not more than six (6) months in each year for the sale of farm products produced or made on the premises, provided such stands are set back at least thirty (30) feet from the front lot line.
- (h) Airports, commercial radio and television studios, commercial radio and television towers. *(As amended by 0-81-108.)*
- (i) Racetracks.
- (j) Sanitary landfills.

(3) No dwelling unit shall exceed a height of thirty-five (35) feet. No buildings or structures, other than dwelling units shall exceed a height of fifty (50) feet. Radio antenna, radio towers, and amateur radio towers and antennas shall not be subject to any height restriction. *(As amended by 0-87-10.)*

(4) The following lot area and width requirements shall apply:

- (a) For any dwelling unit hereafter constructed or altered for any use as contained within Subsection 17-5-7(1), there shall be a minimum lot area of one (1) acre. For any other building hereafter constructed or altered for any use as contained within Subsection 17-5-7(1), there shall be no minimum lot size;
- (b) For any use as contained within Subsection 17-5-7(3), there shall be a minimum lot area of three (3) acres;
- (c) The minimum width of a lot for any use shall be one hundred forty (140) feet;
- (d) Buildings, including accessory structures, shall not cover more than ten (10) percent of the area of any parcel of land in this zone. Campgrounds shall not cover more than twenty (20) percent of the area of any parcel on which approval for such use has been given, provided that not less than twenty thousand (20,000) square feet be provided for each camp site.

(5) Manure storage areas shall be so screened as to not be in view of other adjacent private property, from adjacent public thoroughfares, or from areas of public access. Manure shall not be allowed to accumulate so as to cause a hazard to the health, welfare, or safety of humans or animals. The outside storage of manure in piles shall not be permitted within one hundred (100) feet of the front lot line and shall conform to the side and rear setback requirements for a dwelling.

(6) For any development within a subdivision of two (2) lots or greater which subdivision receives final plat approval in accordance with Section 16-4-1(8) of the Subdivision

Ordinance of the City of Lakewood after the effective date of this ordinance, any building or structure constructed or substantially altered shall comply with article 15 of the Zoning Ordinance. *(As amended by O-95-24.)*

**17-5-8. (RR) RURAL RESIDENTIAL DISTRICT** *(As amended by O-96-16.)*

- (1) **Intent of District.** The intent of this residential district is to protect the existing rural character of an area and to establish a rural pattern of development, which allows for low density single family residences and agricultural uses suitable for a residential area.
- (2) **District Regulations.** No building or land within the RR District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:
  - (a) Single household dwellings.
  - (b) Home occupations as allowed in the 1-R (Large Lot Residential) zone district.
  - (c) Agricultural uses.
  - (d) In conjunction with an occupied single-family dwelling, accessory buildings including garages, private stables and barns which together with all on-site principal buildings are not to exceed 25% of the total lot area for the keeping of only the following animals: horses, llamas, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas.
    - (1) All horses, llamas, cattle, sheep, and goats shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit but including the garage, shall be nine thousand (9,000) square feet for the first such animal and six thousand (6,000) square feet for each additional such animal, but in no event to exceed a total of four (4) such animals per acre, except that offspring of animals on the property may be kept until weaned. A minimum containment area of 300 square feet shall be provided and used for each animal, and any previously constructed containment area that does not meet the minimum area requirement must be upgraded.
    - (2) No building, riding ring, or corral shall be located in any manner so that any part thereof shall be less than one hundred (100) feet from the front lot line or less than fifteen (15) feet from the side or rear lot line.
    - (3) The use of temporary buildings or trailers for the stabling of horses in excess of one 15-day period in each calendar year is prohibited.
    - (4) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. All such houses, coops and hutches must be set back fifteen (15) feet from the side and rear property lines and one hundred (100) feet from the front lot

line. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.

- (5) **Sanitary Conditions.** The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent private property, from any adjacent public thoroughfare, or from areas of public access, and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. If an owner chooses to accumulate manure in a pile or in piles, it shall be removed from the property at a minimum of once each month or cultivated into the ground. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream, or storm sewer from runoff containing contaminants resulting from animal waste.
- (3) **Special Uses.** The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided for in Article 6 of the City of Lakewood Zoning Ordinance:
  - (a) Group homes.
  - (b) Roadside stands for operation during not more than six (6) months in each year for the sale of farm products produced or made on the premises, provided such stands are set back at least thirty (30) feet from the front lot line.
  - (c) Wind powered electric generators.
- (4) **Development Standards.** Any omissions will defer to the standards and requirements of the 1-R zone district.

ITEM	STANDARD
MINIMUM LOT SIZE	<p>(a) Newly platted lots must have an average size of 30,000 square feet and a minimum lot size of one half acre (21,780 square feet).</p> <p>(b) Parcels subdivided into three or more lots must average a minimum of 30,000 square feet; parcels rezoned and/or subdivided into two lots must be at least one half acre (21,780 square feet).</p>
MINIMUM LOT WIDTH	<p>(a) For lots platted after December 16, 1985, 100' wide.</p> <p>(b) Where evidence provided that lots were legally platted or created by deed and existed at current width prior to December 16, 1985, historical width.</p>
MAXIMUM BUILDING HEIGHT	<p>35': dwelling units and barns</p> <p>20': other accessory buildings (not to exceed one story)</p> <p>10': accessory buildings located in side and rear setbacks (must be no more than 120 square feet in size)</p>
MAXIMUM BUILDING COVERAGE	25% of square footage of the lot including principal and accessory buildings
SETBACKS	
front	<p>25': local streets</p> <p>35': collector streets</p> <p>40': arterial streets</p> <p>Behind principal structure: stables, barns, riding rings or corrals; poultry houses; pigeon coops; rabbit and chinchilla hutches</p>
side	<p>15': main building, livestock buildings</p> <p>10': detached accessory buildings</p>
rear	<p>15': main building, livestock buildings</p> <p>10': detached accessory buildings</p>
FENCES	<p>(a) 72" on property line; front, side and rear</p> <p>(b) 50% open surface in front yard</p> <p>(c) open, solid surface on side, rear</p> <p>Electrified permitted on side and rear only if placed at least 5' inside another security fence and warning is posted.</p> <p>No barbed wire permitted.</p>
PARKING	2 off-street spaces/dwelling unit

(5) For any development within a subdivision of two (2) lots or greater which subdivision receives final plat approval in accordance with Section 16-4-1(8) of the Subdivision Ordinance of the City of Lakewood after the effective date of this ordinance, any building or structure constructed or substantially altered shall comply with article 15 of the Zoning Ordinance. *(As amended by 0-95-24.)*

**17-5-9. (1-R) LARGE LOT RESIDENTIAL DISTRICT.**

(1) No building or land within the 1-R District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

- (a) Single household dwelling.
- (b) Home occupations.
- (c) In conjunction with an occupied single-family dwelling, private stables and barns not exceeding eight hundred (800) square feet of gross floor area and the keeping of only the following animals: horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas.

(1) All horses, cattle, sheep, and goats shall be kept in a fenced area. The minimum square footage of open lot area, not including the dwelling unit but including the garage, shall be nine thousand (9,000) square feet for the first such animal and six thousand (6,000) square feet for each additional such animal, but in no event to exceed a total of four (4) such animals per acre, except that offspring of animals on the property may be kept until weaned. A minimum containment area of 300 square feet shall be provided and used for each animal and any previously constructed containment area that does not meet the minimum area requirement must be upgraded.

(2) No building, riding ring, or corral, shall be located in any manner so that any part thereof shall be less than one hundred (100) feet from the front lot line or less than fifteen (15) feet from the side or rear lot line.

(3) The use of temporary buildings or trailers for the stabling of horses in excess of one (1) fifteen (15) day period in each calendar year is prohibited.

(4) Poultry and pigeons are permitted and may be kept without regard to number as long as they are in a fenced area or private poultry houses and pigeon coops, with no more than four hundred (400) square feet of gross floor area; rabbits and chinchillas are permitted and may be kept without regard to number as long as they are in a fenced area or private rabbit and chinchilla hutches with no more than one hundred (100) square feet of gross floor area. All such houses, coops and hutches must be set back fifteen (15) feet from the side and rear property lines and one hundred (100) feet from the front lot line. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop as long as the pigeons do not create a public nuisance.

(5) Sanitary Conditions. The accumulation of manure by any means shall not be permitted within one hundred (100) feet of the front lot line or within fifteen (15) feet of the side and rear lot lines. Manure stored in a pile or piles shall be screened as to not be in view from any adjacent public thoroughfare, or from areas of public access and shall be treated so as to not create a nuisance. Any containment area and/or manure pile shall be kept so as to not attract flies, create excessive odors, and so as to not cause a hazard to the health, safety and welfare of human beings and/or animals. If an owner

chooses to accumulate manure in a pile or in piles, it shall be removed from the property at a minimum of once each month or cultivated into the ground. Drainage improvements shall be provided by the property owner to protect an adjacent property, water body, river, stream or storm sewer, from runoff containing contaminants resulting from animal waste.

- (2) The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:
  - (a) Group homes; and
  - (b) Limited office and personal services, including only professional, business, medical, dental, optical offices, hair care salons, tailor shops, shoe repair shops, and art and photographic studios, located on those arterial streets which are so designated in the Comprehensive Plan and which conform to engineering standards for arterial streets as set forth in Engineering Regulations, Construction Specifications, and Design Standards. *(As amended by 0-84-51.)*
  - (c) Wind-powered electric generators. *(As amended by 0-81-108.)*
- (3) No building or structure shall exceed thirty-five (35) feet in height. *(As amended by 0-87-10.)*
- (4) For every dwelling or other main building constructed or altered, there shall be provided a minimum lot area of not less than twelve thousand five hundred (12,500) square feet. The minimum width of such lot area shall be one hundred (100) feet for each dwelling or other main building.
- (5) For any development within a subdivision of two (2) lots or greater which subdivision receives final plat approval in accordance with Section 16-4-1(8) of the Subdivision Ordinance of the City of Lakewood after the effective date of this ordinance, any building or structure constructed or substantially altered shall comply with article 15 of the Zoning Ordinance. *(As amended by 0-95-24.)*

#### **17-5-10. (2-R) SMALL LOT RESIDENTIAL DISTRICT.**

- (1) No building or land within the 2-R District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:
  - (a) Single household dwellings.
  - (b) Single household, detached dwelling with one (1) side zero lot line, located on a lot which is subdivided after the effective date of this Ordinance.
  - (c) Home occupations.
- (2) The following uses are permitted as Special Uses subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:
  - (a) Group homes.
  - (b) Wind-powered electric generators. *(As amended by 0-81-108.)*

- (3) No building or structure shall exceed thirty-five (35) feet in height. *(As amended by 0-87-10.)*
- (4) The following lot area and width requirements shall apply:
  - (a) For any single household dwelling constructed or altered, there shall be provided a minimum lot area of not less than six thousand (6,000) square feet, except that, for a zero lot line, detached, single household dwelling unit, the minimum lot area shall be not less than five thousand five hundred (5,500) square feet. For the purposes of this section, one side setback may be reduced to zero, as provided for in Section 17-5-10(1)(b). The minimum lot area of any other main building constructed or altered, shall be not less than six thousand (6,000) square feet.
  - (b) The minimum width for any lot shall be as follows:
    - (1) For any single household dwelling without a zero lot line, sixty (60) feet.
    - (2) For any single household dwelling with one side zero lot line, fifty (50) feet.
- (5) For any development within a subdivision of two (2) lots or greater which subdivision receives final plat approval in accordance with Section 16-4-1(8) of the Subdivision Ordinance of the City of Lakewood after the effective date of this ordinance, any building or structure constructed or substantially altered shall comply with article 15 of the Zoning Ordinance. *(As amended by 0-95-24.)*

**17-5-11. (3-R) DUPLEX AND SMALL LOT RESIDENTIAL DISTRICT. *(As amended by 0-89-51.)***

- (1) No building or land within the 3-R District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:
  - (a) Duplex.
  - (b) Duplex with one (1) side zero lot line, located at the common wall, located on a lot which is subdivided after the effective date of this Ordinance.
  - (c) Single Household Dwellings. *(As amended by 0-87-12.)*
  - (d) Single Household, Detached Dwelling with one (1) side zero lot line, located on a lot which is subdivided after the effective date of this Ordinance. *(As amended by 0-87-12.)*
  - (e) Home occupations.
- (2) The following use is permitted as a Special Use subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:
  - (a) Group homes.
- (3) No building or structure shall exceed thirty-five (35) feet in height. *(As amended by 0-87-10.)*
- (4) The following lot area and width requirements shall apply: *(As amended by 0-87-12.)*
  - (a) For any duplex, the minimum lot area shall not be less than twelve thousand

(12,000) square feet. For any duplex with one side zero lot line, located at the common wall between the dwelling units, the minimum lot area per dwelling unit shall not be less than six thousand (6,000) square feet. For any single household dwelling constructed or altered, there shall be provided a minimum lot area of not less than six thousand (6,000) square feet. For any zero lot line, detached single household dwelling unit, the minimum lot area shall not be less than five thousand five hundred (5,500) square feet. The minimum lot area of any other main building constructed or altered shall not be less than twelve thousand (12,000) square feet. *(As amended by O-81-108 and O-87-12.)*

(b) The minimum width of any lot shall be as follows:

- (1) For any duplex the minimum lot width shall be ninety (90) feet. *(As amended by O-87-12.)*
- (2) For any duplex, each dwelling unit shall have a minimum lot width of forty-five (45) feet. *(As amended by O-87-12.)*
- (3) For any single household dwelling with no zero lot lines, the minimum lot width shall be sixty (60) feet. *(As amended by O-87-12.)*
- (4) For any single household dwelling with one side zero lot line, the minimum lot width shall be fifty-five (55) feet. *(As amended by O-87-12.)*

**17-5-12. (3-RA) HIGH DENSITY DETACHED/LOW DENSITY ATTACHED RESIDENTIAL DISTRICT. *(As amended by O-89-51.)***

- (1) **Intent of District.** The intent of this residential district is to provide for a variety of housing types including both attached and detached units at an overall density of less than eight (8) units per acre. Detached housing would include such unit types as small lot detached homes, patio homes, and zero lot line homes. Attached housing would include duplexes, triplexes, fourplexes, and attached wall townhouses.
- (2) **District Regulations.** No building or land within the 3-RA District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:
  - (a) Single household detached dwelling.
  - (b) Single household detached dwelling with one (1) side zero lot line.
  - (c) Duplex dwellings.
  - (d) Triplexes, fourplexes, and attached wall townhouse dwellings.
  - (e) Home occupations.
- (3) **Special Uses.** The following use is permitted as a Special Use subject to approval of a Special Use Permit as provided in Article 6 of this Ordinance:
  - (a) Group homes.

(4) **Maximum Height.** No building within this district shall exceed thirty-five (35) feet in height.

(5) **Minimum Lot Size.** For every main building hereafter constructed or substantially altered, the following regulations shall apply:

- (a) For any detached single household dwelling unit which is not a part of a larger development that includes common facilities, the minimum lot area shall be five thousand four hundred fifty (5,450) square feet.
- (b) For any duplex that is not a part of a larger development which includes common facilities, the minimum lot area shall be ten thousand (10,000) square feet.
- (c) The minimum lot area for any other dwelling unit or combination of dwelling units shall be five thousand four hundred fifty (5,450) square feet per dwelling unit, which may be divided in any proportion between the individual lot and the common area, provided that the total lot area is not less than twelve thousand (12,000) square feet.
- (d) The minimum lot area for any other main building constructed or substantially altered shall not be less than twelve thousand (12,000) square feet.

(6) **Minimum Lot Width.**

- (a) The minimum lot width for a detached single household dwelling unit that is not part of a larger development which includes common facilities shall be fifty (50) feet.
- (b) The minimum lot width for a detached single household dwelling unit that is part of a larger development which includes common facilities shall be thirty-six (36) feet.
- (c) The minimum lot width for a duplex lot that is not part of a larger development that includes common facilities shall be seventy-five (75) feet.
- (d) The minimum lot width for an attached wall townhouse dwelling unit shall be twenty-four (24) feet; however, the main building lot width shall not be less than one hundred (100) feet.
- (e) The minimum lot width for other main buildings shall be one hundred (100) feet.

(7) **Open Space.** For all attached wall townhouse developments and all other developments that include common facilities, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total lot area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this Ordinance, whichever is greater, shall be provided as usable open space.

(8) **Site Plan Requirement.** Any main building or combination of buildings that is a part of a larger development which includes common facilities such as private roadways and recreation/open space areas shall comply with the regulations set forth in Article 15 of this Ordinance.

**17-5-13. (4-R) MEDIUM DENSITY ATTACHED RESIDENTIAL DISTRICT.** *(As amended by 0-89-51.)*

- (1) **Intent of District.** The intent of this residential district is to provide for a mixture of the medium density housing types including, but not limited to, triplexes, fourplexes, and attached wall townhouses, which include common facilities at an overall density of less than twelve (12) dwelling units per acre.
- (2) **District Regulations.** No building or land within the 4-R District shall be used and no building shall be hereafter constructed or altered, except for one or more of the following uses:
  - (a) Multiple household dwelling units.
  - (b) Child care facilities.
  - (c) Home occupations.
  - (d) Single household attached or detached dwelling with not less than one (1) and not more than two (2) zero lot lines located only on the side or rear, and located on a lot which is subdivided after the effective date of this Ordinance, and which complies with Article 15 of this Ordinance.
  - (e) Residential health care facility. *(As amended by 0-92-49.)*
- (3) **Special Uses.** The following uses are subject to approval of a Special Use Permit as provided within Article 6 of this Ordinance:
  - (a) Group homes; and
  - (b) Density bonus of up to fifteen (15) percent over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.
- (4) **Maximum Height.** No building within this district shall exceed thirty-five (35) feet in height.
- (5) **Minimum Lot Size.** For every main building hereafter constructed or substantially altered, the following regulations shall apply:
  - (a) A minimum lot area of three thousand six hundred forty (3,640) square feet for each dwelling unit is required, except that no such lot or combination of lots for multiple household dwelling units shall be less than twelve thousand five hundred (12,500) square feet in area. For any such multiple household dwelling unit, the three thousand six hundred forty (3,640) square feet for each dwelling unit may be divided in any proportion between the lot and the common area.
  - (b) For any building other than a dwelling unit, the minimum lot size shall be twelve thousand five hundred (12,500) square feet.
- (6) **Minimum Lot Width.**

- (a) For multiple household attached wall townhouse dwelling units, there shall be a minimum lot width of eighteen (18) feet; however, the main building lot width shall not be less than one hundred (100) feet.
- (b) For any other main building, the minimum lot width shall be one hundred (100) feet.

(7) **Open Space.** For every main building or combination of buildings hereafter constructed, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total lot area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this Ordinance, whichever is greater, shall be provided as useable open space.

(8) **Site Plan Requirement.** Any structure hereafter constructed or main building substantially altered within the 4-R zone district shall comply with the regulations set forth in Article 15 of this Ordinance.

**17-5-14. (4-RA) HIGH DENSITY ATTACHED RESIDENTIAL DISTRICT.** *(As amended by 0-89-51.)*

- (1) **Intent of District.** The intent of this residential district is to provide for a mixture of the medium to high density housing types including, but not limited to, condominiums, attached wall townhouses, stacked flats, and garden apartments which include common facilities at a density of less than eighteen (18) dwelling units per acre.
- (2) **District Regulations.** No building or land within the 4-RA District shall be used and no buildings shall be hereafter constructed or altered, except for one or more of the following uses:
  - (a) Multiple household dwelling units.
  - (b) Child care facilities.
  - (c) Residential health care facility. *(As amended by 0-92-49.)*
- (3) **Special Uses.** The following uses are subject to approval of a Special Use Permit as provided within Article 6 of this Ordinance: *(As amended by 0-92-49.)*
  - (a) Group living quarters for elderly persons.
  - (b) Density bonus of up to fifteen (15) percent over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.
- (4) **Maximum Height.** No building within this district is to exceed thirty-five (35) feet in height.
- (5) **Minimum Lot Size.** For every main building hereafter constructed or substantially altered, the following regulations shall apply:
  - (a) A minimum lot area of two thousand four hundred thirty (2,430) square feet for each dwelling unit is required, except that no such lot or combination of lots shall be less than twelve thousand five hundred (12,500) square feet. For any such

multiple household attached wall townhouse dwelling unit, the two thousand four hundred thirty (2,430) square feet for each dwelling unit may be divided in any proportion between the lot and the common area.

(b) For any building other than a dwelling unit, the minimum lot size shall be twelve thousand five hundred (12,500) square feet.

(6) **Minimum Lot Width.**

(a) For multiple household attached wall townhouse dwelling units, there shall be a minimum townhouse lot width of eighteen (18) feet; however, the main building lot width shall not be less than one hundred (100) feet. *(As amended by 0-81-108.)*

(b) The minimum lot width for any other main building shall be one hundred (100) feet.

(7) **Open Space.** For every main building hereafter constructed, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total lot area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this Ordinance, whichever is greater, shall be provided as usable open space.

(8) **Site Plan Requirement.** Any structure hereafter constructed or main building substantially altered within the 4-RA zone district shall comply with the regulations set forth in Article 15 of this Ordinance.

**17-5-15. (5-R) HIGHER DENSITY RESIDENTIAL DISTRICT.** *(As amended by 0-89-51.)*

(1) **Intent of District.** The intent of this residential district is to provide for a mixture of the high density housing types including, but not limited to, condominium, stacked flats, garden apartments, and apartments at a density of less than twenty-five (25) dwelling units per acre.

(2) **District Regulations.** No building or land within the 5-R District shall be used and no buildings shall be hereafter constructed or altered, except for one or more of the following uses:

(a) Multiple household dwelling units.

(b) Child care facilities.

(c) Residential health care facilities.

(d) Group living quarters for elderly persons and group living quarters for victims of domestic violence.

(3) **Special Uses.** The following uses are subject to approval of a Special Use Permit as provided within Article 6 of this Ordinance:

(a) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent/neglected children, and temporary shelter of homeless persons.

- (b) Density bonus of up to 15% over the maximum number of dwelling units permitted within this zone district for projects demonstrating superior design.
- (4) Maximum Height. No building within this district is to exceed fifty (50) feet in height.
- (5) Minimum Lot Size. For every main building hereafter constructed or substantially altered:
  - (a) A minimum lot area of one thousand seven hundred fifty (1,750) square feet for each dwelling unit is required, except that no such lot or combination of lots shall be less than one (1) acre in size.
  - (b) For any main building other than a child care facility, the minimum lot area shall be one (1) acre. The minimum lot area for a child care facility shall be one-half ( $\frac{1}{2}$ ) acre.
- (6) Minimum Lot Width.
  - (a) There shall be a minimum lot width of one hundred fifty (150) feet.
- (7) Open Space. For every main building hereafter constructed, an open space area shall be provided in an amount equal to at least fifty-five (55) percent of the total area. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this Ordinance, whichever is greater, shall be provided as usable open space.

Note: The required amount of on-site open space for higher density multi-family development in activity centers and along the Colfax Corridor will be calculated according to the recommendations of the Urban Design Plan for these areas. Until such time as specific Urban Design Plans are adopted by the City, the above listed requirements shall apply.

- (8) Site Plan Requirement. Any structure hereafter constructed or main building substantially altered within the 5-R zone district shall comply with the regulations set forth in Article 15 of this Ordinance.

#### **17-5-16. (5-RA) UNLIMITED DENSITY RESIDENTIAL. *(As amended by 0-89-51.)***

- (1) Intent of District. The intent of this residential district is to provide for a mixture of the highest density housing types including, but not limited to, condominium and apartments at densities greater than twenty-five (25) dwelling units per acre in appropriate locations within activity centers and other special locations as designated in the Comprehensive Plan.
- (2) District Regulations. No building or land within the 5-RA District shall be used and no buildings shall be hereafter constructed or altered, except for one or more of the following uses:
  - (a) Multiple household dwelling units.
  - (b) Child care facilities.

- (c) Residential health care facilities.
- (d) Group living quarters for elderly persons and group living quarters for victims of domestic violence.

(3) The following uses are permitted as special uses subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance:

- (a) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent/neglected children, and temporary shelter of homeless persons.

(4) **Maximum Height.** The maximum height of structures shall not be specifically regulated; however, maximum building height shall be a function of the density, type of unit, and surrounding development, as provided for in Article 15 of this Ordinance.

(5) **Minimum Lot Size.** For every main building hereafter constructed or substantially altered, there shall be a minimum lot area of one (1) acre. There is no minimum lot area per residential unit as there is no maximum density; however, there shall be a minimum density of 25 units/acres.

(6) **Minimum Lot Width.**

- (a) There shall be a minimum lot width of one hundred fifty (150) feet.

(7) **Open Space.** The required amount of on-site open space for unlimited density multi-family development in activity centers and along the West Colfax Corridor will be determined by the Urban Design Plan for these areas as defined in the Comprehensive Plan. Until such time as specific Urban Design Plans are adopted, an amount equal to at least fifty-five (55) percent of the total lot area shall be provided. However, an area equal to thirty-five (35) percent of the site, or the amount required by Article 15 of this Ordinance, whichever is greater, shall be provided as usable open space.

(8) **Site Plan Requirement.** Any structure hereafter constructed or main building substantially altered within the 5-RA zone district shall comply with the regulations set forth in Article 15 of this Ordinance.

**17-5-17. (6-R) MOBILE HOME RESIDENTIAL DISTRICT.** *(As amended by 0-89-51.)*

(1) No building, structure, mobile home, or land within the 6-R District shall be used and no building, structure, or mobile home shall be hereafter constructed or altered except for one or more of the following uses:

- (a) Mobile homes.
- (b) Structures which contain a mobile home and provide additional living area.
- (c) Single household dwelling for park manager.
- (d) Common facilities such as laundry rooms, toilet rooms, shower and bath houses, and indoor or outdoor recreation facilities.

- (e) Accessory structures, including carports or other off-street parking, storage structures, patios, patio covers, and other appurtenances.
- (f) Office facilities for management of park.

(2) No building or structure shall exceed thirty-five (35) feet in height. *(As amended by 0-87-10.)*

(3) There shall be a minimum parcel size of five (5) acres. For a single-wide trailer, there shall be a minimum lot size of two thousand four hundred (2,400) square feet and a minimum width of thirty-five (35) feet. For a double-wide trailer, there shall be a minimum lot size of three thousand six hundred (3,600) square feet of lot area and a minimum width of forty (40) feet.

(4) For any new mobile home park or any substantial expansion of a mobile home park, at least eight (8) percent of the gross land area within the mobile home park shall be devoted to recreational facilities which shall be generally provided in a central location. The area or areas designated for recreation use shall be separate from the mobile home spaces. This space shall be in addition to the buffering areas required by Article 15 of this Ordinance. For the purposes of this section and the site plan requirements of Article 15, "substantial alteration" means an expansion of at least twenty (20) percent of the gross land area of the park as it existed on the effective date of this Ordinance.

(5) All uses shall conform to the following regulations:

- (a) Any park hereafter constructed or substantially altered within this zone district shall comply with the site plan regulations set forth in Article 15 of this Ordinance;
- (b) For safety purposes, all utility service lines, including all telephone lines and television signal cables, within the mobile home district shall be installed underground; and
- (c) A mobile home park shall be allowed only where the same abuts on or has access to streets and highways no less than sixty (60) feet wide. At least two (2) entrances shall be provided to the park.

**17-5-18. (OF) OFFICE DISTRICT. *(As amended by 0-89-51.)***

(1) No building or land within the OF District shall be used and no building shall be hereafter constructed or altered, except for one or more of the following uses:

- (a) General Office Uses, including:
  - (1) Business and professional offices, other than professional health facilities as permitted in paragraph (b) of this subsection (1).
  - (2) Banks, savings and loans, other financial offices and institutions, including pedestrian and bicycle facilities, but not including motor vehicle drive-through facilities.
  - (3) Newspaper offices.

- (4) Printing facilities.
- (5) Art, photographic, dance, music, radio studios, and television studios. *(As amended by 0-81-108.)*

(b) Professional Health Facilities, including:

- (1) Medical, dental and optical clinics and laboratories.
- (2) Mortuaries, including facilities for cremation.
- (3) Veterinary clinics for small animals.
- (4) Hospitals and sanitariums.
- (5) Residential health care facilities.
- (6) Pharmacies.
- (7) Hair salons. *(As amended by 0-83-159.)*
- (8) Group living quarters for elderly persons and group living quarters for victims of domestic violence. *(As amended by 0-88-67 and 0-89-51.)*

(c) Public Use Facilities, including only the following:

- (1) Public library, public and private nonprofit museum, and public and private nonprofit art gallery.
- (2) Post office including drive-in and drive-through facilities and related storage of operable motor vehicles.
- (3) Public health clinics, public social and employment agencies, and municipal buildings.
- (4) Private nonprofit athletic associations, private athletic clubs, including outdoor accessory facilities, tennis courts, swimming pools, gymnasiums, and health spas.
- (5) Colleges, universities, private vocational, trade or professional schools, and schools for the developmentally disabled.
- (6) Child care facilities.

(d) Parking for automobiles of the clients, patients, patrons or customers of the occupants of adjacent commercial zone districts. *(As amended by 0-81-108.)*

(2) The following uses are permitted as Special Uses, subject to approval of a Special Use Permit, as provided for within Article 6 of this Ordinance:

(a) Correctional institutions.

- (b) Wind-powered electric generators.
- (c) Group living quarters for developmentally disabled persons, mentally ill persons, substance abuse rehabilitation, care of dependent, neglected children, temporary shelter of homeless persons, and adult or juvenile offenders. *(As amended by 0-88-67.)*
- (d) Automobile rental/leasing.
- (e) Trade and technical services. *(As amended by 0-92-21.)*

(3) No building or structure shall exceed sixty (60) feet in height. Office uses allowed in other zone districts shall conform to the height regulations in those districts.

(4) For every main building hereafter constructed or substantially altered, an open space area shall be provided in an amount equal to at least twenty-five (25) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. However, for any residential health care facility, or group living quarters hereinafter constructed or substantially altered, an open space area shall be provided in an amount equal to at least forty (40) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. *(As amended by 0-89-51.)*

(5) Any building or structure hereafter constructed or substantially altered within this zone district comply with the site plan regulations set forth in Article 15 of this Ordinance.

**17-5-19. (1-C) CONVENIENCE COMMERCIAL DISTRICT. *(As amended by 0-89-51.)***

(1) No building or land within the 1-C District shall be used, and no building shall be hereafter constructed or altered, except for one or more of the following uses:

- (a) Any use permitted in the OF (Office) district. Uses listed as a Special Use in the OF (Office) District shall only be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance. *(As amended by 0-88-67.)*
- (b) Store for retail trade not specifically provided for within other zone districts.
- (c) Restaurant, fast food restaurant, specialty food service, and other outlets for sale of prepared foods.
- (d) Package liquor stores, fermented malt beverage stores or outlets, and taverns.
- (e) Drive-through car wash.
- (f) Motor fuel filling and service stations, including those associated with food stores. *(As amended by 0-81-108.)*
- (g) Studio for custom work or for making articles to be sold at retail on the premises, provided all work areas and storage facilities are enclosed as part of the main building.
- (h) Cold storage lockers, but not including slaughtering on the premises.
- (i) Motels.

- (j) Home service and appliance repair outlets.
- (k) Rental services, but not including rental of equipment with motors of more than twenty (20) horsepower.
- (l) Display, service and sales of motorcycles, snowmobiles, mopeds and bicycles.
- (m) Garment work, hair care facilities, and watch and jewelry repair shops.
- (n) Grocery store.
- (o) Printing establishment.
- (p) Except where specifically permitted, uses listed in the preceding paragraphs may not be designed or operated as drive-through facilities. Any such use may be designed and operated as drive-in facilities where appropriate.

- (2) No building or structure shall exceed thirty-five (35) feet in height.
- (3) For every building or structure hereafter constructed or altered, there shall be a MAXIMUM store unit size of five thousand (5,000) square feet of gross floor area.
- (4) For every main building hereafter constructed or substantially altered, an open space area shall be provided in an amount equal to at least twenty-five (25) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. *(As amended by O-89-51.)*
- (5) For every building hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

**17-5-20. (2-C) NEIGHBORHOOD COMMERCIAL DISTRICT. *(As amended by O-89-51.)***

- (1) No building or land within the 2-C District shall be used and no building shall be hereafter constructed or altered except for any of the following uses: Any use permitted in the 1-C (Convenience Commercial) District. Uses listed as a special use in the 1-C (Convenience Commercial) District shall only be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.
- (2) No building or structure shall exceed forty-five (45) feet in height.
- (3) For any building or structure hereafter constructed or altered there shall be a MAXIMUM store unit size of twenty thousand (20,000) square feet of gross floor area.
- (4) For every main building hereafter constructed or substantially altered:
  - (a) An open space area shall be provided and maintained in an amount equal to at least twenty-five (25) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. *(As amended by O-89-51.)*
  - (b) The building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provisions

of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

(5) For any building hereafter constructed or substantially altered, the building or structure shall comply with the plan regulations set forth in Article 15 of this Ordinance.

**17-5-21. (3-C) COMMUNITY COMMERCIAL DISTRICT. *(As amended by O-89-51.)***

(1) No building or land within the 3-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

- (a) Any use permitted in the 2-C (Neighborhood Commercial) District. Uses listed as a special use in the 2-C (Neighborhood Commercial) District shall be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.
- (b) Theaters, ice or roller skating rinks, bowling centers, pool or billiard parlors.
- (c) Postal sub-stations, and related storage of operable motor vehicles.
- (d) Dance halls.
- (e) Indoor firing ranges.
- (f) Indoor archery ranges.
- (g) Lawn and garden centers, landscape material centers, home improvements centers, but no outdoor storage of inventory.
- (h) Amusement centers, if otherwise in conformance with the City of Lakewood Municipal Code. *(As amended by O-82-108.)*
- (i) Ambulance service facilities.
- (j) Adult businesses subject to the spacing and licensing requirements established in the Lakewood Municipal Code. *(As amended by O-93-18.)*
- (k) Massage parlors subject to the spacing and licensing requirements established in the Lakewood Municipal Code. *(As amended by O-93-18.)*
- (l) Any of the above uses may be designed and operated as drive-in or drive-through facilities where appropriate.

(2) The following uses are permitted as Special Uses, subject to approval of a Special Use Permit, as provided for within Article 6 of this Ordinance: *(As amended by O-92-2 and O-92-21.)*

- (a) Entertainment Center (minimum of 10,000 square feet).

(3) No building or structure shall exceed sixty (60) feet in height.

- (4) For any building or structure hereafter constructed or altered there shall be a **MAXIMUM** store unit size of sixty thousand (60,000) square feet of gross floor area, except that any use listed in paragraph (1)(b) above shall have a maximum store unit size of one hundred thousand (100,000) square feet of gross floor area.
- (5) For every main building hereafter constructed or substantially altered:
  - (a) An open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. *(As amended by 0-89-51.)*
  - (b) The building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provision of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.
- (6) For any building or structure hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

**17-5-22. (4-C) REGIONAL COMMERCIAL DISTRICT.** *(As amended by 0-89-51.)*

- (1) No building or land within the 4-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:
  - (a) Any use permitted in the 3-C (Community Commercial) District. Uses listed as a special use in the 3-C (Community Commercial) District shall only be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.
  - (b) Hotels.
  - (c) Assembly, convention, or exposition halls, but not including the showing of animals, other than household pets.
  - (d) Amusement arcades, if otherwise in conformance with the City of Lakewood Municipal Code. *(As amended by 0-82-108.)*
- (2) No building or structure shall exceed sixty (60) feet in height.
- (3) For every main building hereafter constructed or substantially altered:
  - (a) An open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. *(As amended by 0-89-51.)*
  - (b) The building or structure shall be designed to permit an integrated parking and access system. Written stipulations shall be submitted relative to the provision of integrated parking and access as a part of the site plan as required within Article 15 of this Ordinance.

(4) For any building or structure hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

**17-5-23. (5-C) LARGE LOT COMMERCIAL DISTRICT. *(As amended by O-89-51.)***

(1) No building or land within the 5-C District shall be used, and no building shall be hereafter constructed or altered, except for one of the following uses:

- (a) Any use permitted in the 4-C (Regional Commercial) District. Uses listed as a special use in the 4-C (Regional Commercial) District shall be allowed subject to approval of a Special Use Permit as provided for within Article 6 of this Ordinance.
- (b) Lumber yard.
- (c) Auction houses, except for the auctioning of live animals.
- (d) Drive-in movie theaters.
- (e) Sale at retail of any commodity warehoused on the premises and not intended for distribution as a wholesale product.
- (f) Display, repair, service, sales and storage of mobile homes, travel trailers, motor homes, trailers, campers, boats, and motor vehicles, but not including auto wrecking yards, junk yards, or outside storage of metals or inoperable motor vehicles. *(As amended by O-89-51.)*
- (g) Rental agencies for automobiles, campers, trailers, motor homes, light and heavy equipment, and related service facilities.
- (h) Lawn and garden centers, landscaped material centers, and home improvement centers, with outside storage of inventory.
- (i) Mini-warehouses.
- (j) Parking on premises of motor vehicles to serve permitted uses.
- (k) Racetracks, miniature golf or putting ranges, golf driving ranges, skateboard parks, amusement parks, go-cart tracks and trampoline centers.
- (l) Kennels.
- (m) Flea markets.
- (n) Contractor shops and building trades supplies storage if totally enclosed within a building or structure. *(As amended by O-82-19.)*

(2) No building shall exceed a height of sixty (60) feet. *(As amended by O-97-15.)*

(3) For every building or structure hereafter constructed or altered there shall be a minimum lot area of one-half (0.5) acre.

(4) For every main building hereafter constructed or substantially altered:

- (a) An open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. *(As amended by O-89-51.)*
- (b) Outdoor storage of any materials not intended for display shall be screened from view from adjacent streets and adjoining property to a height of six (6) feet.

(5) For any building or structure hereafter constructed or substantially altered, the building or structure shall comply with the site plan regulations set forth in Article 15 of this Ordinance.

**17-5-24. (IN) INDUSTRIAL DISTRICT.** *(As amended by O-89-51.)*

- (1) No building or land within the IN District shall be used, and no building shall be hereafter constructed or substantially altered, except for one of the following uses:
  - (a) Manufacturing, processing, fabrication, assembly, packaging, warehousing, storage, wholesaling, retailing, repair, rental, or servicing of any commodity, but only if totally enclosed within a building or structure.
  - (b) Junkyards, automobile wrecking and processing yards, salvage yards, and the outdoor storage of any commodity, including operable or inoperable machinery or motor vehicles, but only if screened from public view to a height of at least six (6) feet.
  - (c) Cement and asphalt batch plants.
  - (d) Communication centers, including radio and television studios, transmitting centers, towers and accessory equipment, and telephone exchanges.
  - (e) Printing establishments.
  - (f) Auction houses for animals.
  - (g) Railroad facilities, including shops, freight yards, passenger stations, and storage.
  - (h) Public wastewater facilities.
  - (I) Laboratories.
  - (j) Parking of vehicles on premises to serve permitted uses.
  - (k) Motor vehicle service and repair facilities.
  - (l) Motor fuel filling stations.
- (2) No building shall exceed a height of sixty (60) feet, excluding towers.

- (3) For any building or structure hereafter constructed or altered there shall be a minimum lot size of one-half (0.5) acre.
- (4) For every main building or structure hereafter constructed or substantially altered, an open space area shall be provided and maintained in an amount equal to at least twenty (20) percent of the total lot area or in the amount required by Article 15 of this Ordinance, whichever is greater. *(As amended by O-89-51.)*

**17-5-25. (PD) PLANNED DEVELOPMENT ZONE DISTRICT.** *(As amended by O-89-51 and O-93-34.)*

- (1) The Planned Development Zone District permits the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed as unified and integrated developments in accordance with detailed development plans. The Planned Development Zone District is intended to provide a means of accomplishing the following objectives:
  - (a) To provide for development concepts not otherwise permitted within standard zone districts.
  - (b) To provide flexibility, unity and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities; varied type design and layout of housing and other buildings; and appropriate relationships of open spaces to intended uses and structures.
  - (c) To provide for the public health, safety, integrity and general welfare, and otherwise achieve the purposes as provided for within the Planned Unit Development Act of 1972, Title 24, Article 67, Colorado Revised Statutes 1973, as amended.
- (2) Uses within a Planned Development Zone District development may be multiple in nature and may include uses not otherwise permitted within the same zone district. The location and relationship of these uses shall be as established in and conform to the policies and standards contained within the Comprehensive Plan and other appropriate adopted and approved plans, including but not limited to location criteria within that Comprehensive Plan. Planned Developments of single uses approved under Ordinance O-70-104, as amended, are deemed to be conforming uses. *(As amended by O-81-108.)*
- (3) Applications for Planned Development Zone District zoning which include billboards shall be limited to geographic areas which are either within the following existing zone districts or have uses which are compatible with uses permitted in only the following zone districts: 1-C, 2-C, 3-C, 4-C, 5-C, and IN. Applications and proposed stipulations for a PD District to permit construction of a billboard shall comply with the following standards in addition to any standards generally applicable to a PD District: *(As Repealed and Re-enacted by O-82-170.)*
  - (a) A billboard shall be limited to one (1) display surface not to exceed one hundred (100) square feet in area.
  - (b) Billboards shall be limited to one (1) display surface or sign face per direction per lot, not to exceed a maximum of two (2) display surfaces per lot, provided that such multiple display surface must be attached back-to-back.

- (c) There shall be not less than ten (10) feet of minimum setback between the lot line and the leading edge of the sign.
- (d) No billboard shall be constructed or maintained which is not separated by at least five hundred (500) feet from the nearest display surface of any other lawfully erected or maintained billboard.
- (e) No billboard shall be constructed or maintained at a distance closer than one hundred (100) feet between the display surface and the nearest lot line of any residential zone district in the City of Lakewood or in any geographic area not more distant than one hundred (100) feet from the boundary of the City of Lakewood.
- (f) Billboards shall not be illuminated between the hours of twelve o'clock (12:00) a.m. (midnight) and six o'clock (6:00) a.m. if they are situated with a display surface closer than five hundred (500) feet from the nearest lot line of a property zoned for a residential use.
- (g) Notwithstanding Subsection (4) below, the height of the billboard shall conform to the height restrictions as stated in Section 17-10-8.

(4) Height limitations applicable to any use within the Planned Development Zone District shall be as provided for that use where permitted in other zone districts. If there is a conflict among height limitations applicable to uses within the PD District, the limitation permitting the greater height shall apply to all uses within the District plan. If the Comprehensive Plan recommends a greater height for uses located within a designated geographic area of the City than would otherwise be permitted for the uses under this Ordinance, the height limitation permitted by the Comprehensive Plan shall govern the height of the uses within that designated geographic area.

(5) When regulations governing setbacks, secondary and accessory uses, off-street parking, fences, walls and obstructions to view, open space, signage, and site elements included in, but not limited to, Article 15 are not specifically mentioned in the stipulations of the approved Official Development Plan, the Director of Community Planning and Development shall have the following options: *(As amended by 0-91-59.)*

- (a) Require the application of regulations as set forth in the most similar zone category for any or all of the site elements listed above.
- (b) Require the applicant to develop standards, prior to site plan submittal, which are in keeping with the intent of the Planned Development Zone District as stated in Section 17-5-25(1). Such standards must be recorded as an amendment to the Official Development Plan.
- (c) For either option, the Director may use the site plan criteria listed in Section 17-15-3(2) to evaluate the effects of the proposed regulations. *(As amended by 0-83-158.)*

(6) The application for a Planned Development Zone District shall include and be approved or disapproved as follows:

- (a) The application for a zoning amendment to establish a Planned Development Zone District shall comply with all procedures for rezoning set forth in Article 17 of this Ordinance.
- (b) In addition to the following rezoning procedures, the developer shall submit with the rezoning application an Official Development Plan (ODP) containing written stipulations or graphic representations addressing the following plan elements. In phased planned development developments, the Director of Community Planning and Development may allow one or more of the following plan elements to be submitted on or with the site plan for that phase in conformance with Section 17-5-25(10) below. *(As amended by 0-91-59 and 0-93-34.)*
  - (1) Type and location of all intended uses.
  - (2) Expected gross land areas of all intended uses including Open Space.
  - (3) Gross floor area or residential unit size and number for all buildings or structures, including a statement pertaining to the appropriateness of the density and intensity of the suggested uses relative to policies and standards contained within the Comprehensive Plan.
  - (4) Statement of the height limitations applicable pursuant to the requirements of Subsection (4) above.
  - (5) Statement of type and format of signage and fencing if different than provided for within Article 10 and Article 8 of this Ordinance.
  - (6) Transportation, access and circulation patterns including vehicle, bicycle, pedestrian, and transit circulation patterns.
  - (7) Schedule of order of development and delineation of sub-areas if construction is to be in stages.
  - (8) Improvement and continuing maintenance and management of any private streets or ways or common open space not offered and accepted for dedication for general public use.
  - (9) The name of the Official Development Plan which is to be different from any other previously recorded in Jefferson County.
  - (10) Certification blocks for Planning Commission, City Council, County Clerk and Recorder, and land owner(s) signatures. *(As amended by 0-83-159.)*
  - (11) A survey and legal description of the property.
  - (12) Building elevation, describing the general design and architecture of the buildings.
  - (13) Lighting detail.

(c) Review and final approval or disapproval of the rezoning and Official Development Plan shall be in accordance with procedures set forth in Article 17 of this Ordinance and shall be completed within two hundred seventy (270) days after the filing of a complete application.

(d) Final approval of an Official Development Plan shall not become effective until all required changes and amendments have been shown on the final Official Development Plan which is on file with the Department of Community Planning and Development, and the Official Development Plan is recorded in the Office of the Clerk and Recorder of Jefferson County. *(As amended by O-91-59.)*

(e) All construction shall be in accordance with the approved and recorded Official Development Plan and amendments or modifications thereto as provided in Subsection (9) below. *(As amended by O-83-158.)*

(7) No application for a Planned Development Zone District shall be approved unless:

(a) The proposed development conforms with policies and standards contained within this Ordinance, within the Planned Unit Development Act of 1972, as amended, and within the Comprehensive Plan;

(b) All requirements of this Article, Article 15 and Article 17 are met; and

(c) All landowners whose property is included within the Planned Development have given their written consent to the Planned Development; provided however, when the City annexes property which has been previously zoned PD or a comparable zoning in the jurisdiction from which it is being annexed (provided that said PD or comparable zoning is harmonious with the City Planned Development criteria), the written consent of all landowners is not required. *(As amended by O-93-34.)*

(8) Provisions of the Official Development Plan, authorized to be enforced by the City of Lakewood, may be modified, removed or released subject to the following provisions:

(a) If such modification, removal, or release involves an increase of the gross floor area by an amount of ten percent (10%) or more of the original measurement of the gross floor area or residential density as set forth on the Official Development Plan, or if it involves a specific change in use or uses within the Planned Development Zone District, which would not be allowed within the applicable standard zoning district, the applicant shall be required to submit a new application for rezoning the parcel as provided for within Article 17 of this Ordinance.

(b) If such modification, removal or release involves a change to the development, including but not limited to, building setback, height or architectural design, landscaping, fencing, or a specific change in use or uses permitted in accordance with Section 17-5-25(8)(a), the Director of Community Planning and Development shall review the application with respect to the criteria included in Section 17-5-25(8)(d). Written notice of the application shall be provided at the applicant's expense to all owners of property adjacent to the site, disregarding public rights-of-way. If a written objection to the application is filed with the Director within ten (10) days of notification, the application shall be referred to the Planning Commission in accordance with Section 17-5-25(8)(d). If no objection is filed, and

the application is found to be consistent with the criteria in Section 17-5-25(8)(d), the Director may approve the application. *(As amended by 0-91-59.)*

- (c) If such modification, removal, or release involves only a change in the site plan, the applicant shall be required to submit a new site plan indicating such changes in conformance with Article 15 of this Ordinance for review and action by the Director of Community Planning and Development. *(As amended by 0-91-59.)*
- (d) Modification not covered in Subsection (a) or (b) above may be granted by the Director of Community Planning and Development if it is determined that the modification meets the following criteria: *(As amended by 0-91-59.)*
  - (1) Is consistent with the efficient development and preservation of the entire Planned Development;
  - (2) Does not affect in a substantially adverse manner the enjoyment of land abutting or across the street from the Planned Development;
  - (3) Does not affect in a substantially adverse manner the public interest;
  - (4) Is not granted solely to confer special benefit upon any person;
  - (5) Application for such administrative review is accompanied by a review fee in an amount established by City Council Resolution.
- (e) The Director may, at his discretion, refer a modification to the Planning Commission for consideration. The Planning Commission may also hear applicant's appeals from administrative decisions. The applicant must file a notice of appeal with the Secretary to the Planning Commission within thirty (30) days of the decision of the Director. A public hearing before the Planning Commission shall be held with prior notice thereof published, mailed, and posted as provided in Subsections 17-17-4(1). Any action by the Planning Commission shall require payment of an additional review fee in an amount to be established by City Council Resolution.

An appeal from a Planning Commission decision may be made to the City Council. The appellant must file a notice of appeal with the City Clerk within thirty (30) days of the decision of the Planning Commission. The City shall determine the hearing date. A public hearing before City Council shall be held with prior notice thereof published, mailed and posted as provided in Subsections 17-17-4(1), except that the City Clerk or her designee shall perform the functions of the Secretary to the Planning Commission when the hearing is before City Council. Any action by City Council shall require payment of an additional review fee in an amount to be established by City Council Resolution.

Denial of a modification does not preclude the filing of a new rezoning application. *(As amended by 0-96-14.)*

- (f) Regardless of the type of modification applied for, all modifications to an approved Official Development Plan for the Planned Development Zone District shall be reviewed by the City Engineer in accordance with the applicable provisions of

Chapter 14.13 of the Lakewood Municipal Code to determine if the modification necessitates the dedication and/or construction of public improvements by the applicant.

(9) **Phasing of Planned Development.** *(As amended by 0-81-108 and 0-85-79.)*

- (a) Based upon both development and planning considerations, it may be desirable to develop property in several phases. Accordingly, the applicant for rezoning may elect to apply for development in any number of phases, setting forth the sequence of the phases and the information, plans, regulations, and stipulations to be submitted with each phase in the application; provided, however, that the proposed uses, use patterns and the proposed intensity and density of such uses and use patterns will be the factors determined at the time of approval of the first phase, along with the factors listed in Section 17-5-25 of this Ordinance which the Planning Commission determines to be necessary to the consideration of the rezoning application. The intensity and density of use may be set within upper and lower limits thereof as set by the Planning Commission.
- (b) The Planning Commission shall consider the request of the applicant for rezoning to the Planned Development Zone District simultaneously with the consideration of the first phase proposal, as set forth in the application. If the proposed uses, use patterns and the intensity and density of such uses and use patterns are approved by the Planning Commission, or if the proposed uses, use pattern, and the intensity and density of such uses are approved by the Planning Commission with amendments, and if the Planning Commission shall determine that the application for rezoning is in accordance with the standards and policies set forth in Section 31-23-303, Colorado Revised Statutes 1973, as amended, the Comprehensive Plan of the City of Lakewood, and other articulated policies of the Planning Commission, the land may be rezoned to the Planned Development Zone District.
- (c) The sequences of phases and the nature and character of the information, plans, regulations, and stipulations to be submitted with each phase shall be determined by the developer and the Department of Community Planning and Development prior to the submission of the application; provided, however, that the nature and character of the information, plans, regulations, and stipulations to be submitted in each phase shall be stated in the stipulations of the first phase. *(As amended by 0-91-59.)*
- (d) After initial rezoning to the Planned Development Zone District, and in the consideration of the subsequent phases, the Planning Commission shall consider only those factors listed in Section 17-5-25 of this Chapter which relate to division of land and the way in which land will be made ready for building development, and which it has not determined during consideration of the first phase; provided, however, that all the provisions of the Official Development Plan authorized to be enforced by the City of Lakewood may be modified, removed or released, in accordance with this Ordinance. When submitting subsequent phases for Planning Commission consideration, all applicants shall pay a fee for the review of each phased site plan. The amount of this fee shall be established by City Council Resolution. *(As amended by 0-85-125.)*

(10) Those Official Development Plans previously approved by City Council which reference the MU Mixed Use and MU Mixed or Single Use Zone District shall remain in full force and effect and all references to MU Mixed Use and MU Mixed or Single Use Zone District in said Official Development Plans shall be deemed to reference the PD Planned Development Zone District.

## ARTICLE 6: SPECIAL USE PERMITS

**17-6-1. APPLICABILITY.** The requirements of this Article 6 shall apply to all uses listed as special uses within Article 5 of this Ordinance. Special uses are uses which are appropriate for the applicable zone district only upon site specific review according to the standards established by Section 17-6-4 of this Ordinance and formal approval by the City. Review and determination of proposed special uses shall be governed by the provisions of Subsection 17-6-2 except where the proposed use is a group home housing eight (8) or fewer client residents meeting the definition in this Ordinance of a group home for victims of domestic violence or a group home for pregnant women and infants. Applications involving these particular group homes shall be subject to the process set forth in Subsection 17-6-2(11). *(As amended by 0-88-67.)*

**17-6-2. APPLICATION FORM AND REVIEW PROCEDURE.** *(As amended by 0-88-67.)*

- (1) Special Use Permit applications may be initiated only by the fee owners of the property or his designated agent.
- (2)
  - (a) Prior to filing an application for Special Use Permit for any parcel of land, the applicant shall participate in a pre-application review with the Department of Community Planning and Development. No application for Special Use Permit shall be accepted until after the pre-application review is completed and the Department's written conclusions are received by the applicant. *(As amended by 0-91-59.)*
  - (b) In addition to a pre-application review with the Department of Community Planning and Development, the City Engineer shall review the information submitted with the pre-application request to determine if public improvements may be necessitated upon issuance of a Special Use Permit. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, and these requirements will be listed in the Department of Community Planning and Development written response. *(As amended by 0-91-59.)*
- (3) To commence the pre-application review, the applicant shall submit the following:
  - (a) Plan of the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 1/2) inches by eleven (11) inches in size, or may be in final form.
  - (b) Letter stating: The proposed uses of the parcel; the approximate gross floor area of any intended buildings or structures and the number and size of residential dwellings to be included; and the gross land area of the parcel, including public rights-of-way contained within the parcel.
  - (c) For Special Use Permits for group homes or group living quarters, the following information shall also be submitted:
    - (1) A description of the client population, including the proposed number of residents and staffing levels.

- (2) The state or county agency responsible for licensing the facility, and the names of at least two (2) contact persons at that agency familiar with the applicant's licensing status.
- (3) The type and level of services to be provided.
- (4) A statement establishing that the proposed facility conforms with the standards set forth in Section 17-6-4 of this Ordinance.

(4) Official minutes summarizing the pre-application review shall be prepared by the Department of Community Planning and Development and a copy of such minutes shall be provided to the applicant. *(As amended by O-91-59.)*

(5) Within fourteen (14) days after the date of the pre-application review, the Department of Community Planning and Development shall notify the applicant in writing of its conclusions regarding the requested use with respect to the following items: *(As amended by O-91-59.)*

- (a) Appropriateness of the change with respect to the standards set forth in Section 17-6-4 of this Ordinance.
- (b) Need, if any, to plat the subject parcel pursuant to the City of Lakewood Subdivision Ordinance.
- (c) Any required site plan considerations.
- (d) General concerns relating to the anticipated impact upon public rights-of-way and public improvements, as well as appropriate measures to address the impact.

(6) Each applicant shall meet with residents and persons owning property in the vicinity of the site in a neighborhood meeting held prior to filing a formal application. Notification for said meeting shall be as provided in Subsection 17-17-4(1)(b) and (c) of this Ordinance. *(As amended by O-96-74.)*

(7) Formal applications shall be submitted on forms provided by the Department of Community Planning and Development and shall contain the following:

- (a) Name and address of the applicant;
- (b) A survey and a legal description of the property;
- (c) The names and addresses of all persons, firms or corporations who, or which hold fee title to the property for which the Special Use application is made, as shown by the records of the Clerk and Recorder of Jefferson County as of the date of the application, and a copy of the warranty deed to the property;
- (d) The location of the property with reference to street and address if such are present;
- (e) Present zoning of the property;
- (f) Proposed Special Use; and

(g) A written statement that all development standards applicable to the specific use have been and will continue to be met.

(8) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the fee schedule adopted by City Council resolution to cover necessary costs related to this application. There shall be no refund of any fee which accompanies an application. An application shall not be considered accepted until all required information is submitted. *(As amended by 0-85-125.)*

(9) The Department of Community Planning and Development shall study the application and shall, within twenty-five (25) days after acceptance of a complete application, make a written report to the Planning Commission of its findings. In addition to the application review by the Department of Community Planning and Development, the City Engineer shall review the Special Use Permit application within the same twenty-five (25) day period in accordance with the applicable provisions of Chapter 14.13 of the Lakewood Municipal Code to determine if the application necessitates the dedication and/or construction of public improvements by the applicant. *(As amended by 0-84-108 and 0-91-59.)*

(10) Action of the Planning Commission on the application shall be as follows:

- (a) The Secretary to the Planning Commission shall schedule a public hearing on the application on the agenda of a meeting of the Commission within thirty (30) days of the acceptance of the formal application, unless continued by the applicant or Planning Commission, and shall give notice thereof in the same manner and to the same persons as provided in Section 17-17-4(1)(a), (b), (c), (d), (f), and (g) except that no publication of the notice shall be required. *(As amended by 0-96-74.)*
- (b) Upon consideration of the application, the Planning Commission shall hear any evidence or statement presented by the applicant or his representative, by the Director, or by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other statement or evidence, written or oral.
- (c) Within sixteen (16) days after hearing all evidence, the Planning Commission shall deliver a copy of said findings and decision to the applicant and to any other person who shall submit a written request for a copy. The decision of the Planning Commission may impose conditions upon the Special Use Permit in addition to those set forth in Section 17-6-4 which, if not complied with, shall be grounds for revocation of the Special Use Permit. In the case of approval of a Special Use Permit for a group home or group living quarters, the Planning Commission shall include, in addition to any other appropriate conditions, the maximum number of client residents that may be housed in the group home or group living quarters pursuant to the criteria established in Section 17-6-4(7)(j). *(As amended by 0-91-12.)*
- (d) The Planning Commission shall exercise its judgment in the review of the application and shall consider the standards set forth in the applicable subsections of 17-6-4, as well as the suitability of the property for the proposed special use, the impact of the proposed special use on nearby uses, and the circulation and access to the proposed special use. *(As amended by 0-84-51.)*
- (e) The decision of the Planning Commission shall be final, and any appeal of the decision shall be to the courts.

(11) (a) Notwithstanding the provisions of Subsections 17-6-2(6), (9) and (10) above, group homes housing eight (8) or fewer client residents meeting the definitions in this Ordinance of group homes for victims of domestic violence or pregnant women and infants shall be exempt from the neighborhood referral and public hearing process described in those sections due to the need to maintain the confidentiality of the location of such group homes. Instead, the formal application may be submitted to the Department of Community Planning and Development as described in Subsection 17-6-2(7) immediately after receipt of the City's written pre-application response.

(b) The Department of Community Planning and Development shall study the application according to the requirements of this Article 6, and shall, within twenty-five (25) days after acceptance of the application, make a written report to the applicant of its findings. If the Department of Community Planning and Development finds that the standards in this Article 6 for group homes are not met, the report will specify the deficiencies or areas of non-compliance. If the Department of Community Planning and Development finds that the application meets all applicable criteria of this Article 6, or that noted deficiencies have been corrected, the report will so state and the Director shall issue a Special Use Permit for the requested group home special use, indicating that all conditions and revocation procedures listed in this Article shall be in full force and effect.

(c) If the Department of Community Planning and Development finds that the application does not comply with the criteria in Article 6, and the applicant does not correct all previously noted deficiencies, the applicant shall have the right to appeal to Planning Commission according to the notification and scheduling procedures listed in Subsection 17-6-2(10) of this Article 6.

### **17-6-3. REVOCATION OF SPECIAL USE PERMIT.**

(1) All stipulations submitted as part of the Special Use Permit and all 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 of the Special Use Permit. *(As amended by O-91-12.)*

(2) If and when any special use is determined to be in violation of the Special Use Permit, the Director shall notify the permit holder and the licensing agency in writing of said violation and shall provide the permit holder with a thirty (30) day period in which to abate the violation. In addition, the notice shall state the time and place for a hearing, if the violation has not been abated within the thirty (30) day period. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued.

(3) If, within the thirty (30) day period established in Subsection (3) above, the permit holder completely abates the cited violation, the permit holder shall notify the Director and licensing agency that the required changes have been made.

- (4) Failure of the permit holder to abate cited violations within thirty (30) days shall result in the commencement of the hearing process scheduled by the provisions of Subsection (3) above. Notice of the hearing shall be provided as required by Section 17-6-2(10)(a) above, with notification to the licensing agency also provided.
- (5) Following a proper hearing, the Director shall issue a decision either revoking or sustaining the Special Use Permit. This decision may be appealed to the Planning Commission. After hearing, with prior notice to the permit holder, the Planning Commission shall sustain the decision of the Director if it finds a violation of the permit has occurred. The revocation of the Special Use Permit shall require the permit holder to vacate the premises or stop the use authorized by the Special Use Permit. After revocation, the permit holder may not reapply for a Special Use Permit pursuant to the procedures outlined in Section 17-6-2 of this Ordinance within 180 days of the revocation action.

The City, in addition to any other remedies provided in this Ordinance or by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation. Such actions may be instituted in the District Court of Jefferson County. *(As amended by 0-88-67.)*

**17-6-4. STANDARDS FOR SPECIAL USES.** In addition to any other regulations which may apply, no building or land shall be used and no building or structure shall be hereafter constructed or altered as a special use within a zone district unless said special use is specifically permitted within the zone district and conforms with the following standards and regulations applicable to the particular use. Special Use Permits may be granted for a specified period of time only if the specified period is set forth in the permit.

- (1) **Airports, Commercial Radio, and Television Towers:** No building or structure shall exceed any given height limit as required by the Federal Aviation Administration.
- (2) **Automobile Rental/Leasing:**
  - (a) Repair or servicing of vehicles shall be limited to repairs usually conducted at an auto service station and shall not include body work, painting, customizing, undercoating or rustproofing, vehicle steam cleaning, or repair or reconditioning of engines, air conditioning systems or transmissions.
  - (b) All operations must be conducted entirely within a building or structure, except as provided in (c) below.
  - (c) A maximum of twelve (12) licensed and operable automobiles at any one time may be stored on site for lease to customers. The number of vehicles permitted to be stored may be reduced from the maximum by the Planning Commission in approving a Special Use Permit depending on whether or not the parking lot available to the rental or leasing businesses is also used by other businesses.
- (3) **Correctional Institution:** Any use shall be so designed and located to assure maximum security to adjoining properties and to the neighborhood in general.
- (4) **Entertainment Center:**

- (a) A Special Use Permit for an entertainment center shall only be granted for a business establishment with a minimum of ten thousand (10,000) square feet of gross floor area in a commercial center where the entertainment center is located in a building having a gross minimum floor area of one hundred thousand (100,000) square feet.
- (b) The Special Use Permit, if approved for an entertainment center, shall not be effective until the applicant has obtained an Amusement Arcade License from the Arcade Licensing Board.
- (c) The Special Use Permit shall be transferable only if the Arcade Licensing Board permits the transfer of the Amusement Arcade License. The Special Use Permit shall be void if the entertainment center ceases to operate for more than thirty (30) days.
- (d) The Special Use Permit shall be revoked if the Arcade Licensing Board revokes or does not renew the annual Amusement Arcade License, and a new Special Use Permit shall be required for the existing user or a new user to operate again at the same location.
- (e) The Planning Commission, at its discretion, may deny the Special Use Permit if the Commission finds that the use would pose a threat to the general health, safety and welfare of the citizens of Lakewood. *(As amended by 0-92-2.)*

(5) Golf Driving Range:

- (a) All parking areas required to service customers shall be located on site. Three quarters (0.75) parking spaces shall be required for each driving tee.
- (b) Any use adjacent to a residential district shall be restricted in operations to between the hours of eight o'clock (8:00) a.m. and ten o'clock (10:00) p.m. local time daily. Uses not adjacent to a residential district shall not be so restricted.
- (c) Adequate fencing must be installed and maintained to prevent pedestrian traffic from entering the driving range field. The boundaries of the driving range field shall be placed no closer than twenty-five (25) feet to the lot line. Appropriate design measures shall be implemented to prevent golf balls from endangering adjoining property and property residents.

(6) Greenhouse/Nursery, Landscape Material: All parking areas required to serve customers, employees and delivery vehicles shall be located on site. Loading zones shall be designated for both delivery service and for merchandise pick up. All loading zones shall be located on site.

(7) Group Home:

- (a) The group home shall comply with any applicable license requirements of the State of Colorado, and have a currently valid license, if appropriate, and shall also comply with all certification and registration requirements of Jefferson County, including requirements for minimum floor area, bathroom area, closet space, and communal area.

- (b) All group homes shall be operated by an individual who lives in the dwelling as his/her primary residence and is issued the Special Use Permit in his/her own name or by a firm or organization holding Colorado non-profit corporate status and Internal Revenue Service tax exempt status.
- (c) No group home shall be located less than 1,000 feet from another existing or approved group home, except when such group homes are separated by a restricted access highway or community level public park. In addition in their review of Special Use Permit requests, the Planning Commission will consider the number of existing group homes within the planning district as a factor with bearing on the other standards set forth in this Section 17-6-4. It is the intent of the City of Lakewood to encourage an even distribution of group homes within the residential areas of the City.
- (d) Every group home shall comply with the applicable City building, fire, and safety codes as well as all applicable requirements of the zone district in which the home is to be located.
- (e) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.
- (f) No administrative activities of any private or public organization, other than those directly related to the specific group home, shall be conducted on the premises of the group home.
- (g) Parking for the group home shall typically be confined to the street frontage, driveway, and garage of the group home.
- (h) The group home Special Use Permit shall be issued to a specific operator or organization and will not be transferable to another party.
- (i) No group home shall be occupied until approvals from both the City of Lakewood and the appropriate licensing agency, when necessary, are received. In the case of group homes for the elderly, licensing agency approval shall consist of approval by Jefferson County as an adult foster care home, or by the State of Colorado as a personal care boarding home or alternative care boarding home.
- (j) Every group home shall be limited to a maximum of twelve (12) total residents living in the dwelling as a primary residence, with not more than eight (8) client residents, unless all of the following conditions can be met:
  - (1) A minimum of one thousand (1,000) square feet of lot area is maintained per person (client and other) residing in the dwelling; and
  - (2) The structure meets or exceeds habitable floor area requirements of the licensing agency or if no license is required, meets requirements of Jefferson County Social Services for a similar licensed use; and
  - (3) A favorable recommendation is provided by the licensing agency setting forth the reasons for a higher number of residents is provided; and

(4) The Planning Commission determines that no substantial negative impact to the subject or nearby properties will result from the additional number of residents proposed. *(As amended by O-91-12.)*

(k) Services provided within the group home setting should not include ongoing medical or psychiatric treatment normally associated with a hospital or clinic setting, or a group living quarters, as determined by licensing agency.

(l) Any group home existing as of the effective date of this Ordinance 0-88-67 shall have a period not to exceed one hundred eighty (180) days to come into compliance with the above listed standards; except that any existing group home that does not currently meet the separation standards of Subsection (c) shall not be considered to be in violation of this Section. Upon proof that an existing group home meets the above listed standards, the Director of Planning, Permits and Public Works shall cause to be issued a Special Use Permit for the existing use, indicating that all conditions and revocation procedures listed in this Article shall be in full force and effect. Any existing group home failing to comply shall be considered to be in violation of this Ordinance and subject to the procedures set forth in Section 17-6-3 above, unless a Special Use Permit is applied for according to the procedures listed in Section 17-6-2, and issued by Planning Commission. *(As amended by O-88-67; O-91-12; and O-91-59.)*

(8) **Group Living Quarters and Residential Health Care Facilities:**

(a) Every group living quarters shall comply with the site development requirements of Article 15 of the Zoning Ordinance, the Multiple Family Design Guidelines, and the requirements of the zoning district in which it is located.

(b) Every group living quarters shall comply with the parking requirements of Article 9 of the Zoning Ordinance. The Planning Commission shall have the authority to modify such requirements, if a parking analysis is submitted which demonstrates the appropriateness of a different parking requirement.

(c) No architectural designs substantially inconsistent with the character of the surrounding neighborhood shall be permitted.

(d) Every group living quarters shall comply with all applicable license requirements of the State, and registration requirements of Jefferson County.

(e) Every group living quarters shall be located on a multi-family or commercial local, collector, or arterial street, and shall be accessible to transportation and convenience shopping facilities.

(f) Group living quarters shall not include the conversion of a portion of an existing multi-family development.

(g) Every group living quarters for juvenile or adult offenders shall be so designed and located to assure the security of the facility itself, adjoining properties and the neighborhood in general. *(As amended by O-91-12.)*

(9) Limited Office and Personal Services:

- (a) The following lots are excluded from this special use category:
  - (1) Lots which are separated from the arterial street by a frontage or service road.
  - (2) Lots which front on another street and back up to the arterial street.
  - (3) Lots containing less land area than the minimum set forth in the applicable zoning district. A variance shall not be granted to allow a substandard lot to qualify for a Special Use Permit. *(As amended by 0-84-51.)*
- (b) The gross floor area of the residential structure must not exceed that existing at the time of adoption of this Ordinance and the location of lot lines must be as they existed at the time of the adoption of this Ordinance. The residential character of the building must not change.
- (c) No hazardous or flammable material may be stored outdoors. There shall be no outdoor storage of inventory or supplies.
- (d) Any use of the structure must be in compliance with the Building Code.
- (e) Any use of the property must comply with the site plan requirements of Article 15 of this Ordinance.
- (f) Parking requirements for allowed uses shall be those set forth for comparable uses in Article 9.

(10) Mineral Resource Extraction:

- (a) The term "mineral" as used in this Section means an inanimate constituent of the earth in a solid, liquid, or gaseous state which, when extracted from the earth, is useable in its natural form or is capable of conversion into a useable form as a metal, a metallic compound, or chemical, an energy source, or a raw material for manufacturing or construction material, but does not include surface or subsurface water.
- (b) The term "extraction operations" or "operations" includes the development or extraction of a mineral from its natural occurrence on affected land, including but not limited to, open mining and surface operations, and the disposal of refuse from underground and in situ mining, as well as stockpiling of extracted minerals, concentration, milling, evaporating and other on-site processing activities, but not including the grading or removal or transportation of earth normally associated with construction activities, when the primary purpose of the activities is construction rather than mineral extraction.
- (c) Notwithstanding the requirements of Section 17-6-2 of this Ordinance, Special Use Permit applications for mineral extraction may be initiated by the fee owner of the property, his designated agent, and/or the owner or lessee of mineral interests.

- (d) Impact analyses shall be submitted by the applicant to Planning Commission regarding potential impacts of the operations on erosion, drainage patterns, geological formations and stability, transportation systems, air and water quality, and plant and animal communities in the area, and Planning Commission shall consider the analyses and impacts when reviewing an application for a Special Use Permit.
- (e) A reclamation plan shall be submitted by the applicant to Planning Commission for review. The reclamation plan shall demonstrate restoration of the surface to original conditions as far as possible, or at the discretion of Planning Commission to an appropriate land use as indicated by the Comprehensive Plan, and shall be consistent with the plan submitted to the Mined Land Reclamation Board.
- (f) All vehicles connected with mineral extraction operations shall operate in conformance with Chapter 10 of the Lakewood Municipal Code.
- (g) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and eight o'clock (8:00) p.m. local time Monday through Saturday.
- (h) All extraction operations shall comply with the requirements of Chapter 9.52 of the Lakewood Municipal Code pertaining to noise, as well as Chapter 5.16 of the Lakewood Municipal Code pertaining to the use of explosives.
- (i) All extraction operations, including areas used for equipment storage and/or the stockpiling of extracted minerals, shall conform to the following setback requirements:
  - (1) A minimum one thousand (1,000) foot setback shall be provided from the property line of any adjacent property, if the adjacent property is zoned for residential uses.
  - (2) A minimum two hundred (200) foot setback shall be provided from the property line of any adjacent property that is zoned for other than residential uses, or from any street right-of-way, or property that is designated as public park/open space property.
  - (3) A minimum two hundred (200) foot setback shall be provided from any structures located on the same parcel of property as the extraction operations; except that upon written agreement with the owner of the structure the setback may be reduced to a minimum of fifty (50) feet.
- (j) All operations shall be separated from adjacent land uses by appropriate fencing, buffering and safety measures. Buffering shall include provisions for screening temporarily disturbed areas and stockpiles. A phasing plan and approximate time schedule for conducting and completing operations shall be submitted with an application for Special Use Permit. Phasing plans shall indicate the maximum area of disturbance during any phase. No permit for any phase shall be issued for a period of longer than five (5) years from the date of approval of the Special Use Permit, except that upon written request prior to the termination of the five (5) year period, Planning Commission may review the operations and grant extensions of up to five (5) years each to complete the operations.

- (k) All operations shall conform to the extraction and reclamation requirements of the State of Colorado Mined Land Reclamation Board.
- (l) The proposed operations shall not be otherwise detrimental to the public health, welfare or safety of the present or future inhabitants of the City.
- (m) In evaluating a permit application, Planning Commission shall consider the suitability of the property for the proposed operations, the impact of the proposed operations upon and compatibility with nearby uses, both existing and proposed, and upon traffic circulation in the area of and access to the proposed operations.
- (n) If a Special Use Permit is granted, Planning Commission shall have the authority to impose such reasonable conditions and safeguards upon the permit as are necessary to ensure compliance with the standards set forth in this Subsection (10). The Special Use Permit and any conditions attached thereto remains in effect until the final phase of reclamation is complete. *(As amended by 0-85-80.)*

(11) Private Golf Course; Country Club:

- (a) Two tenths (0.2) parking spaces shall be required for every member. All parking areas required to service members, guests, employees, or other patrons shall be provided on site and shall be designed in accordance with Article 15 of this Ordinance.
- (b) Any use adjacent to a residential district shall restrict its outdoor operations to between the hours of five o'clock (5:00) a.m. and ten o'clock (10:00) p.m. local time daily. Uses not adjacent to a residential district shall not be so restricted.
- (c) Adequate measures shall be taken to prevent golf balls from endangering adjoining property and property residents.

(12) Racetrack:

- (a) The Special Use Permit shall be valid only for a specified time period set forth in the permit.
- (b) All structures and operating equipment shall be set back at least one hundred (100) feet from all property lines.

(13) Roadside Stand:

- (a) All vehicular access points shall be on the front lot line. Service or delivery trucks shall not stop within ten (10) feet of the traveled thoroughfare while doing business with the use.
- (b) Hours of operation shall be restricted to between the hours of six o'clock (6:00) a.m. and ten o'clock (10:00) p.m. local time daily.

(14) Sanitary Landfill: No sanitary landfill shall create a water diversion hazard which would endanger adjacent areas, nor shall the landfill create any undesirable odors or any unsightly areas to adjacent properties and buildings.

(15) Trade and Technical Services: *(As amended by 0-92-21.)*

- (a) All operations must be conducted entirely within a building or structure.
- (b) The building(s) or structure(s) to be occupied by the trade and technical service business shall have been constructed prior to September 1, 1991. Modifications to and/or expansions of buildings or structures may be permitted if approved as part of the Special Use Permit.
- (c) There shall be no outdoor storage of materials or products at any time. Loading and unloading of shipments shall be permitted.
- (d) Where the building facade includes windows or doors, the areas within the building visible through these openings from outside shall be used for office or retail operations and not for storage, stockpiling of materials, or machinery. The arrangement of activities inside the building shall be such to preserve a commercial retail or office character, rather than an industrial character, when it is viewed from outside.
- (e) The number of parking spaces on the site shall be sufficient for the establishment of a trade and technical use, and for any remaining uses on the site.
- (f) The Planning Commission shall have the authority to evaluate the proposed trade and technical use for its compatibility with the surrounding land uses, in particular with residential uses, and to establish conditions related to the following factors:
  - hours of operation
  - noise
  - glare
  - access points and loading docks
  - truck traffic
  - other impacts related to compatibility of the proposed Special Use
- (g) No trade and technical use shall be permitted which involves the storage of hazardous waste, as designated under Section 101(14) of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. Applicants shall declare at the time they make application for a Special Use Permit if any hazardous materials are either used or produced in conjunction with a trade and technical use. Hazardous materials shall be handled in compliance with any applicable Federal, State and local regulations, except that, the Planning Commission shall have the authority to deny a trade and technical use if, in its judgment, the presence of hazardous materials makes a trade and technical use incompatible with the surrounding land uses.

(16) Travel Trailer Campgrounds:

- (a) All campgrounds shall comply with the Colorado Department of Health Standards and Regulations for Campgrounds and Recreation Areas, as amended from time to time.

- (b) Interior roads and drives shall be screened such that vehicle headlights shall not cast direct light beyond the boundaries of the property.

(17) Wind-powered Electric Generators:

- (a) No wind-powered electric generator shall exceed sixty (60) feet in height measured from ground level to the top of the blade diameter.
- (b) No wind-powered electric generator or portion thereof may extend or encroach into the building setback areas or onto any adjacent property.
- (c) Prior to the issuance of the Special Use Permit, the applicant shall provide written approval of the complete installation by a Registered Professional Engineer. Such review shall include structural, electrical, safety, and noise components.
- (d) A site plan showing the proposed location of the wind-powered electric generator(s) shall be submitted for approval by the Planning Commission as part of the Special Use Permit application.
- (e) All electrical wiring shall be underground. *(As amended by 0-81-108.)*

(18) Government Office Building:

- (a) Any use of the property must comply with Article 15 of this Ordinance.
- (b) Any use of the property must comply with the restrictions and regulations of the Office (OF) Zone District with an allowable building height of sixty (60) feet; provided, however, that the Planning Commission shall have the discretion to limit building heights to less than sixty (60) feet based upon prevailing building heights in the area, proposed building setbacks, or other environmental factors.
- (c) Parking requirements for allowed uses shall be those set forth for comparable uses in Article 9 of this Ordinance.
- (d) Any use of the building must be in compliance with the Building Code. *(As amended by 0-85-81.)*

(19) Historic Place:

- (a) Purpose and Intent. It is the purpose and intent of this section to:
  - (1) Establish criteria for evaluation, designation, and the preservation of historic buildings, structures, and sites;
  - (2) Provide a means to preserve historic places of local, State, or National historic or pre-historic importance.
  - (3) Provide criteria to allow historic places a means to keep their uniqueness by establishment of conditions, by which other provisions of the Zoning Ordinance may be modified.

(b) Designation of Historic Place. In order to grant a Special Use Permit establishing conditions to protect existing features of the place, the place must be designated as a historic place by one of the following:

- (1) Listed in "The National Register of Historic Places."
- (2) Designated by the Planning Commission, as part of a Special Use Permit application, as a historic place. The Planning Commission may designate a site as a historic place if it finds that:
  - (a) The place was associated with events that have made a significant contribution to the broad patterns of National, State or local history; or
  - (b) The place was associated with the lives of persons significant to our history; or
  - (c) The place embodies distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that posses high artistic values, or that represent a significant and distinguishable entity whose components may lack distinction; or
  - (d) The place has yielded, or may be likely to yield information important in pre-history or history.
- (3) The Planning Commission may request an application be reviewed by the Lakewood Historical Society or the Colorado Historical Society.

(c) Conditions to Protect Historic Places.

- (1) As part of the Special Use Permit Planning Commission may place such reasonable conditions as it finds necessary to protect the historical character of the site, building or structure under consideration. Said conditions may be in addition to the Zoning Ordinance or a reduction from the requirements in the Zoning Ordinance. When considering a reduction from the requirements of the Zoning Ordinance the Planning Commission shall be limited to the following:
  - (a) Height and setbacks for existing buildings and structures.
  - (b) Existing parking lot configuration.
  - (c) Existing signs only when such sign is part of the historical character of the historic place.
- (2) Special Use Permits for historical places shall address the entire parcel or lot containing the historic place. All Special Use Permits shall include a reproducible mylar site plan showing all relevant site information including:
  - (a) Lot boundary with legal description.
  - (b) All buildings and structures whether or not all are considered historic. Includes parking and access.

- (c) Building setbacks.
- (d) Architectural elevations of historic buildings or structures.
- (e) Tabular information such as lot size, zoning, building area, etc.
- (f) A listing of all conditions established for the designation and continued use as a historic place.

*(As amended by O-88-24.)*

(20) **Multiple Family Housing Density Bonus:** *(As amended by O-89-51.)*

- (a) The Planning Commission shall have the authority to approve a density bonus of up to fifteen percent (15%) over the maximum number of units specified in the 4-R, 4-RA, and 5-R Zone Districts. Said bonus may be granted by the Planning Commission to those developments which demonstrate superior achievement and which also provide density incentive features as listed below. Said bonus shall be considered by the Planning Commission pursuant to an application for a Special Use Permit in the 4-R, 4-RA, or 5-R zones, and upon review of approved development plans. Said bonus shall be based upon design quality and the number of density incentive features included in the development plans. Density incentive features are upgrades of the more important criteria outlined in the Multiple Family Housing Design Guidelines.

Density features shall include:

- (1) Increased setbacks and buffer areas.
- (2) Increased usable open space.
- (3) Increased number and size of appropriate plant materials.
- (4) Parking lots with improved visual impact.
- (5) Variation in size and configuration of building footprints.
- (6) Increased structured or covered parking.
- (7) Special treatment in screening miscellaneous mechanical equipment, utility meters, on-ground air conditioners, and transmission boxes.
- (8) Detention ponds designed as recreational or visual amenities.
- (9) Superior interface with developments of lower density or lower height.
- (10) Increased recreational amenities.
- (11) Increased private open space.
- (12) Any other design features which significantly improve the quality of the living environment.

(b) In order for a project to be considered superior, the upgrade shall demonstrate a superior level of function and design. The Planning Commission shall make the final decision on awarding the density bonus.

(21) Higher education classrooms and offices: *(As amended by 0-96-16.)*

- (a) The number of parking spaces on the site shall be sufficient for the proposed use.
- (b) A site plan, subject to the provisions of Article 15, shall be submitted for review and approval with the Special Use Permit application.
- (c) A proposed sign program shall be provided with the Article 15 site plan.
- (d) A 10-foot landscaped buffer and/or fence with a minimum height of 5 feet and maximum height of 6 feet is required adjacent to all residentially zoned land.
- (e) The property must have frontage on a collector or arterial street.
- (f) The Planning Commission shall have the authority to evaluate the proposed use for its compatibility with the surrounding land uses, in particular residential uses, and to establish conditions related to any impacts related to the compatibility of the proposed Special Use and approve or deny the request based on its best judgment for the request and substantial impacts.
- (g) The Planning Commission shall have the authority to establish hours of operation.

(22) CMRS Telecommunication Facility:

See Section 17-12-2(h)(9) for design criteria and performance standards. Special use permits issued for CMRS telecommunication facilities shall run with the property on which the facility is located. *(As amended by 0-97-15.)*

## ARTICLE 7: SETBACK REQUIREMENTS

### 17-7-1. GENERAL PROVISIONS.

- (1) Unless specifically excluded, any building or structure including any accessory building or structure located within a zone district set forth below, shall conform to the setback requirements applicable to that zone district. Street classifications set forth in this Article are as designated in the Comprehensive Plan.
- (2) Setbacks shall be measured from the applicable front, rear, or side lot line to the applicable front, rear, or side setback line.
- (3) Exclusions: The following are allowed in any required setback, except as noted below, but shall not obstruct motorist' vision at access points and shall not encroach into the required sight triangle (see Article 8):
  - (a) Driveways;
  - (b) Eaves, if they encroach no more than two (2) feet into the minimum required setback;
  - (c) Mailboxes and newspaper racks;
  - (d) Planters, if no greater than thirty (30) inches in height;
  - (e) Porches, patios, and decks, if uncovered and no greater than thirty (30) inches in height;
  - (f) Porches, as defined in Section 17-2-2, which project no more than eight (8) feet into the required front yard setback;
  - (g) Retaining walls;
  - (h) Walkways;
  - (i) Walls and fences, if in compliance with Article 8 of the Lakewood Zoning Ordinance, and with an approved fence permit;
  - (j) Utility facilities;
  - (k) Buildings and structures as provided elsewhere in this ordinance.

*(As Amended by O-94-81.)*

### 17-7-2. R1A DISTRICT. The following setbacks shall apply within the R1A District:

- (1) The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet. Private garages shall have the same front yard as the dwelling or other main building on the lot. Accessory buildings housing horses, cattle, sheep, goats, rabbits, chinchillas, poultry, and pigeons shall be set back at least one hundred (100) feet from

the front lot line. All other accessory buildings not otherwise listed herein shall be set back at least seventy-five (75) feet from the front lot line.

(2) The minimum depth of any side or rear yard shall be fifteen (15) feet; however, accessory structures not regulated in Section 17-5-7 may have a minimum depth of any side or rear yard of ten (10) feet. *(As amended by O-97-9.)*

**17-7-3. 1-R DISTRICT.** The following setbacks shall apply within the 1-R District:

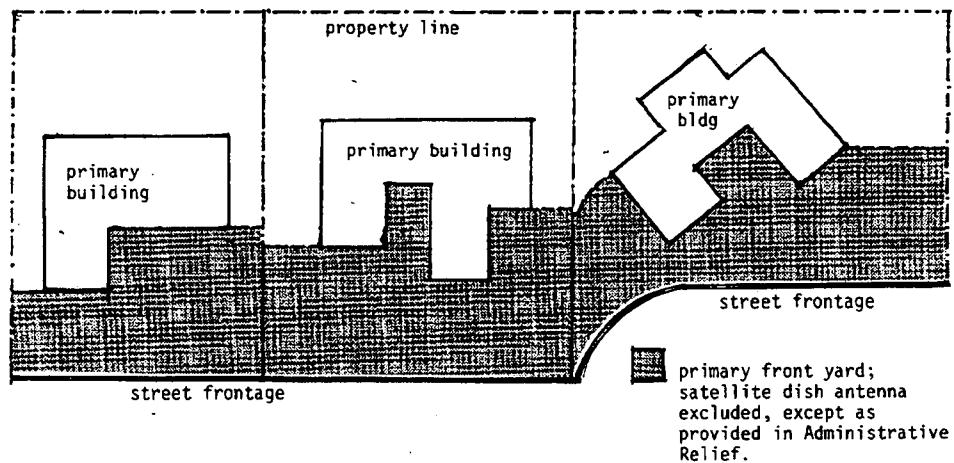
(1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard for dwellings and other main buildings shall be forty (40) feet when the front yard is adjacent to a major arterial street. Private garages shall have the same front yard as the dwelling or other main buildings on the lot. Accessory buildings housing horses, cattle, sheep, goats, rabbits, chinchillas, poultry, and pigeons shall be set back at least one hundred (100) feet from the front lot line. The minimum front setback for all other accessory buildings shall be as follows:

(a) On primary fronts, accessory buildings shall not be placed in the area between the primary front lot line and the following:

(1) the front face(s) of the primary building

(2) a line from the point on the primary building closest to each side lot line extending to that side lot line, with the line being parallel to the primary front lot line. (see Figure 7-1)

FIGURE 7-1



- (b) On nonprimary fronts, accessory buildings shall be placed no closer to the nonprimary front lot line than the minimum front setback distance required in the applicable zoning district. *(As amended by O-94-81.)*
- (2) The minimum depth of any side or rear yard shall be fifteen (15) feet; however, accessory structures not regulated in Section 17-5-8 may have a minimum depth of any side or rear yard of five (5) feet. *(As amended by O-82-19.)*

**17-7-4. 2-R DISTRICT.** The following setbacks shall apply within the 2-R District:

- (1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard for dwellings and other main buildings shall be forty (40) feet when the front yard is adjacent to a major arterial street. Private garages shall have the same front yard as the dwelling or other main buildings on the lot. The minimum front setback for all other accessory buildings shall be as follows:
  - (a) On primary fronts, accessory buildings shall not be placed in the area between the primary front lot line and the following:
    - (1) the front face(s) of the primary building
    - (2) a line from the point on the primary building closest to each side lot line extending to that side lot line, with the line being parallel to the primary front lot line. *(See Figure 7-1)*
  - (b) On nonprimary fronts, accessory buildings shall be placed no closer to the nonprimary front lot line than the minimum front setback distance required in the applicable zoning district. *(As amended by O-94-81)*
- (2) The minimum depth of any side yard shall be five (5) feet. In the case of a single-household dwelling with one side zero lot line, at least three (3) feet shall be added to the side yard setback on the side opposite to the zero lot line.
- (3) The minimum depth of any rear yard shall be twenty (20) feet; however, accessory structures may have a minimum depth of any rear yard and of five (5) feet. *(As amended by O-82-19.)*
- (4) In situations such as infill, where existing setbacks are similar to those specified below, and in new developments where the use of varied setbacks and different housing types would improve the design of the development, the Director of Community Planning and Development may require that building setbacks be as set forth in the small lot single family guidelines. This determination shall be made at the time of zoning/rezoning or preliminary map and shall be noted on the final plat. The minimum setbacks shall be as follows:

**Front:** Twelve (12) feet minimum, when adjacent to a local street, measured from back of walk, except that an attached garage shall have a minimum setback of eighteen (18) feet measured from back of sidewalk if the overhead garage doors face the local street. Detached garages shall have the same front yard as the main building on the lot. All other accessory structures not otherwise listed herein shall be set back at least fifty (50) feet from the front lot line.

Thirty (30) feet minimum, measured from property line, when adjacent to a collector street.

Forty (40) feet minimum, measured from property line, when adjacent to an arterial street.

**Side:** Five (5) feet minimum except that a zero lot line dwelling is permitted if the side yard opposite the zero lot line, is a minimum eight feet wide.

**Rear:** Twenty (20) feet minimum except for accessory structures which shall have a five (5) foot minimum setback. *(As amended by 0-89-51 and 0-91-59.)*

**17-7-5. 3-R DISTRICT.** The following setbacks shall apply within the 3-R District:

- (1) The minimum depth of front yard for dwellings and other main buildings shall be twenty (20) feet when the front yard is adjacent to a local street. The minimum depth of front yard for dwellings and other main buildings shall be thirty (30) feet when the front yard is adjacent to a collector street. The minimum depth of front yard shall be forty (40) feet when the front yard is adjacent to a major arterial. Private garages shall have the same front yard setbacks as dwellings or other main buildings on the lot. The minimum front setback for all other accessory buildings shall be as follows:
  - (a) On primary fronts, accessory buildings shall not be placed in the area between the primary front lot line and the following:
    - (1) the front face(s) of the primary building
    - (2) a line from the point on the primary building closest to each side lot line extending to that side lot line, with the line being parallel to the primary front lot line. (See Figure 7-1)
  - (b) On nonprimary fronts, accessory buildings shall be placed no closer to the nonprimary front lot line than the minimum front setback distance required in the applicable zoning district. *(As amended by 0-94-81.)*
- (2) The minimum depth of any side yard shall be five (5) feet. In the case of a single-household dwelling with one side zero lot line, at least three (3) feet shall be added to the side yard setback on the side opposite the zero lot line.
- (3) The minimum depth of any rear yard shall be twenty (20) feet; however, accessory structures may have a minimum depth of any rear yard of five (5) feet.

(4) Single-household dwellings shall also be subject to the provisions of Section 17-7-4(4).  
*(As amended by 0-82-19; 0-86-50; and 0-89-51.)*

**17-7-6. 3-RA DISTRICT.** The following setbacks shall apply within the 3-RA District:

(1) The minimum setbacks for single household detached dwellings shall be as follows:

**Front:** Twelve (12) feet minimum, when adjacent to a local street, measured from back of walk, except that an attached garage shall have a minimum setback of eighteen (18) feet measured from back of sidewalk if the overhead garage doors face the local street. Detached garages shall have the same front yard as the main building on the lot. All other accessory structures not otherwise listed herein shall be set back at least fifty (50) feet from the front lot line.

Thirty (30) feet minimum, measured from property line, when adjacent to a collector street.

Forty (40) feet minimum, measured from property line, when adjacent to an arterial street.

**Side:** Five (5) feet minimum except that a zero lot line dwelling is permitted if the side yard opposite the zero lot line is a minimum eight feet wide.

**Rear:** Twenty (20) feet minimum except for accessory structures which shall have a five (5) foot minimum setback.

(2) The minimum setbacks for duplexes which are not part of a larger development that includes common facilities such as private roadways and recreational/open space areas shall be as provided for in Section 17-7-5.

(3) The minimum setbacks for all other main buildings shall be as defined in the charts contained in Section 17-7-7. *(As amended by 0-89-51.)*

**17-7-7. 4-R, 4-RA, 5-R, 5-RA DISTRICTS.**

(1) The minimum setbacks for single household detached dwellings and duplexes which are not a part of a larger development that includes common facilities shall be as provided for in Section 17-7-6.

(2) The minimum setbacks for all main structures shall be as contained in the chart below. Refer to definitions of setbacks in Section 17-2-2 of this Ordinance for details on measurement.

BUILDING HEIGHT*	FRONT SETBACKS			REAR SETBACK	SIDE SETBACK
	LOCAL	COLLECTOR	ARTERIAL		
1 story	20'	30'	40'	30'	20'
2 stories	35'	45'	55'	35'	25'
3 stories and over	45'	55'	60'	45'	35'

\*Stories shall be as defined in the City Building Code and shall be measured to the side of the building closest to the street.

(3) Along private drives, the following garage setbacks shall be required:

With parking in front of garage, when measured from the inside of a sidewalk	18'
With parking in front of garage, when measured from curb face (no sidewalk)	20'
Without parking in front of garage	Maximum 5'

Note: If more than a five (5) foot setback is provided, the standards above must be met.

(4) The minimum setbacks for all other accessory structures shall be as follows:

Front - Seventy-five (75) feet  
Side - Ten (10) feet  
Rear - Fifteen (15) feet

*(As amended by 0-89-51.)*

**17-7-8. 6-R DISTRICT.** The following setbacks shall apply to each mobile home park:

(1) The minimum depth of front yard shall be thirty (30) feet when the front yard is adjacent to a local street. The minimum depth of front yard shall be forty (40) feet when the front yard is adjacent to a collector street. The minimum depth of front yard shall be fifty (50) feet when the front yard is adjacent to a major arterial. No accessory buildings or structures are allowed in the front yard setback. *(As amended by 0-82-19.)*

(2) The minimum depth of any side yard or rear yard shall be thirty (30) feet; however, accessory structures may have a minimum depth of any side or rear yard of fifteen (15) feet. *(As amended by 0-82-19; 0-86-50; and 0-89-51.)*

**17-7-9. ALL OFFICE, COMMERCIAL AND INDUSTRIAL DISTRICTS.** The following setbacks shall apply to all office, commercial and industrial districts:

(1) The minimum depth of front yard for any building or structure shall be thirty (30) feet.

- (2) The minimum depth of any side or rear yard shall be zero (0) feet or at least five (5) feet except when adjacent to a residential zone district; in which case the side or rear setback shall be at least ten (10) feet.
- (3) Motor fuel pumps shall not be located less than eighteen (18) feet from the front lot line.
- (4) The setback for any yard containing a loading dock shall be increased to sixty-five (65) feet.
- (5) No accessory building or structure shall encroach in the front setback. Side and rear setbacks for accessory buildings and structures shall be at least five (5) feet from property line. *(As amended by 0-83-159; 0-86-50; 0-87-10; and 0-89-51.)*

**17-7-10. ZERO LOT LINE SETBACKS AND STRUCTURE SEPARATIONS.** Zero lot line structures permitted in the 3-R, 4-R, 5-R and PD Districts may be constructed so that the wall of the structure is placed on a particular lot line. However, in such cases, provision must be made for both encroachment of any overhang and maintenance access for such structure from the owner of the adjacent lot. However, if a building is constructed of masonry or fireproof materials, separation between individual buildings is restricted only to those requirements of the materials themselves as specified in the Building Code. *(As amended by 0-89-51 and 0-93-34.)*

## ARTICLE 8: FENCES, WALLS AND OBSTRUCTIONS TO VIEW

### 17-8-1. VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS. *(As amended by O-91-31.)*

- (1) Except as specifically permitted in this Ordinance, no fence, wall, hedge, or other structure or obstruction above a height of forty-two (42) inches as measured from the flow line or in the absence of curbs and gutters, as measured from the property line, shall be constructed, placed or maintained within fifty-five (55) feet of the intersection of the right-of-way lines of two (2) streets or railroads or at a street intersection.
- (2) The Director of Community Planning and Development shall adopt, and may from time to time amend, standards by which persons may be exempted by him from the limitations of this Section. Any such exemption shall be in writing. No exemption shall permit a fence, wall, hedge or other structure or obstruction to be constructed, placed or maintained in such a manner as to endanger or potentially endanger the public health or safety. *(As amended by O-91-59.)*

### 17-8-2. PERMITTED FENCES AND WALLS. *(As amended by O-92-1.)*

- (1) For the purpose of this Article, the following definitions apply:
  - (a) "Open" means a fence or wall with more than fifty (50) percent open space in its vertical surface.
  - (b) "Solid" means a fence or wall with ten (10) percent or less open space in its vertical surface. *(As amended by O-91-31.)*
  - © "Main Structure" means a structure or structures on a commercial or office site where the primary operations of any business occupying the site occur. *(As amended by O-91-31.)*
- (2) Except as provided in Subsection (3), fences and walls shall be permitted within City of Lakewood zoning districts as shown in Figure 8-1. *(As amended by O-89-51 and O-91-31.)*

### 17-8-3. MEASUREMENTS.

- (1) All fences and wall heights, except those described in Section 17-8-1, shall be measured from the lowest finished grade at the location of the fence. Heights of fences described in Section 17-8-1 shall be measured from finished curb level.
- (2) A combination fence and retaining wall may be erected to a height of seventy-two (72) inches above the highest finished grade or ninety-six (96) inches above the lowest finished grade, at the location of the fence, except that the fence portion may not exceed seventy-two (72) inches above the highest finished grade.

#### **17-8-4. FENCE PERFORMANCE STANDARDS.**

- (1) **Intent.** The intent of these performance standards is to permit fences in commercial districts at a reduced setback based on the type of material used to construct the fence and whether or not a landscape buffer is provided between the fence and streets abutting the site where the fence is located. In addition, allowance has been made for the use of a ten (10) foot high fence to create a secured storage area for vehicles, if buffered by landscaping and placed a minimum of thirty (30) feet from adjacent streets and residential property.
- (2) **Performance Standards.**
  - (a) Wood fences shall be of high grade new cedar or redwood. Minimum sizes for components shall be 1" x 2" for vertical pickets and 4" x 4" for posts. A four (4) inch minimum spacing is required between vertical pickets. All fence components shall be stained or painted an earth tone color or be constructed of a natural finish redwood. The fence shall be finished on the street side. The entire fence shall be of a single decorative style.
  - (b) Decorative metal fences shall be of high grade new cast iron, galvanized steel or aluminum. Minimum sizes for components shall be 3/4" x 3/4" for vertical pickets and 1/2" x 1/2" for posts. A four (4) inch minimum spacing is required between vertical pickets. All fence components shall be colored black or dark brown. The entire fence shall be of a single decorative style.
  - (c) Any required landscape buffer area shall be irrigated and covered with living ground cover or turf and shall include trees and shrubs at the densities specified in Section 17-15-7 for perimeter landscaping; with plant materials installed on the primary front yard to be three (3) inch caliper shade trees, two (2) inch caliper ornamental trees and six (6) feet high evergreen trees minimum size.
  - (d) Performance standards for ten foot (120") fence surrounding secured storage areas.
    - (1) The fence must be set back a minimum of thirty (30) feet from the side and rear property line and from any street right-of-way.
    - (2) Where the fence is within fifty (50) feet of any public right-of-way or of property in a residential zone district, a landscape buffer, no less than twenty (20) feet in width and meeting performance standard ° in this Section, is required along the outside perimeter of the fence except where any driveway enters the secured storage area. In all other cases, a landscape area at least ten (10) feet in width and meeting performance standards in this Section is required along the outside perimeter fence.
    - (3) Landscape materials used in the buffer area shall provide an effective screen to a height of eight (8) feet at mature growth. Approved screening plant materials are listed in Section 17-19-9, Table 19-2.

- (e) Prior to issuance of any fence permit, a maintenance agreement shall be signed by the property owner which obligates the owner to maintain the fence to a degree satisfactory to the City.
- (f) Notwithstanding the provisions of this Section 17-8-4, fences allowed by this Section and any required landscaping shall comply with the requirements of Section 17-8-1 for vision clearance at corners and railroad crossings. Landscaping shall be maintained according to the requirements in Section 17-15-6.

(3) Submittal and Approval Process.

- (a) Submittal Requirements. A plan shall be submitted at a scale of 1" = 20' or larger, showing the location of any fences and landscaped areas, and types of plant materials to be used. Elevations of fences shall be required.
- (b) Review. The fence shall be reviewed for conformance with the performance standards. The applicant shall be notified in writing as to the decision within five (5) working days of the application submittal.
- (c) Action and Appeal. The Director of Community Planning and Development or designee shall approve, approve with conditions, or deny the application. The applicant may appeal a denial of a fence plan to the Planning Commission. Such an appeal must be filed in writing with the Planning Commission Secretary no later than fifteen (15) working days from the date of the denial. *(As amended by 0-91-31.)*

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**FIGURE 8-1  
FENCE REGULATIONS**

ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
RR Rural Residential	No restrictions	50 % open on Front open, solid surface on side and rear	72"	property line	Electrified permitted on side and rear only if placed at least 5' inside from another security fence and warning is posted.
R1A Residential One Acre	No restrictions	Open, Solid, Barbed Wire Electrified - if adequate warning signs provided	84"	property line	When property in CN district abuts property in any other zone district, the fence along the common boundary line between the districts shall only be that fence allowed in the other zone district.
1R through 6R Residential	Side and rear yards Front yard, non- primary	Open, solid	72"	property line	Non-primary front yards are those yards abutting a public right-of-way which do not have the main entrance of the building oriented toward them.
	Front yard, primary	Open	42"	property line	Primary front yard is that yard abutting a public right-of-way where the main entrance of the building is oriented.
OF, 1C through 5C Office/Commercial	Side and rear yards	Open, solid	72"	property line	
	Front yard, any	Open, solid	72"	50' from property line	
		Open, Wood Fences Only	72"	40' from property line, except that where the fence is located in the primary front yard, the fence shall not be located so as to cross between the street and any principal building on the site (see Figure 8-3).	For display areas only (see definition). Fence must meet applicable performance standards and be approved according to procedures in 17-8-4. See Figure 8- 2 for typical layout.

**FIGURE 8-1**  
**FENCE REGULATIONS**  
**(Continued)**

<b>ZONE DISTRICT</b>	<b>PERMITTED LOCATION</b>	<b>TYPE OF FENCE PERMITTED</b>	<b>MAXIMUM HEIGHT</b>	<b>MINIMUM SETBACK</b>	<b>ADDITIONAL REQUIREMENTS/COMMENTS</b>
OF, 1C thru 5C Office/Commercial	Front yard, any	Open, Decorative Metal Fences Only	72"	30' from property line, except that where the fence is located in the primary front yard, the fence shall not be located so as to cross between the street and any principal building on the site (see Figure 8-3).	For display areas only (see definition). Fence must meet applicable performance standards and be approved according to procedures in 17-8-4. See Figure 8-2 for typical layout.
		Open, Wood, Decorative Metal, Chain Link		20' from property line on arterials and collectors; 15' from property line on local streets, except that where the fence is located in the primary front yard, the fence shall not be located so as to cross between the street and any principal building on the site (see Figure 8-3).	For display areas only (see definition). Must provide landscape buffer area as follows:  - 15' on arterials and collectors - 10' on local streets  Fence and landscaping must meet applicable performance standards and be approved according to procedures in 17-8-4. See Figure 8-2 for typical layout.
OF, 1C through 5C Office/Commercial	Front yard, non-primary	Solid, Wood or Masonry	72"	20' from property line on arterials and collectors; 15' from property line on local streets	Must provide landscape buffer area as follows:  - 15' on arterials and collectors - 10' on local streets  Landscaping must meet applicable performance standards and be approved according to procedures in 17-8-4.

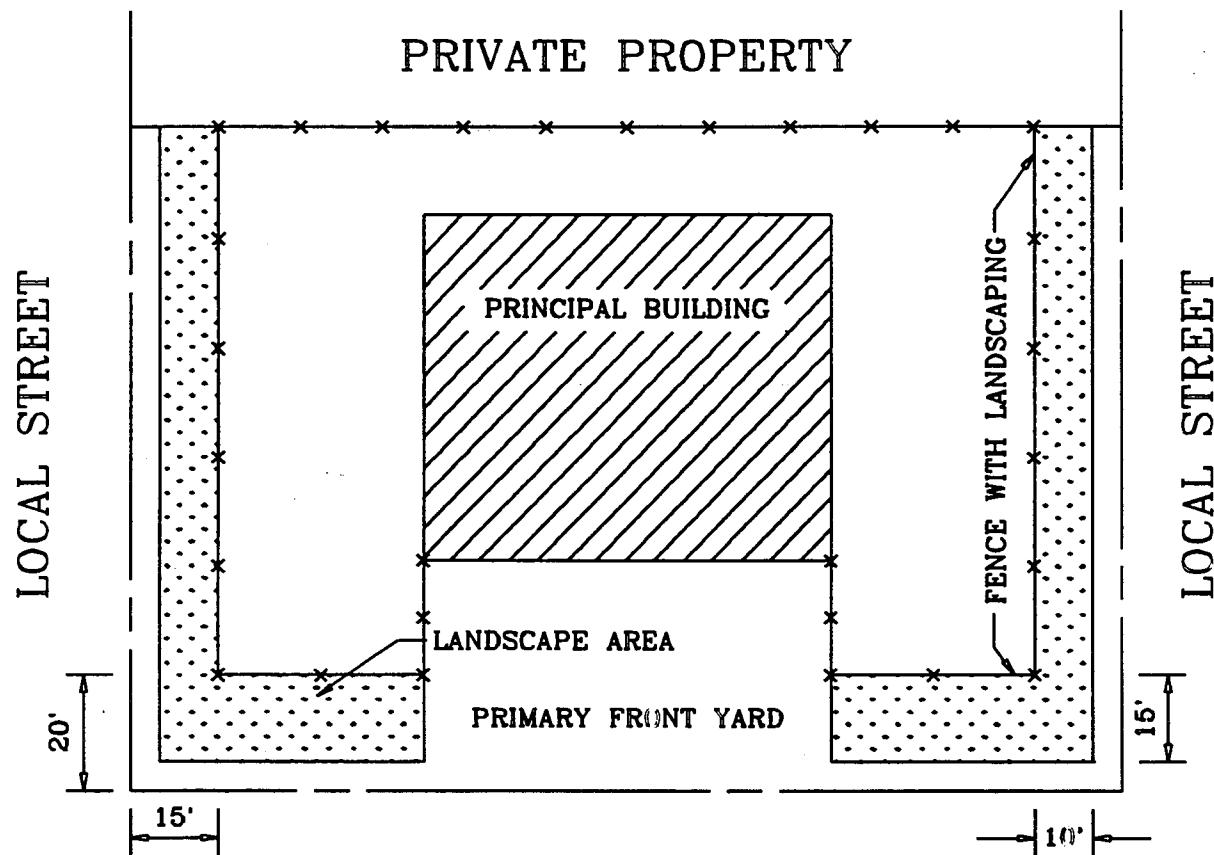
FIGURE 8-1  
FENCE REGULATIONS  
(Continued)

ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
OF, 1C through 5C Office/Commercial	Side and rear yards; Front yards, non-primary	Open	120"	30' from property line	Permitted only to create secured storage area for up to 25 vehicles. Must meet applicable performance standards and be approved according to procedures in 17-8-4.
IN Industrial	Side and rear yards	Solid	84"	property line	
		Barbed Wire	84", but may not be located below 72"	property line	
	Front yards	Open, Solid	84"	20' from property line	
<b>ANY DISTRICT</b>					
Public Utility Installations	Front, side and rear yards	Open, Solid	84"		
		Barbed Wire	84", but may not be located below 72"		
Recreational Facilities (such as tennis courts, basketball courts)	Side and rear yards	Open	120"	15' from property line	

ZONE DISTRICT	PERMITTED LOCATION	TYPE OF FENCE PERMITTED	MAXIMUM HEIGHT	MINIMUM SETBACK	ADDITIONAL REQUIREMENTS/COMMENTS
Swimming Pools	Front, side and rear yards				Any person owning land in the City of Lakewood on which there is situated a swimming pool, either above ground, semi-sunk or full depth recess, being eighteen (18) inches or more in depth at any point, shall erect and maintain thereon an adequate fence sufficient to make such swimming pool inaccessible to small children. Such fence, including gates therein, must be not less than forty-two (42) inches above the underlying ground. All gates must be self-latching with latches placed forty-two (42) inches in height. Space between the pool and the interior of the fence shall be a minimum of five (5) feet.
Noise Control Walls and Fences	Rear yards and non-primary front yards adjacent to arterial streets; Any yard adjacent to frontage roads on US 6 and US 285	Solid masonry of wood with pickets on both sides of the horizontal boards and the pickets must be a minimum of 3/4 inch thick and must be staggered from the opposite pickets.	Eight feet		Solid fences and walls may be erected to a height of eight feet when so positioned as to separate a property from an arterial street or a frontage road adjacent to the US 6 and US 285 Highways as designated in the City of Lakewood Major Street Plan. The Director of Community Planning and Development shall consider the aesthetic, visual, and noise reduction characteristics of the fence and wall.

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FIGURE 8-3  
FENCE SETBACK RELATIONSHIP TO PRINCIPAL BUILDING  
ON THE SITE (EXAMPLE: FENCE WITH LANDSCAPING)

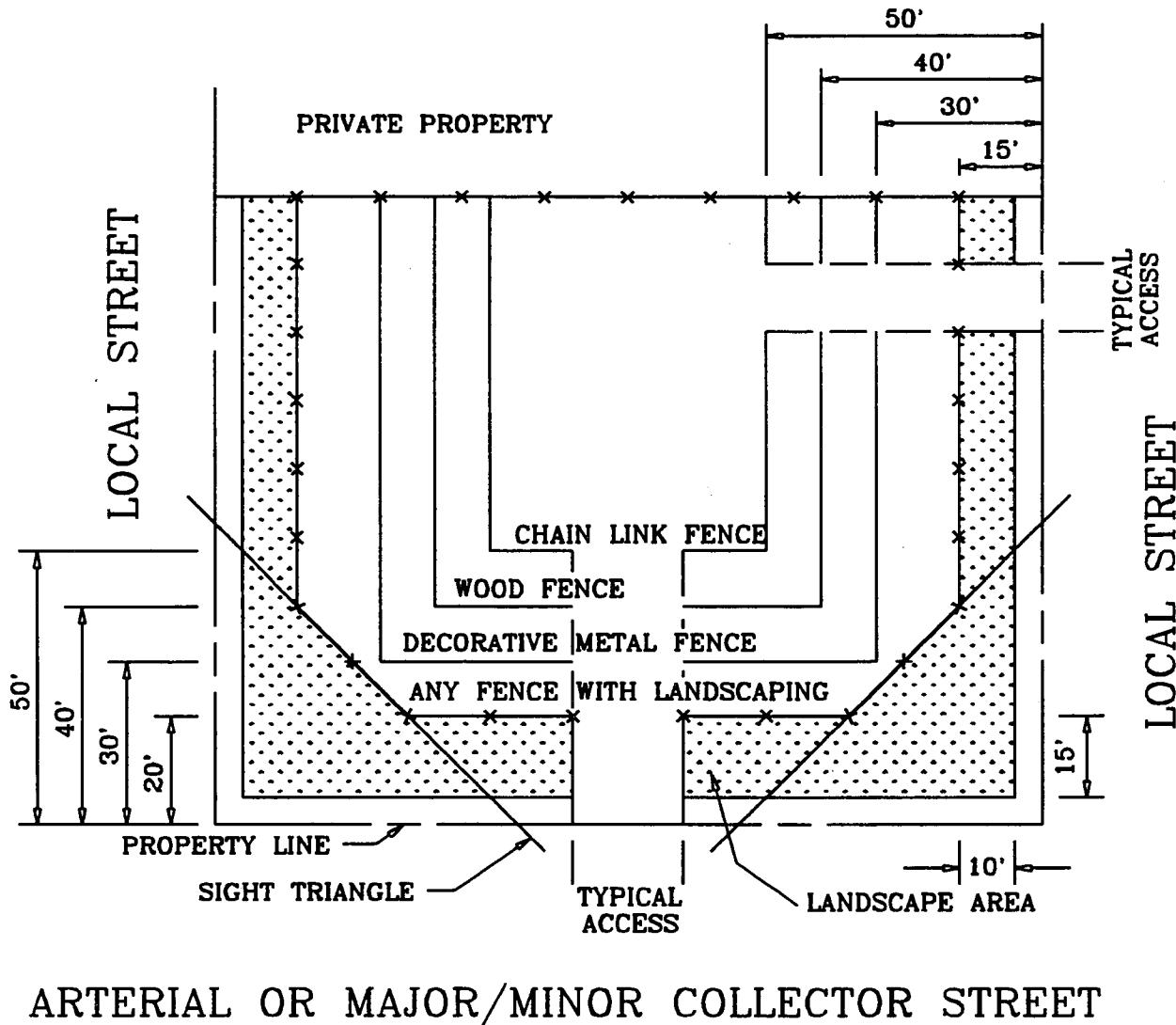


ARTERIAL OR MAJOR/MINOR COLLECTOR STREET

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CITY OF LAKWOOD  
ZONING ORDINANCE

FIGURE 8-2  
FENCE SETBACKS PERMITTED FOR A COMMERCIAL LOT  
WITH THREE STREET FRONTAGES



## ARTICLE 9: PARKING REQUIREMENTS *(As amended by O-90-39.)*

### 17-9-1. GENERAL PROVISIONS.

- (1) No land shall be used or occupied, no structures shall be designed, constructed or altered, and no use shall be operated unless the off-street parking space herein required is provided in at least the amount and maintained in the manner set forth within this Article. No person shall construct, pave or repave a parking lot without first obtaining a building permit.
- (2) All required off-street parking spaces shall be provided within the lot lines established for the uses to be developed or redeveloped. All other parking proposals shall be reviewed by the Board of Adjustment in accordance with Section 17-4-7.
- (3) Provision of parking spaces within an integrated parking and access system is encouraged. The total number of spaces provided shall be the sum total of the individual requirements. Parking requirements will be based on the land use(s).
- (4) All driveways, drive aisles, parking areas, and all parking spaces within those areas located in districts other than One Acre Residential (R1A) shall be designed and designated in conformance with the site plan requirements of Title 17, Article 15. Driveways serving one and two family dwellings in districts (RR) Rural Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, and (3-R) Duplex Residential which access unimproved streets are exempt from this requirement.
- (5) All parking ratios in Table 9-4, for combined residential/nonresidential developments shall be determined based on the individual uses. Mixed nonresidential developments, such as shopping centers, industrial or office parks, shall have parking based upon the type of development and not based on individual uses. The number of spaces required in Table 9-4 will be rounded up to the next whole number.
- (6) Parking spaces and on site circulation shall be designed in such a manner as to provide safe movement for pedestrian and vehicular traffic. On site parking shall be maintained in good condition free of weeds, dust, trash and debris, and major surfacing defects.
- (7) When a change in the use or user of the property creates an increase in the parking demand even where there is no development or redevelopment taking place, the additional parking demand shall be provided for.
- (8) No more than one (1) commercial vehicle shall be parked on any residential lot and no more than two (2) trailers or a combination of one (1) trailer and one (1) commercial vehicle shall be parked in the front yard or more than one (1) trailer or one (1) commercial vehicle shall be allowed where a self-propelled motor home or travel trailer is also parked in the same front yard of any lot located in districts zoned (RR) Rural Residential, (R1A) One Acre Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, (3-R) Duplex Residential, (4-R) Medium Density Residential, (5-R) High Density Residential, (6-R) Mobile Home Residential, or in any residential (PD) Planned Development Zone Districts, except where used in connection with an allowed use in districts zoned (R1A) One Acre Residential and (RR) Rural Residential. The limitation of two (2) trailers or one (1) commercial vehicle shall not apply where the front yard setback is fifty (50) feet or greater. *(As amended by O-93-34.)*

(9) No more than fifty (50) percent of the front yard or more than fifty (50) percent of the rear yard may be designated or used for parking on any lot located in districts zoned (RR) Rural Residential, (R1A) One Acre Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, (3-R) Duplex Residential, (4-R) Medium Density Residential, (5-R) High Density Residential, (6-R) Mobile Home Residential, or in any residential (PD) Planned Development Zone Districts. All parking areas located in the front yard shall be improved all weather surfaces clearly delineated by curbs, landscaping, or similar features to distinguish the parking area from the remainder of the front yard. Each lot shall be allowed one (1) driveway which may be at least eighteen (18) feet in width regardless of the amount of front yard remaining, unless the lot contains a three (3) car garage, in which case the lot may be allowed one (1) driveway which shall be at least twenty-seven (27) feet in width regardless of the amount of front yard remaining. *(As amended by 0-93-34.)*

(10) Planning applications where reciprocal or shared parking is contemplated may be required to include parking accumulation studies for existing facilities similar to the proposed uses and for the surrounding uses with which parking is being reciprocated. The following guidelines must be followed:

- (a) Determine if shared parking is possible by examining the land use mix adjacent to the subject site, the size of each use, the type of operation, and most important, the 12 to 24-hour parking demand characteristics of each use.
- (b) Conduct 12 to 24-hour parking accumulation studies for existing facilities similar to those for which reciprocal parking is being requested, and for the surrounding ones with which shared parking is anticipated. Weekly and monthly variations in parking demand must be taken into consideration.
- (c) Occupancy factors may be a consideration in determining how well the parking spaces for the existing adjacent uses, with which shared parking is being contemplated, are currently being utilized. These can be determined during the accumulation studies outlined above.
- (d) Based on the data for existing similar facilities, the total parking demand for all uses included in the shared parking analysis must be projected for each hour over a 12 to 24-hour period for the most critical day of the week and month of the year. This must include the Thanksgiving to Christmas period. This will determine the minimum number of spaces that must be provided.
- (e) Based on this analysis, if the maximum number of vehicles accumulated during a 24-hour period for all uses exceeds the number of spaces that are required to be provided by City ordinances for all the uses, no reciprocal or shared parking will be permitted.
- (f) If the projected peak accumulated demand is lower than the spaces required to be provided by ordinance, elimination of those spaces exceeding the maximum accumulated demand may be considered by permitting shared parking, providing details of an agreement are provided to the City guaranteeing perpetuity of such shared parking arrangements in case of future ownership or tenant changes.

**17-9-2. PARKING SPACE REQUIREMENTS.** The minimum number of off-street parking spaces required for permitted and special uses established after the effective date of this Ordinance shall be as listed in Table 9-4. The following conditions shall also apply:

(1) **Residential One Acre (R1A) District:**

(a) Driveways shall be a minimum of eighteen (18) feet wide, or such other configuration that will allow either of the two required parking spaces to be accessed independently of each other. Driveways shall be a minimum of twenty (20) feet long from building to right-of-way or back of sidewalk. *(As amended by O-97-9.)*

(2) **Residential 1-R, 2-R, 3-R Districts and single family detached and duplex units that are not a part of a larger development that include such common facilities as private roadways and recreation/open space areas:**

(a) Driveways shall be a minimum of eighteen (18) feet wide, or such other configuration that will allow either of the two required parking spaces to be accessed independently of each other.

(3) **Residential 3-RA, 4-R, 4-RA, 5-R and 5-RA Districts:**

(a) **Covered Parking:**

Resident parking spaces ten (10) feet wide and twenty (20) feet long, inside clearance, shall be provided in garage or carport, architecturally integrated with the building, as shown in the following Table:

<u>Zone</u>	<u>% of the Required Resident Parking</u>
3-RA	100%
4-R	100%
4-RA	50%
5-R	35% unless structured parking is provided in accordance with paragraph (k) in this Section
5-RA	Structured parking is required

(b) **Townhouse:**

Townhouse units shall be provided a minimum of a one (1) car garage architecturally integrated with the dwelling unit.

(c) **Structured Parking:**

Structured parking shall be required in developments with densities of twenty-five (25) dwelling units per acre or more, for at least fifty (50) percent of the required number of spaces. The structural design shall be prepared by an engineer licensed by the State of Colorado and shall be architecturally integrated with the buildings served.

(4) **Uses located in OF, 1-C, 2-C, 3-C, 4-C, 5-C and IN Districts or uses listed in Section 17-5-4 of this Zoning Ordinance:**

Parking space requirements will be determined based on the specific use of the development or redeveloping parcel as listed in Table 9-4. Parking requirements for uses not listed in Table 9-4, will be determined by the Director based on similar uses or by traffic study provided by applicant.

(5) **Handicapped Parking Space Requirements:**

The following parking requirements shall apply to all public, office, commercial, and industrial uses in all districts.

- (a) One (1) handicapped parking space shall be provided in a lot containing one (1) to fifty (50) spaces.
- (b) Two (2) handicapped parking spaces shall be provided in a lot containing fifty-one (51) to one hundred (100) spaces.
- (c) Any lot containing one hundred one (101) parking spaces and over shall provide three (3) handicapped parking spaces plus one (1) handicapped parking space per each additional one hundred (100) spaces over the first one hundred (100) spaces.
- (d) **Posting of spaces:** Each handicapped parking stall shall be a minimum of twelve (12) feet in width, and must have a stall depth of at least eighteen (18) feet. Length may be reduced as noted in Section 17-6-9(3). The stalls should be located near barrier free entrances to buildings. Each handicapped parking space will be required to be identified as shown in Figure 2 and 3.

**17-9-3. OFF-STREET LOADING SPACE REQUIREMENTS.** In all zone districts when a loading space is provided it shall be a minimum of thirty-five (35) feet long, twelve (12) feet wide, and fifteen (15) feet high. Whether or not loading space is provided, all vehicle maneuvering shall be done on site not in the right-of-way.

**17-9-4. VEHICLE STACKING.**

(1) Vehicle stacking is:

- (a) The minimum required length of an on-site drive aisle necessary to facilitate the safe movement of vehicles between the parking lot and the public street; and/or
- (b) The minimum required length of an on-site drive aisle necessary to facilitate movement of vehicles within a parking lot to drive-up window service or other drive-through services.

(2) Required stacking distances shall be measured from the flow line to the first parking stall or aisle. Vehicle stacking shall be provided as shown in Table 9-2. The required stacking distance for the site may be distributed between accesses serving the site, provided a minimum stacking of twenty (20) feet is provided at all access points. The stacking distance may be adjusted by the Director for accesses with two (2) approach lanes and will be subject to traffic impact study findings, roadway geometry, traffic volume, and site layout.

(3) Stacking distance for internal drive-up or drive-through services shall be measured from the point of service and within a designated drive aisle. The required stacking distances are shown in Table 9-3.

**17-9-5. DESIGN OF PARKING LOT AREAS.** The minimum standards and elements of design contained in this Section shall be required for every new parking lot designed and constructed, in districts other than (R1A) One Acre Residential, (1-R) Large Lot Residential, (2-R) Small Lot Residential, (3-R) Duplex Residential, and for uses permitted by Section 17-5-4 in any district subject to modification by the Director. The Director may approve a parking plan which is different from the dimensional and other qualitative criteria in this Article provided that the change fulfills the intent and purpose of this Ordinance.

(1) All new multi-family residential parking lot structural sections must be designed by a professional engineer registered in the State of Colorado and shall be based on a soils report reflecting traffic volume and vehicle types. The design of non-residential parking lots is not required to be designed by a professional engineer, however, the design is still subject to the minimum cross section in paragraph 2; except that the requirement for an engineered design may be waived for parking lots with less than eight (8) parking spaces by the Director of Community Planning and Development. *(As amended by 0-91-59.)*

(2) The minimum cross section under any conditions shall be two and one half (2-1/2) inches of hot bituminous pavement and four (4) inches of aggregate base-course (Class VI) on six (6) inches compacted sub-grade or four (4) inches of nonreinforced Portland Cement concrete pavement on compacted sub-grade. An equivalent full depth section over compacted sub-grade may also be used.

(3) A special inspector as defined and provided for in Section 306(a)14(b) of the Uniform Building Code, as adopted by the City of Lakewood Municipal Code, shall certify after field inspection, that the construction of the parking lot conforms with the approved plans prior to the issuance of a Certificate of Occupancy or final inspection. When a parking lot is part of an approved drainage plan, an engineer registered in the State of Colorado shall certify the construction, paving or repaving complies with the approved drainage plan.

(4) The maximum grade within parking lots shall be six (6) percent; the maximum cumulative grade break must not exceed eight (8) percent.

(5) Raised curb islands shall be required for each parking row containing more than eight (8) vehicles to define the ends of each parking row. No curb islands shall be constructed of asphalt. The curbing design must be approved by the Director of Community Planning and Development. *(As amended by 0-91-59.)*

(6) Parking lots and loading areas shall have access from a clearly defined driveway not less than eighteen (18) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic. If the driveway is to serve as a fire lane, it shall not be less than twenty (20) feet in width.

(7) The perimeter of the parking lot and any raised curb islands shall have concrete curb. The curb shall be set back from the property line a minimum distance of six (6) feet or the required buffer/setback distance. In integrated parking and access systems, the curb may be eliminated for the length of the property line which joins the joint use or shared parking lot.

(8) All buildings shall be separated from the parking lot by a minimum five (5) foot wide walkway or landscaping area. Such area shall have the same finished height as the raised curb. If head-in parking is permitted adjacent to one side of the area, the area shall have a minimum width of seven (7) feet, and shall include a sidewalk with a minimum width of four (4) feet.

**17-9-6. PARKING STALL LAYOUT.**

- (1) Conventional parking layout dimensions are provided in Table 9-1, illustrated in Figure 9-1, with design elements of parking. All parking layouts and elements will be reviewed by the Director of Community Planning and Development for approval. *(As amended by 0-91-59.)*
- (2) The size of a parking stall, its angle, and the width of the access aisle shall conform to Table 9-1.
- (3) The minimum length of a parking stall which is adjacent to a landscaped area may be reduced by two (2) feet provided suitable ground cover is placed behind the curb a minimum distance of two (2) feet.
- (4) Both sides of a parking bay shall be at the same angle. The layout of the parking area shall be such that no vehicle shall protrude into a drive aisle.
- (5) Dead end aisles shall provide back around space of five (5) feet in depth and the same width as the aisle, and shall only be permitted for ninety (90) degree parking layouts.
- (6) Parking spaces shall be defined on the pavement surface with painted lines.

**17-9-7. PARKING SPACE REDUCTION FOR VOLUNTARY LANDSCAPING.** The Director of Community Planning and Development may reduce the total number of required parking spaces by a maximum of fifteen (15) percent when:

- (1) The existing parking lot is not in conformance with current landscape design standards.
- (2) Landscaping is being added voluntarily.
- (3) The parking lot is not part of an approved Article 15 site plan.

*(As amended by 0-91-59.)*

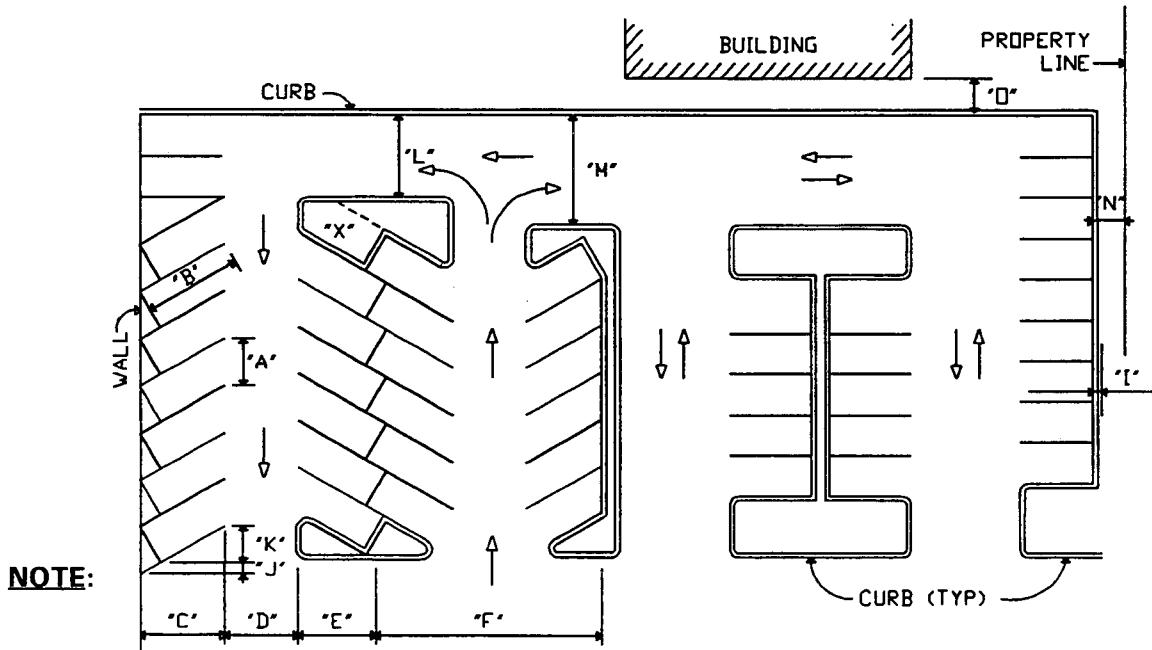
**17-9-8. APPEALS TO THE BOARD OF ADJUSTMENT.** As provided for in Section 17-4-7, the Board of Adjustment may hear and decide appeals from any order, requirement, decision, or determination by the Director or any employee of the City of Lakewood in the enforcement of this Chapter. Any appeal shall be filed in writing and shall be accompanied by the Board of Adjustment fee in an amount established by City Council resolution.

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**TABLE 9-1  
PARKING LOT LAYOUT DIMENSIONS (IN FEET) FOR 9 FT STALLS AT VARIOUS ANGLES**

DIMENSION	ON FIGURE 1	0°	45°	60°	75°	90°
Stall width, parallel to aisle	A	9		10.4	9.3	9.0
Stall length of line	B	24	12.7	21.5		
Stall depth to wall	C	9		18.5	19.5	18.0
Aisle width between stall lines	D	12	24.5	16.0		
Stall depth interlock	E	9		17.0	19.0	18.0
Module, wall to interlock	F	30	17.0	51.5		
Module, interlocking	G	30		50.0	22.0	24.0
Module, interlock to curb face	H	30	12.0	49.4		
Bumper overhang (typical)	I	0		1.8	18.3	18.0
Offset	J	—	14.8	2.7		
Setback	K	24		8.3	59.3	60.0
Cross aisle one-way	L	18	43.8	18.0		
Cross aisle two-way	M	24		24.0	58.6	60.0
Setback to property line	N	6	41.6	6.0		
Setback to building	O	5		7.0	56.9	58.0
			41.8		2.0	2.0
			1.5		0.5	0.0
			6.3		5.0	0.0
				11.0		18.0
				18.0		24.0
				24.0		24.0
				6.0		6.0
				7.0		7.0

**FIGURE 9-1**



1. See Article 15 for dimensions of end islands.
2. X = Stall not accessible in certain layouts.

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**TABLE 9-2  
ON SITE FT. OF VEHICLE STACKING FOR PARKING LOT EXITS TO TYPE OF STREETS**

LAND USE	BUILDING AREA (S.F.) OR AS NOTED	LOCAL FEET OF STACKING	COLLECTOR FEET OF STACKING	ARTERIAL FEET OF STACKING
MULTI-FAMILY Low Rise (3 stories or less)	0 - 80 units 81 - 160 units 161 - 300 units	20 40 40	40 40 40	40 40 80
High Rise	0 - 300 units	20	40	80
RESTAURANT Low Turnover, sit down, 1 hr or more	0 - 15,000 15,001-30,000	20 20	20 20	20 40
High Turnover, Sit Down, Less than 1 hr	0 - 8,000 8,001 - 16,000 16,001-20,000	20 20 20	20 20 20	20 40 60
Drive-in or Drive-through	0 - 2,000 2,001 - 3,000 3,001 - 5,000 5,001 - 7,000	20 20 40 60	20 40 60 80	20 80 120 180
MOTEL	0 - 150 rooms 151 - 400 rooms 401 - 700 rooms	20 20 20	20 60 100	20 100 140
CONVENTION HOTEL	0 - 150 rooms 151 - 400 rooms 401 - 700 rooms	40 40 40	40 120 200	80 200 280
OFFICE PARK	0 - 20,000 20,001 - 50,000 50,001-100,000 100,001- 150,000 150,001- 300,000 300,001- 500,000	20 20 20 60 100 160	20 40 60 100 200 320	20 60 140 200 400 660
OFFICE BUILDING	0 - 50,000 50,001-100,000 100,001- 150,000 150,001- 200,000 200,001- 300,000 300,001- 400,000 400,001- 500,000	20 20 40 40 60 100 120	20 40 60 80 140 180 220	40 80 140 180 280 360 460

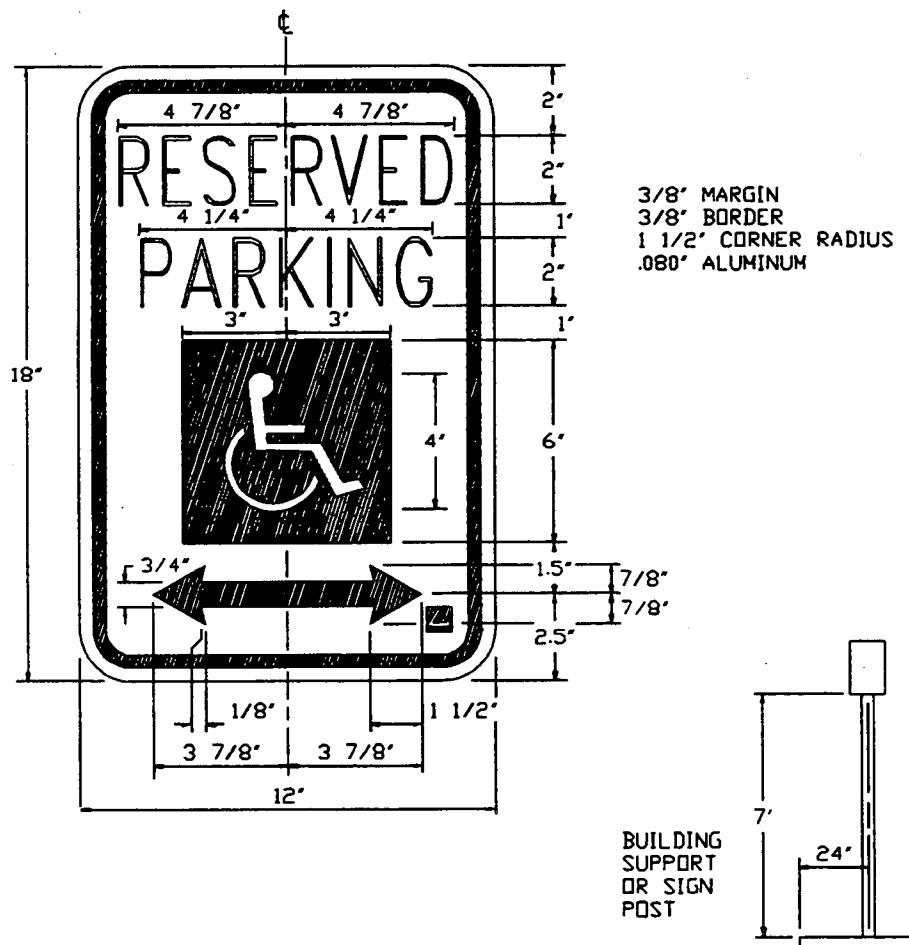
INDUSTRIAL Light	0 - 100,000	20	20	40
	100,001- 200,000	20	40	80
	200,001- 300,000	40	60	120
	300,001- 400,000	40	80	160
	400,001- 500,000	60	100	200
	<b>Park</b>	<b>0 - 500,000</b>	<b>20</b>	<b>40</b>
	0 - 10,000	20	20	40
	10,001 - 20,000	20	40	100
	20,001 - 30,000	40	80	140
	30,001 - 40,000	60	100	180
SHOPPING CENTER	40,001 - 50,000	60	120	200
	50,001 - 100,000	60	120	200
	100,001 - 150,000	80	140	300
	150,001 - 200,000	100	200	400
	200,001 - 250,000	120	240	500
	250,001 - 300,000	140	300	600
	300,001 - 600,000	140	300	600
	600,001 - 700,000	160	300	600
	700,001 - 800,000	180	340	700
	800,001 - 900,000	200	400	780
	900,001 - 1.00 M	220	440	860
	1.01 M - 1.50 M	340	660	1,300
	0 - 30,000	20	20	20
	30,001 - 50,000	20	40	60
	50,001 - 75,000	20	40	100
	75,001 - 100,000	40	60	140
SUPERMARKET	0 - 20,000	20	20	20
	20,001 - 30,000	20	40	60
	30,001 - 40,000	20	40	80
	40,001 - 50,000	20	60	120
BANK: DRIVE THROUGH	0 - 10,000	20	20	40
	10,001 - 20,000	40	40	160
	20,001 - 30,000	60	120	240
	30,001 - 40,000	80	160	320
	40,001 - 50,000	120	200	400
MEDICAL CLINIC	0 - 100 employees	20	20	40

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**TABLE 9-3  
VEHICLE STACKING FOR DRIVE-UP OR DRIVE-THROUGH SERVICES**

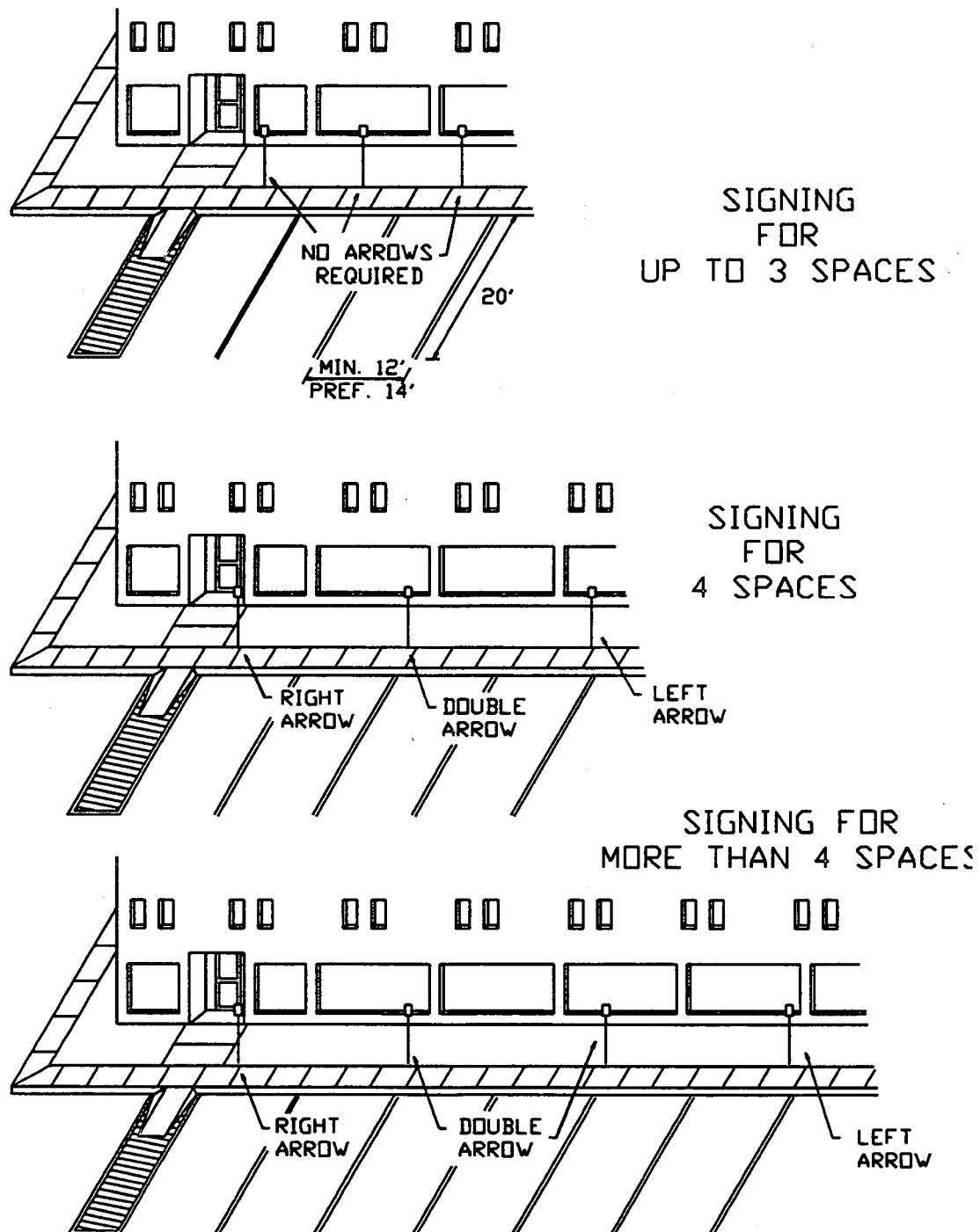
<b>TYPE OF FACILITY</b>	<b>STACKING DISTANCE</b>
Drive-up Bank	120 feet per window
Drive-up Restaurant	200 feet per window
Drive-up Liquor Store	60 feet per window
Drive-up Cleaners	60 feet per window
Drive-up Theater	20 ft. per 15% of total parking spaces
Automatic Car Wash	200 feet per wash line
Self-Service Car Wash	60 feet per wash line
Service Stations	80 feet per service position
Hospital (Emergency Entrance)	20 feet per 1% of total parking spaces

**FIGURE 9-2  
HANDICAPPED SIGN DETAIL**



CITY OF LAKWOOD  
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FIGURE 9-3  
HANDICAPPED SIGN LOCATIONS AND STALL MARKING



**CITY OF LAKWOOD  
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**TABLE 9-4  
REQUIRED PARKING RATIOS**

<b>USE</b>	<b>DESCRIPTION</b>	<b>RATIO</b>
AIRPORT (Commercial)	Daily airplane arrivals and departures of 2 to 1,000	8.5 spaces/plane movement
AMUSEMENT PARK	Facilities with amusement rides, entertainment, and similar activities	5.0 spaces/1,000 s.f. of amusement area
AMUSEMENT CENTER	Indoor facility with games, entertainment and similar facilities	5.0 spaces/1,000 s.f. of gross floor area
AUTO SALES	Facilities for sale of new or used auto, boat, truck, trailer, camper, motor home, RV's or motorcycles	0.5 spaces/1,000 s.f. of gross floor area
AUTO SERVICES		
Car Wash	Facilities for the cleaning of vehicles	1.0 spaces/wash bay
Gas Station	Facility for dispensing motor fuels with service	3.0 spaces/site plus 2.0 spaces/service bay
Repair, Lube and Oil Service	Facilities providing general vehicle service without fuel dispensing	2.0 spaces/service bay
BANKS (with drive-in and walk-in facilities)	Facilities with vehicle and pedestrian service	4.0 spaces/1,000 s.f. of gross floor area
BOWLING CENTERS	Facilities with bowling lanes, lounges and snack bars	4.5 spaces/bowling lane
CAMPGROUND	Facilities for outdoor, overnight camping	1.0 spaces/camp site
CHILD CARE FACILITY	Facility providing daily care of children	3.0 spaces/1,000 s.f. of gross floor area plus 1.0 spaces/facility vehicle
CHURCHES/SYNAGOGUE	Assemblies/places of worship	0.5 spaces/seat
CONTRACTOR SHOPS	Office and workshops for construction uses	5.0 spaces/1,000 s.f. of gross floor area
DANCE/EXHIBITION HALL	Assemblies, exhibition halls and similar uses	0.3 spaces/occupant
DISCOUNT STORES	Free standing facilities that offer few services, centralized cashiering, variety of product sales	3.5 spaces/1,000 s.f. of gross floor area
FLEA MARKET	Outdoor sales area for multiple vendors	2.5 spaces/seller space

**TABLE 9-4**  
**REQUIRED PARKING RATIOS**  
**(Continued)**

USE	DESCRIPTION	RATIO
FURNITURE/CARPET STORES	Facilities for carpet and furniture sales	1.5 spaces/1,000 s.f. of gross floor area
GOLF COURSES	Public or private golf courses	4.0 spaces/golf hole
HAIR SALON/BARBER SHOP	Facility for hair care	1.5 spaces/service chair
HARDWARE/PAINT OR HOME IMPROVEMENT, LUMBER YARD, EQUIPMENT RENTAL	Free standing facilities that offer hardware, lumber, garden tools and home improvement supplies	2.5 spaces/1,000 s.f. of gross floor area
HOSPITAL	Facilities offering medical or surgical care (not including clinics or nursing homes)	2.0 spaces/bed
HOTEL/MOTEL WITH CONVENTION AREA OR ANCILLARY SERVICES	Places of lodging providing sleeping rooms, restaurants, lounges, meeting rooms and banquet rooms	1.5 spaces/room
HOTEL/MOTEL	Places of lodging with ancillary facilities that will accommodate small groups only	1.0 spaces/room
INDUSTRIAL LIGHT, PARK, MANUFACTURING OR LABORATORY	A mix of facilities for light industrial, research, service and warehouse facilities	1.5 spaces/1,000 s.f. of gross floor area
JUNK YARD STORAGE AND/OR DISMANTLING OF VEHICLES OR EQUIPMENT	Facilities for the sales building	4.0 spaces/1,000 s.f. of gross floor area
KENNEL	Facilities for the keeping of animals indoors	2.0 spaces/1,000 s.f. of gross floor area
LANDFILL	Facility for disposal of waste	4.0 spaces/site
MARKET (Convenience)	Market facilities with high customer turnover, open 15 to 24 hours/day, short-term parking	7.0 spaces/1000 s.f. of gross floor area
MARKET (Supermarket)	Market facilities for sales of a complete assortment of food and food preparation items	5.0 spaces/1,000 s.f. of gross floor area
MORTUARY	Facilities for burial preparation and/or services	4.0 spaces/1,000 s.f. of gross floor area plus 0.3 spaces/seat
MOVIE THEATER	Indoor cinemas showing motion pictures	0.3 spaces/seat
NURSERIES/GREENHOUSE	Facilities for the sale of lawn and garden supplies including trees	1.0 spaces/1,000 s.f. of display area

**TABLE 9-4**  
**REQUIRED PARKING RATIOS**  
**(Continued)**

USE	DESCRIPTION	RATIO
OFFICE General	Facilities for general office work	4.0 spaces/1,000 s.f. of gross leasable floor area
	Facilities that house city, state, county or federal agencies or; facilities that provide diagnostic and out patient care	4.0 spaces/1,000 s.f. of gross floor area
	Subdivisions or PD's containing general office and supporting services such as banks, savings and loan, restaurants and service stations in a park or campus setting	2.5 spaces/1,000 s.f. of gross floor area
	Facility for mail distribution and pickup	6.0 spaces/1,000 s.f. of gross floor area
RACE TRACK	Supporting facility for conducting races such as auto, dog or horses	0.3 spaces/seat
RESIDENTIAL Single Family	Single Family detached or duplex	2.0 spaces/dwelling
	Three or more attached dwelling units: studio and 1-bedroom 2-bedroom 3 or more bedroom	1.0 spaces plus guest 1.5 spaces plus guest 2.0 spaces plus guest
	Mobile home within a park	2.0 spaces/mobile unit plus guest
	Common parking available to public	0.5 spaces/unit
	Facility for Low/Moderate income elderly	0.75 spaces/dwelling unit
	Facility for persons over 60 years of age without medical care	0.5 spaces/bed plus 1.0 spaces/facility vehicle
	Facility for group living quarters for other than elderly	0.7 spaces/bed plus 1.0 spaces/facility vehicle
	Facilities for the care of the elderly or infirm	0.3 spaces/bed
RESTAURANT (Fast food, family, high turnover)	Eating establishments with turnover rates of less than 1 hour	10.0 spaces/1,000 s.f. of gross floor area
RESTAURANT (Full service, low turnover)	Eating establishments with turnover rates over 1 hour	12.5 spaces/1,000 s.f. of gross floor area

**TABLE 9-4**  
**REQUIRED PARKING RATIOS**  
**(Continued)**

USE	DESCRIPTION	RATIO
SCHOOLS (Public or Private)	Facilities for Grades K to 8 Facilities for grades 9 to 12 Facilities for grades above 12	0.1 spaces/seat 0.25 spaces/seat 1.0 spaces/seat
SHOPPING CENTERS	An integrated group of commercial establishments planned, developed, owned or managed as a unit	4.0 spaces/1,000 s.f. of gross leasable floor area
SPORTS CENTERS	Health clubs offering a variety of fitness activities Indoor firing ranges Roller or ice skating facilities Tennis or racquetball facilities	4.0 spaces/1,000 s.f. of gross floor area 1.5 spaces/firing stall 4.0 spaces/1,000 s.f. of gross floor area 4.0 spaces/1,000 s.f. of gross floor area
VETERINARIAN	Facilities providing health care for animals	3.0 spaces/1,000 s.f. of gross floor area
WAREHOUSE	Facilities devoted to the storage of various materials Mini-warehouses or self-storage facilities	1.0 spaces/1,000 s.f. of gross floor area 0.35 spaces/1,000 s.f. of gross floor area

**ARTICLE 10: SIGNS**  
*(As Repealed and Reenacted by 0-94-28)*

**17-10-1. GENERAL PROVISIONS.**

- (1) **General Intent.** The purpose of this Article is to protect the health, safety and welfare of the residents of the City by regulating the design, construction and installation of signs. The City Council (Council) recognizes that signs are an important means of visual communication for the public convenience and that businesses, services and other activities have the right to identify themselves by using signs that are accessory and incidental to the use on the premises where the signs are located. In select areas off-premise signage is allowed, subject to regulations which reduce potential negative traffic and aesthetic impacts. It is the goal of this article to provide a reasonable balance between the right of an individual to identify a business or activity location and the right of the public to be protected from the visual discord that results from the unrestricted proliferation of signs. In keeping with this goal, regulations contained in this article are a result of consideration of the compatibility of signs with adjacent land uses and the total visual environment of a particular area and the entire community.
- (2) **Regulatory Purpose.** This Article regulates signage for the following specific reasons:
  - (a) To protect the public from hazardous conditions which result from structurally unsafe signage;
  - (b) To ensure that signage does not obscure or distract the vision of motorists, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a severe traffic hazard;
  - (c) To protect the public from profuse signage which distracts rather than facilitates identification of businesses and other land uses;
  - (d) To provide appropriate identification in pedestrian-oriented areas as well as in vehicular-oriented areas, and to make appropriate adjustments for the size and amount of signage in major commercial centers located where traffic is heavy, travel speeds are greater and building setbacks are greater;
  - (e) To generally ensure that signage is appropriate to a particular use and location so that the cumulative effect is an attractive City environment, thereby reinforcing community values.
- (3) **Regulatory Scope and Application.** This Article shall govern and control the display, construction, erection, alteration, remodeling, enlarging, moving or maintenance of all signs permitted within all zone districts established by this Zoning Ordinance and any amendments thereto. The definitions applicable to this Article are included in Article 2 of Title 17 (Zoning Ordinance). Signs which are permitted in all districts but are exempt from obtaining permits, and signs which are prohibited, are identified in this Section (3)(a)

and (b). Applicability of sign regulations to works of art, architectural features and building decorations is stated in this Section (3)(c) below. The relationship between sign regulations contained in official development plans for PD districts and in sign regulations in this article is stated in Section 17-10-1(4)(b).

(a) **Signs Exempt from Permits: All Districts.** The Council has chosen not to require a permit for signs which have been judged to have minimal impact on the public, do not create traffic, safety or other hazards, are temporary in nature, and which constitute a unique medium. The following sign displays may be erected as allowed below and maintained in all zone districts without a permit. Such signs shall be in addition to all other signs permitted in a zone district as specified in Table 10-1, unless otherwise stated in this Section 17-10-1(3).

- (1) **Election Signs.** Election signs shall be removed five (5) days after the election to which they relate. Such signs shall be limited to forty-two inches (42") in height and shall not extend outside the property line and shall not be in any public right-of-way. Such signs shall be limited to wall, window and freestanding signs not to exceed eight (8) square feet, and shall not be a paper or cloth banner.
- (2) **Flags.** Flags of nations or an organization of nations, states and cities. Flagpoles shall not exceed 35' in height.
- (3) **Holiday Decorations.** Signs in the nature of decorations, clearly incidental and commonly associated with any national, local or religious holiday. Such signs may be of any type, number, area, height, location, illumination, or animation so long as they do not advertise or identify a product or a business and are located so as not to conflict with traffic regulatory devices. These signs must be removed within ten days following the holiday.
- (4) **Ideological Signs.** Signs expressing ideological views shall be limited to forty-two inches (42") in height and shall not extend outside the property line and shall not be in any public right-of-way. Such signs shall be limited to wall, window, freestanding and monument signs not to exceed twelve (12) square feet, and shall not be a banner of paper or cloth. These signs shall not be placed on private property without permission of the landowner.
- (5) **Inside Signs.** Signs within buildings that are not visible from the roadway and are more than twelve (12) inches from the window.
- (6) **Memorial Signs.** Memorial signs or tablets, giving the name of the building and date of erection, when cut into any masonry surface or attached or inlaid so as to be part of the building. The area of the sign shall not exceed twelve (12) square feet.
- (7) **Public Signs.** Signs required or specifically authorized for a public purpose by any law, statute or ordinance.
- (8) **Scoreboards.** Scoreboards located adjacent to athletic fields.

- (9) Symbols. Symbols or crests of national, state, religious, fraternal and civic organizations. The area of such symbols may not exceed 32 square feet.
- (10) Bus Bench Signs, on legally installed and maintained bus benches, as permitted by Chapter 12.16 of the Lakewood Municipal Code.
- (11) Transit Shelter Signs, two (2) panels measuring four (4) feet in width and six (6) feet in height which are attached to a transit shelter legally installed and maintained along major transportation corridors in accordance with all requirements of an executed and approved agreement between the City and a provider of transit shelter stops. *(As amended by Ordinance 0-97-37)*

(b) Signs Prohibited in All Zone Districts. In addition to signs placed without a permit, the following signs and devices are prohibited in all zone districts, are not subject to variances, and are declared a nuisance by the City:

- (1) Animated signs.
- (2) Pennants, streamers, lighter-than-air objects, and wind signs are strictly prohibited.
- (3) Flashing or blinking signs.
- (4) Off-premises advertising, except as provided for in Table 10-1.
- (5) Portable signs.
- (6) Roof signs.
- (7) Search lights.
- (8) Signs painted on fences.
- (9) Signs which are located on, or projecting over the public right-of-way, except for: public signs as provided in Table 10-1; and signs on legally installed and maintained bus bench signs and transit shelter signs. *(As amended by Ordinance 0-97-37)*
- (10) Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations.
- (11) Vehicles Used for Signage Purposes. Signs painted on, or attached to a licensed or unlicensed motor vehicle shall constitute a vehicular sign. Such vehicles shall be used either for business trips during the day, or used for commuting to and from work, or both. Such vehicles parked adjacent to a public right-of-way and not driven as described herein shall be considered to be primarily functioning as an illegal sign and shall be removed from the premises or stored where they are not seen from a public right-of-way.
- (12) Wheeled advertising devices, except for permanent signs on licensed, operable vehicles which are used daily for service and/or delivery purposes.

(c) **Works of Art: Architectural Features and Building Decoration.** Architectural features or building decoration which are integral to the design of a building or provide an artistic accent shall be exempt from sign regulations. Works of art which in no way identify a business, business activity, or product are not considered a sign and are exempt from sign regulations. Works of art which contain or portray a commercial message suggestive of the on-site or off-site business shall be interpreted to constitute a sign, and shall be counted toward the number and size of signs permitted for the premises. Works of art must comply with building height limits and setback requirements applicable to the property on which they are located.

(4) **Regulatory Conflicts.**

(a) **General.** Nothing contained herein shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances and/or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between these regulations and any other ordinance or regulations, the more stringent shall apply; provided, however, those properties with Colfax street frontage within the Colfax Overlay District shall be regulated by the Colfax Overlay District sign standards and other overlay zones.

(b) **Official Development Plans.** Where an adopted official development plan for a PD (Planned Development) district includes sign regulations, such regulations shall supersede the regulations set forth in this article and shall represent the sum total of sign regulations applicable to the property governed by the official development plan unless otherwise stated in the official development plan.

Official development plans adopted after the effective date of this ordinance shall not include sign regulations in conflict with Table 10-1, except that, if the official development plan is applicable to a major commercial center, as defined in Section 17-10-4(1)(b) the allowances for amendments to the sign standards for major commercial centers, as provided in Section 17-10-4(7), shall also apply to such centers governed by an official development plan.

(5) **Illustrations.** Graphics and illustrations used in this Article 10 are illustrative, to be used as guidelines for provisions pertaining thereto, and are not to be interpreted as the only method of compliance with the applicable provision.

(6) **Free Speech.** The Council recognizes the right of residents of the City to fully exercise their right to free speech by the use of ideological signs which contain non-commercial messages. Such signs are subject to size, height and location restrictions as stated in Table 10-1, are allowed in all zoning districts, and are not subject to permit.

(7) **Severability.** The provisions of this code are severable. If any part of this code is declared unconstitutional by a final judgment of a court of competent jurisdiction, that decision shall not affect any portion of the code which remains, but the remainder shall be in full force and effect as if the portion declared unconstitutional had never been part of the code.

## **7-10-2. ADMINISTRATION AND ENFORCEMENT.**

### **(1) Administration.**

(a) **Authority.** This Article shall be administered by the Director of Community Planning and Development (the "Director") who shall have the powers and duties set forth and those necessarily implied to administer and enforce this code. The Director may issue appropriate procedures and forms.

(b) **Requirement for Approval of Sign Permits and Comprehensive Sign Plans.**

(1) **Sign Permits.** Before any sign governed by these regulations is erected, displayed, altered, relocated or reconstructed, the proponent for the sign shall submit an application to the City of Lakewood and shall receive approval for a sign permit from the Director. The submittal requirements and review procedures for sign permit applications are stated in Section 17-10-3, except that signs listed in Section 17-10-1(3)(a) as exempt from obtaining sign permits are not required to obtain approval for a sign. Whether or not a sign permit is required, a building permit shall be obtained prior to installation of a sign if required by the City of Lakewood Building Code.

(2) **Comprehensive Sign Plans.** Comprehensive sign plans are required for properties in the 1-C, 2-C, 3-C, 4-C and 5-C Zone Districts as provided in Section 17-10-4. Comprehensive sign plans are required as part of the official development plan for a PD district when the uses allowed by an official development plan include or are similar to the uses allowed in the 1-C through 5-C districts, and the size of the proposed development meets the definition of a medium sized or major commercial center, as stated in Section 17-10-4(1)(a) or (b). (Nothing in this section shall be construed to prevent the submittal of a comprehensive sign plan with any official development plan for developments other than medium sized or major commercial centers.) Lakewood requires comprehensive sign plans for certain commercial centers to assure that the color scheme, lettering style, and type of materials used in signs presents an overall coordinated appearance. Comprehensive sign plans also specify the type, number, size, method of illumination, and location of signs allowed in a center. The applicability of, and review authority, submittal requirements, format and review procedures for comprehensive sign plans are stated in Section 17-10-4. A comprehensive sign plan must be approved prior to issuance of any building permits for construction of, and prior to the installation, display, alteration, relocation, or reconstruction of any sign in developments required to have a comprehensive sign plan by these regulations. Signs approved as part of a comprehensive sign plan shall be subject to the requirement to obtain an individual sign permit for each sign prior to installation.

(c) **Variances.** The City Council recognizes special instances may occur where strict application of this Article may deprive a person of the reasonable use of a sign and that such a person should have a procedure to obtain variances from the requirements of this Article for good cause. Topographic problems and past development patterns, which may require the use of an off-premise sign for identification purposes, are examples of possible situations where a variance may be appropriate. Requests for

variances to sign regulations shall be decided by the Board of Adjustment. Such requests shall be submitted and reviewed according to the procedures, and shall be subject to the criteria, stated in Section 17-4-3 of the Lakewood Zoning Ordinance.

(d) Appeals. Appeal from an administrative decision or the enforcement of the standards contained in the Ordinance is available by application to the Board of Adjustment within 30 days after the administrative decision or enforcement. Appeals shall be heard in accordance with the procedures set forth in Section 17-4-6 of the Lakewood Zoning Ordinance. Appeals pertaining to signs subject to a Comprehensive Sign Plan shall be in accordance with Section 17-10-4(4).

(2) Enforcement.

(a) Prohibited, Hazardous and Abandoned Signs. The City shall require the removal of any sign which is determined to be prohibited, hazardous, or abandoned in order to protect the public health, safety or welfare.

(1) Notification of Unlawful Signs. No prohibited, abandoned, or hazardous sign shall be allowed within the City, nor allowed to continue by variance.

(a) Prohibited Signs. Notice shall be given by certified mail or personal service to the owner or lessee of any prohibited sign or to the owner of the property on which it is located. The notice shall state that such prohibited sign shall be altered to conform with this Ordinance or be removed within 24 hours after the notice has been received. The time period may be stayed during any administrative appeal.

(b) Hazardous Signs. Hazardous signs are those which by reason of inadequate maintenance, dilapidated condition, or obsolescence create an imminent hazard to public health, safety, or welfare, as declared by the Director. Said signs are declared a nuisance and shall not be allowed within the City. The notice shall require hazardous sign removal within 24 hours, or abatement in accordance with the provisions of Section 9.80.070 of the Lakewood Municipal Code.

(c) Abandoned Signs. A sign is determined to be abandoned at the time the business identified by the sign discontinues the business or vacates the premises. Signs abandoned for a period of thirty (30) days shall be declared a nuisance by the Director. The notice shall require the abandoned sign be replaced or removed within thirty (30) days as determined by the following circumstances:

(1) Signs which were used by a business which are determined will be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel.

(2) Signs which were used by a business which are found to be non-conforming with this code, or on sites which will be or have been cleared for redevelopment, must be removed from the property.

(2) **Appeals of Notice to Remove.** The owner or lessee of a sign or the owner of the property on which sign is located who has been notified by the Department that said sign is prohibited, hazardous or abandoned may appeal that decision to the Director within five (5) days of the receipt of such notice for prohibited and hazardous signs and within twenty (20) days for abandoned signs. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the decision being appealed. The Director may meet informally with the appellant to exchange necessary information and shall issue a decision in writing to the appellant at his address stated in the appeal.

(3) **Failure to Comply with Notices.** If the owner or lessee of a prohibited, hazardous or abandoned sign or the owner of the property on which such sign is located fails to comply with notice given pursuant to this section within the time specified, the Director is authorized to cause the action required by ordinance and notice. All costs incurred by the City plus an administrative cost of fifteen percent (15%) of the direct costs shall be charged against the real property and its owners.

(4) **Other Remedies.** Any unpaid charge plus all costs and penalties shall constitute a debt due the City. The City Attorney shall, at the direction of the City Manager, institute civil suit in the name of the City to recover such charges, cost and penalties. The City may prevent by injunction and require removal of any sign erected without a permit. These remedies shall be cumulative with all other remedies. No charge or conviction of violation of this Ordinance, or action, or remedy exercised hereunder, shall be exclusive, and none shall preclude the bringing of any charges of violation, or the exercise of any other remedy hereunder.

(b) **Legal Nonconforming Signs.** A sign is legal nonconforming if it complied with the sign regulations in effect at the time it was erected, but no longer meets the requirements of new regulations.

(1) **Termination of Legal Nonconforming Signs.** A legal nonconforming sign must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:

(a) Whenever the sign is damaged more than 50% of its total replacement value, destroyed from any cause whatsoever, or becomes obsolete or substandard under any applicable ordinance of the municipality to the extent that the sign becomes a hazard or a danger.

(b) The business to which the sign pertains expands the building gross floor area or parking or loading area twenty percent (20%) or more from the effective date of this ordinance.

- (c) Whenever there is a request made for a permit to alter the structural support of the sign.
- (d) Whenever there is a request for a building permit to make improvements to the facade of the building on which the nonconforming sign is located excluding normal repair or maintenance efforts.

(2) **Legal Nonconforming Signs in Newly Annexed Areas.** Any owner or operator of a legal nonconforming sign in a newly annexed area shall be subject to the requirements of this section.

(3) **Amortization.** Signs which were nonconforming prior to the effective date of Ordinance O-82-170 shall be removed or brought into conformance by January 9, 1998. Signs which were made nonconforming by enactment of Ordinance O-82-170, which became effective January 9, 1983, shall be removed or brought into conformance by January 9, 1998. Signs which are made nonconforming by this ordinance O-94-28 shall be removed or brought into conformance 10 years from the effective date (7/9/94) of this ordinance. No nonconforming sign shall be required to be removed or brought into conformance pursuant to this section if such action would jeopardize the receipt by the State of Colorado of its full share of federal highway funds.

#### **17-10-3. REVIEW PROCEDURES FOR SIGN PERMITS.**

- (1) **Need for Permit.** All persons, firms, or corporations shall first obtain a permit for each sign as required by this ordinance. Signage shall conform to the Building Code and this Article of the City of Lakewood. Signs approved as part of a comprehensive sign plan shall be subject to the requirement to obtain an individual sign permit for each sign prior to installation. Permits for signs on sites subject to the requirement for a comprehensive sign plan shall not be issued until such a plan has been approved and signed by the Director.
- (2) **Application for Permit: Determination.** Application for a sign permit shall be made by the owner or his authorized agent or lessee of the property on which the sign is to be located or by a sign contractor licensed by the City of Lakewood. Such applications shall be made in writing on forms furnished by the Department and shall be signed by the applicant. The Director shall, within fifteen (15) working days from the day of the application, either approve or deny the application based on criteria in this sign code or refer the application back to the applicant if insufficient information has been furnished.
- (3) **Limit on Approval Authority.** A permit shall only be issued for a sign if the use with which the sign is associated is a legal or legal nonconforming use allowed in the zoning district in which the sign is to be located. Signs shall be located on the same property as the permitted use, except for signs on bus benches and new development directional as allowed in Table 10-1.
- (4) **Submittal Requirements.** The application for the permit shall include the following plans and other information as required:
  - (a) Name, address, and telephone number of the property owner or his authorized agent; the person entitled to possession of the sign; and the sign contractor or erector.

- (b) Location by street address of the proposed sign structure.
- (c) Complete information as required on application forms provided by the Department, including the following information:
  - (1) For freestanding or monument signs, site layout showing sign location, setbacks, and any buildings, parking areas, drive aisles and landscaped areas in the vicinity of the sign.
  - (2) For wall signs; building elevations showing sign location and dimensions to scale; roof lines; building heights and lineal footage of building frontage and street frontage.
  - (3) For each sign; sign elevation including area to be occupied by lettering, symbols or images, with dimensions; sign type; method of illumination; construction materials; projection or depth of sign cabinet.
  - (4) Such other data pertinent to the application.
- (d) Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used.
- (e) Completed application for an electrical permit for all electrical signs.

(5) Permit Fees. A permit fee shall be paid to the City for each permit issued. The fee shall be in accordance with the fee schedule established by the City Council. A review fee for Comprehensive Sign Plans will be required in accordance with a fee approved by City Council.

(6) Compliance with Permit. When a sign permit has been issued by the Department, 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 of Community Planning and Development. A written record of such approval shall be entered upon the original application and maintained in the files of the Department.

#### **17-10-4. REVIEW PROCEDURES FOR COMPREHENSIVE SIGN PLANS.**

- (1) Applicability. A comprehensive sign plan shall be required for all new medium-sized and major commercial centers in the 1-C, 2-C, 3-C, 4-C, and 5-C districts as defined in this Section (1)(a) and (b) below; and for existing centers as described in (e) below. The City requires comprehensive sign plans for these defined commercial centers to assure that the lettering style, color scheme, type of materials, and sign placement on the buildings presents an overall coordinated appearance. Commercial centers qualifying as a medium-sized or major center, which are approved through a PD district adopted after the effective date of this ordinance, shall comply with the requirement to prepare a comprehensive sign plan. The comprehensive sign plan shall be included as part of the official development plan adopted with the PD district.
  - (a) Medium-Sized Commercial Centers (in excess of 40,000 square feet of gross floor area). Developments in the 1-C through 5-C zone districts, and PD districts adopted after the effective date of this ordinance, which have in excess of 40,000 square feet but less than 150,000 square feet of gross floor area are defined as medium-sized

centers. Medium-sized centers shall obtain approval for a comprehensive sign plan prior to issuance of any sign permits for businesses or uses located within the development. Signs shown in the comprehensive sign plan shall meet the sign standards stated in Table 10-1 and should address the design guidelines listed in Section 17-10-4(5). This requirement shall apply to the development of floor space for any use allowed by the 1-C through 5-C districts and PD districts.

- (b) Major Commercial Centers (in excess of 150,000 square feet of gross floor area). Developments in the 1-C through 5-C zone districts, and PD districts adopted after the effective date of this ordinance, which have in excess of 150,000 square feet of gross floor area are defined as major centers. Major centers shall obtain approval for a comprehensive sign plan prior to issuance of any sign permits for businesses or uses located within the development. The sign standards contained in Table 10-1 and the design guidelines listed in Section 17-10-4(5) are to be used as guidelines in preparing comprehensive sign plans for major centers, with creativity and internal consistency encouraged. The sign standards in Table 10-1 and design standards in Section 17-10-4(5) may be altered as part of an approved comprehensive sign plan, as long as the purposes for such plans and this Article are met. This requirement shall apply to the development of floor space for any use allowed by the 1-C through 5-C districts.
- (c) Definition of Commercial Center. Any development of property in the 1-C through 5-C districts, and in PD districts, adopted after the effective date of this ordinance, for any uses permitted by the 1-C through 5-C districts, which meets one or more of the following criteria shall be considered a commercial center:
  - (1) four or more tenant spaces in any one building on a parcel
  - (2) two or more buildings which are:
    - (a) located on the same parcel
    - (b) subject to the same site plan
    - (c) sharing parking facilities or access points
    - (d) located on contiguous parcels where, in the judgement of the Director, the design of buildings, structures and site improvements indicates the development of the parcels will be connected or coordinated

Application of this Section 17-10-4 shall only be made to commercial centers in excess of 40,000 square feet of gross floor area.

- (d) Determination of Size of Commercial Center. For commercial centers for which building permits are requested after the effective date of this ordinance, the amount of square footage in a commercial center shall be determined by the gross floor area square footage allowed by the approved site plan. For commercial centers which are being reconstructed, redeveloped or expanded, as provided in Section 17-10-4(e) below, the amount of square footage shall be determined by the existing gross floor area square footage which remains in place added to any new floor area square footage to be added, as shown on the approved site plan or building construction drawings. Submittal of site plans in phases, where individual phases have less than 40,000 square feet of gross floor area, shall not exempt a commercial center from the requirement of obtaining approval for the comprehensive sign plan.

(e) Application of Requirement for Comprehensive Sign Plans to Existing Commercial Centers. Existing medium-sized and major commercial centers shall be exempt from the requirement to obtain approval for a comprehensive sign plan, except when one or more of the following occurs:

- (1) Reconstruction of the center is undertaken such that more than 50% of the facades where existing signs are located are removed and replaced.
- (2) Redevelopment of the site is undertaken such that building(s) constituting more than 50% of the floor area is removed, and the square footage shown on the site plan for the redevelopment qualifies the property as a medium-sized or major center.
- (3) Square footage is proposed which represents an addition of 20% or more from the size of the center as it existed on the effective date of this Ordinance, and the square footage shown on the site plan for the redevelopment qualifies the property as a medium-sized or major center.

Nothing in this section shall be construed to prohibit the property owner(s) of an existing medium-sized or major commercial center from requesting approval of a comprehensive sign plan in advance of the requirement for such a plan to be done.

(f) Issuance of Sign Permits in Existing Commercial Centers Subject to Comprehensive Sign Plan Requirement. No sign permits shall be issued for signs, nor shall signs be installed, reinstalled, reconstructed or replaced in existing commercial centers subject to the requirement for approval of a comprehensive sign plan under this Section (2)(e), until such plan is approved as provided in Section 17-10-4(4). Signs in place at the time a center becomes subject to the requirement for approval of comprehensive sign plan may continue in place for a period of ten years from the date on which the requirement applied, at which time, all signs in the center shall be in compliance with the comprehensive sign plan. The date of the end of the ten year period shall be placed on the Comprehensive Sign Plan for the subject property. Any signs installed after the date on which the requirement applied shall conform to the comprehensive sign plan.

(2) Application for Plan Approval: Determination. Application for a comprehensive sign plan shall be made by the property owner or his authorized agent. The Director shall send notification of the request to property owners within 300 feet of the subject property. If the Director receives written objections within 15 days after the notification is sent in the mail from 25% or more of those notified, the application shall be forwarded to the Planning Commission for review and decision. The Planning Commission decision shall be final. Within 15 days after the deadline for written objection, the Director shall either approve or deny the application, or refer the application back to the applicant for revision or additional information. In the case of a proposed PD district, the Director shall review the application during the rezoning process while reviewing the Official Development Plan.

(3) Submittal Requirements. The application for a comprehensive sign plan shall include the following plans and other information as required:

- (a) Name, address, and telephone number of the property owner or his authorized agent.

- (b) Location by street address of the property subject to the proposed comprehensive plan.
- (c) Comprehensive sign plan depicted on 24" x 36" mylar, in a format acceptable to the Director, including the following information:
  - (1) Site layout showing buildings, parking areas, drive aisles and landscaped areas; the location of any freestanding, or monument signs to scale; site dimensions including lineal feet of building frontage and street frontage.
  - (2) For wall signs; building elevations showing sign location and dimensions to scale; roof lines; building heights and lineal footage of building frontage and street frontage.
  - (3) For each sign; sign elevation including area to be occupied by lettering, symbols or images, with dimensions; sign type; lettering styles, colors, method of illumination; construction materials; projection or depth of sign cabinet.
  - (4) Such other data pertinent to the application to be determined by the Director.
- (d) Completed information as required on application forms provided by the Department.
- (e) Plan review fee in accordance with fee schedule established by the City Council.

(4) Approval Authority. The Director shall be authorized to take action to either approve, approve with conditions or deny applications for comprehensive sign plans after the notification has been sent in conformance with Section 17-10-4(2). The applicant shall have the right to appeal a decision by the Director on such applications to Planning Commission. No sign permits for property requiring a comprehensive sign plan shall be issued until such plan has been approved.

(5) Design Guidelines for Comprehensive Sign Plans. It is the intent of the City of Lakewood in requiring that comprehensive sign plans be approved for certain commercial centers that the signage in these centers present an overall coordinated appearance which will contribute to a aesthetically pleasing visual environment. (For purposes of this section (17-10-4), the term tenants refers to the occupant of space in a commercial center whether the business owns or leases such space.) The following design guidelines have been established to achieve this purpose and shall apply to all comprehensive sign plans. These guidelines are to be used as guidelines and shall not be enforced as standards.

- (a) An overall color scheme should be established for project identification, directional and informational signage. This color scheme shall be coordinated with colors used for materials, paint and trim on the buildings in the commercial center.
- (b) Wall signs for in-line tenants should have a coordinated appearance by using the techniques listed below:
  - (1) Using similar format for each tenant sign in terms of shape, size, style, and method of construction, mounting and illumination, and use of same color for returns or sign cabinets.
  - (2) Using similar lettering style.
  - (3) Using same color scheme.

- (4) Creating a sign band using building materials or colored borders which unifies the sign display area.

Allowance may be made for each tenant to have an individual, identifying logo when the same lettering style and colors are used for all in-line tenants.

- (c) Tenants in freestanding buildings on individual pad sites may have more flexibility as to the lettering style and color scheme used for signs to allow for corporate, chain store or franchise identity.
- (d) These standards shall not apply to temporary signs if standards for such signs are included in the comprehensive sign plan. Colors permitted to be used for temporary signs shall not include fluorescent or neon-bright hues.

- (6) Compliance with Comprehensive Sign Plan. Upon approval of a comprehensive sign plan, no sign permit shall be issued for a sign which is not in compliance with the plan or with this Article. It shall be unlawful to change, modify, alter or otherwise deviate from the provisions of a comprehensive sign plan except as otherwise provided in this ordinance. Any signs installed which are not in compliance with an approved comprehensive sign plan shall constitute a prohibited sign and shall be removed as described in section 17-10-2(2).
- (7) Amendments to Comprehensive Sign Plan. A property owner or his authorized agent may propose amendments to a comprehensive sign plan. Such amendments shall be submitted, reviewed and a determination reached in the same manner as for the original plan, except that evidence in the form of signatures on the proposed amended plan document, shall be provided indicating that the current property owners have agreed to the proposed amendment prior to a determination being made on the amendment by the Director.

#### **17-10-5. INSTALLATION AND MAINTENANCE OF SIGNS.**

- (1) Installation of Signs. Upon issuance by the Department of a permit, a sign may be erected, altered and maintained only for a use permitted in the District in which the sign is located. Signs shall be located on the same lot as the permitted use, except for signs on bus benches and as allowed in Table 10-1.
- (2) Requirement for Nameplate. Any person, firm, or corporation erecting, constructing or enlarging any signs in the City shall attach thereto a name plate providing the name and address of the person, firm or corporation causing the same to be done.
- (3) Identification of and Marking of Electrical Signs. Each electrical sign hereafter erected or remodeled shall bear thereon a clearly legible identification plate not exceeding fifteen (15) square inches in area, stating the name of the person, firm or corporation responsible for its construction and erection, with the installation date, and permit number.
- (4) Licensing and Insurance Requirements.
  - (a) License Required. Any person, firm, or corporation, engaged in the business of installing, erecting, moving or maintaining signs which are eight (8) feet or more in height or twenty-five (25) square feet or more in area in the City of Lakewood, shall be duly licensed by the City. A person not engaged in the sign erecting business may

be allowed to install, erect, move or maintain his own sign upon demonstration to the Department that he possesses sufficient knowledge and skill, and is appropriately insured for public protection.

(b) Certificate of Insurance Required. Before any permit is issued for a sign which may require any work on or over public property, the erector shall furnish to the City a Certificate of Insurance from a firm with corporate surety, authorized to do business in the State of Colorado, for public liability and property damage in the amounts established by the Department of not less than the following and covering the liability of the sign erector with respect to all work performed by him or his agents or employees:

For death or injury to any one person and including property damage	\$150,000
Total liability in any one accident	\$600,000

(c) Indemnity Agreement. The erector shall be required to sign an indemnity agreement, on a form furnished by the City, which releases and discharges the City, its employees, agents and assigns from any liability and from any and all claims, demands, damages, actions, courses of action, or suits of any kind or nature whatsoever as related to the construction and maintenance of the sign.

(5) Work Not in Compliance with Permit.

(a) Notice of Work Not in Compliance; Correction. If the Department 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, or should it be found that there has been any misrepresentation in connection with the application for the permit (including non-sufficient fund checks) the applicant and the owner of the sign shall be notified of such findings and that the violation must be corrected within five (5) working days of notice. If such correction is not made, the permit shall be revoked and written notice thereof shall be served upon the sign owner or erector personally or by certified mail.

(b) Appeal of Notice. The owner or lessee of the property on which the sign is located shall have the right to appeal the decision of the Department to the Board of Adjustment as described in section 17-10-2(1)(d).

(6) Expiration of Permit: Extensions. If actual work either on or off site is not commenced under any building permit issued within one hundred eighty (180) days from the date of such permit, the permit shall automatically become null and void. Delays which are not the result of willful acts or neglect of the sign owner or his authorized agent may be excused and the Director may grant an extension of time in which to start or resume operations. All requests or extensions and approval thereof shall be in writing. When any permit has been revoked under the terms of this Section, permit fees shall not be refunded.

(7) Assignment of Responsibility. Unless the owner of the sign is stated on the name plate attached to the sign, or ownership is indicated in an application for a sign permit, the owner or lessee or other person entitled to possession of any lot is presumed to be the owner of the sign or sign structure located thereon and responsible for erecting,

construction, enlargement, alteration, repair, movement, improvement, conversion or demolition.

(8) **Maintenance.** Every sign shall be maintained in good condition at all times, as determined by the Director. Signs shall be kept neatly painted, including all metal parts and supports thereof that are not galvanized or of rust-resistant metals. The Director shall inspect and shall have the authority to order the painting, repair, alteration, or removal of a sign which is not in conformance with this Ordinance or is inadequately maintained, dilapidated, or obsolescent.

#### **17-10-6. SIGN STANDARDS.**

(1) **Matrix of Sign Standards.** Table 10-1 identifies what types of temporary and permanent signs are allowed in the City's zoning districts. This figure also indicates the style, maximum size, maximum number, maximum height, minimum setback, and other requirements for each type of sign allowed. Whether or not a permit is required for each type of sign is also listed. The requirements contained in Table 10-1 apply to signs over which the City has authority, including comprehensive sign plans for medium-sized commercial centers and for sign regulations contained in official development plans for PD districts which are adopted after the effective date of this ordinance. The requirements contained in Table 10-1 serve as a guideline for preparation of sign plans for major commercial centers, and sign standards may be altered from those shown in Table 10-1 for major commercial centers as provided in its sign plan. Where sign regulations are not included in an official development plan, or where a sign plan has not been prepared for an existing commercial center, the requirements in Table 10-1 shall apply.

(2) **Signable Area.** Notwithstanding the sign area allowed by Table 10-1, wall signs shall be limited to no more than seventy five percent (75%) of the length of the building frontage of the establishment, store front or tenant space on which the sign is installed. Wall signs shall be further limited to the "signable area" available on the building facade on which they will be installed.

The signable area shall mean that area of a building facade up to the roof line which is free of windows and doors or major architectural detail and may be enclosed by an imaginary rectangle.

(3) **Measurement of Sign Area; Sign Size.** The area of a sign shall be measured in conformance with the regulations as herein set forth. The structure or bracing of a sign shall be omitted from measurement, unless such structure or bracing is made part of the message or face of the sign.

(a) **Signs with Backing.** The area of signs enclosed by a box or outline shall be measured by determining the area of a geometric shape which creates the smallest single continuous perimeter enclosing the extreme limits of the display surface or face of the sign; including all frames, backing, face plates, nonstructural trim or other component parts not otherwise used for support.

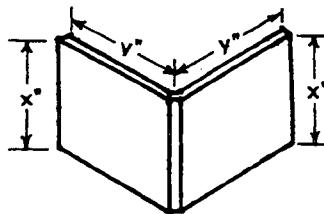


Internally lit box with background

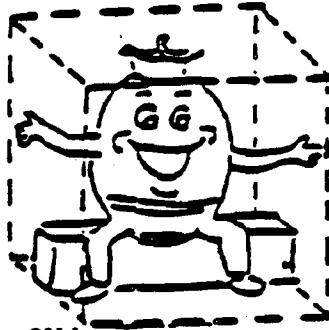
(b) **Signs Without Backing.** The area of signs consisting of individual letters or symbols shall be measured by determining the sum of the area of the smallest single continuous geometric shape enclosing the extreme limits of each message, including all frames, face plates, nonstructural trim or other component parts not otherwise used for support.



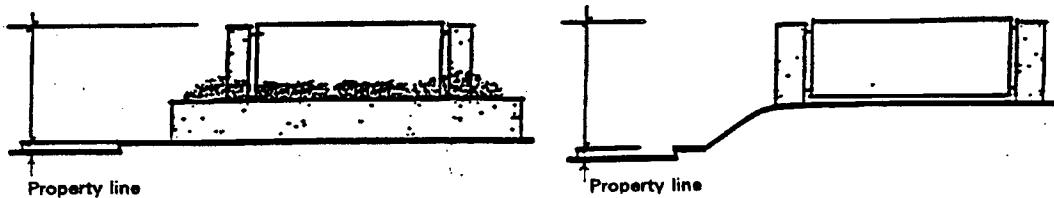
(c) **Multiple-Faced Faces.** Sign area for signs which have two parallel sign faces, such that only one face is visible at any one time to an observer, shall be calculated using only the larger of the two sign faces. Sign area for signs which have multiple sign faces not being parallel, such as V-shaped, triangles or cubes, shall be calculated using the total of all faces which may be seen at the same time from a viewer's perspective.



(d) Spherical, free-form, sculptural and other non-planar signs. Sign area shall be the sum of the areas of the vertical faces of the smallest four (4) sided polyhedron that will encompass the sign structure and which may be seen at the same time from a viewer's perspective.



(4) Height Determination. The height of a freestanding or monument sign shall be measured from the grade at the property line, at a point closest to the sign location.



(5) Number of Signs. Each continuously enclosed area of a sign face, either by outline or by an imaginary line, shall be considered one sign. The total surface area of multiple unit signs include vertical and horizontal spacing between signs.

(6) Setback Determination. The setback of a sign is measured from the property line to the nearest edge of the sign or support structure of the sign.

(7) Permitted Illumination. Methods of illumination permitted to be used shall be as stated in Table 10-1. Signs in commercial, office, and industrial zones which identify commercial, office, and industrial uses may be illuminated, but all direct illumination shall not exceed twenty-five (25) watts per bulb. Permanent ground signs within residential zone districts may be illuminated if they meet the following criteria:

- (a) The sign is at least 100 feet away from the closest building occupied as a residence, provided however that the Director of Community Planning and Development may authorize a smaller distance if he determines that the orientation and character of the sign and nearby residence is such that the sign will not adversely impact the residence.
- (b) The sign identifies a use which lawfully exists in a residential zone district as a permitted or pre-existing nonconforming use.

- (c) The source of illumination is within the sign cabinet or mounted on the ground. Illumination by means of neon tubing is not allowed.
- (d) The use which is identified by the sign has frontage on an arterial or collector street.
- (e) Illumination ceases between the hours of 9:00 p.m. and 6:00 a.m.

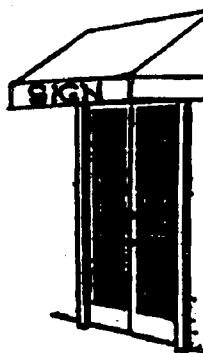
All other signs in residential zone districts shall not be illuminated except signs permitted for medical services and public services such as police and fire, which are provided on a twenty-four (24) hour basis, and signs for other traffic safety purposes.

(8) Design Standards.

- (a) Compatibility with Architecture. Signs shall be designed to conform to, or be in keeping with, the architectural style of the main building or buildings upon the site. Buildings intended to have wall signs shall be designed with forethought to providing an area for signage which is integrated into the overall facade. Sign bands, i.e. a continuous horizontal strip running across the building facade which is delineated by special architectural treatment, materials, colors or borders, where signs are to be installed, are encouraged on multi-tenant commercial and industrial buildings to coordinate the placement of signage. The style and character of signs on adjacent properties shall also be considered.

(b) Placement.

- (1) Marquee, Canopy or Awning Signs. All signs shall be parallel to the face of the marquee, canopy or awning upon which such signs are displayed. Said signs shall not project above or below the face of the marquee and shall only identify the business by name or address.



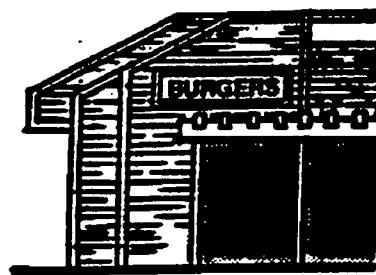
- (2) Projecting Signs. The maximum height shall be twenty (20) feet. Such signs shall be located on the signable area of the facade of the building, as described in Section 17-10-6(2), and must not obscure major architectural details or

extend above the roof line. Such signs shall have a clearance of ten (10) feet from grade level to the bottom of the sign. Maximum projection shall be thirty (30) inches from the building to which it is attached.

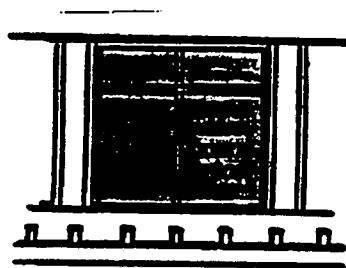


**Projecting**

(3) **Wall Signs.** Wall signs shall be placed only in "signable areas" of a building facade. (See Section 17-10-6(2).) Wall signs may not project more than eighteen (18) inches from the supporting wall. Wall signs may not extend above the roof line or parapet wall.



(4) **Window Signs.** Signs painted on, affixed to, or displayed twelve (12) inches or less from the interior of windows. Window signs are not permitted in windows above the first floor.

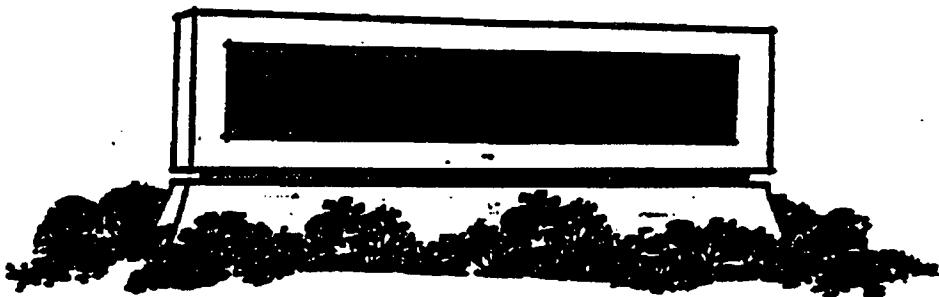


(5) **Street Frontage.** Where Table 10-1 allows for a certain number of signs per street frontage abutting a property, these signs shall be installed on the building corresponding to the street frontage, and shall not be additive and installed elsewhere on the site.

(c) Use of Changeable Copy; Electronic Signs.

(1) Changeable Copy or Reader Board Signs. A sign, or portion thereof, with characters, letters, or illustrations that can be changed or rearranged manually or electronically without altering the face or the surface of the sign are permitted except that messages may not be altered any more often than one (1) time per twenty-four (24) hours. A sign on which the message changes more than one(1) time per twenty-four (24) hours shall be considered an animated sign for purposes of this ordinance and is prohibited. Time and temperature displays and scoreboards shall be the only sign that can change more than one time every twenty-four (24) hours. Electronic signs are prohibited from scrolling, flashing or otherwise animating its messages.

(d) Landscaping. Whenever practicable, each ground sign shall be located in a landscaped area at least twice the size of the area of the sign, as determined by the Director. This area can be counted as part of the landscaped area required by Article 15 of the Zoning Ordinance.



(e) Sight Triangle. Placement of any sign shall not interfere with the vision clearance requirements stated in Section 17-8-1 of the Zoning Ordinance.

**CITY OF LAKWOOD  
ZONING ORDINANCE**

**TABLE 10-1  
SIGN STANDARDS BY DISTRICT**

**SIGNS PERMITTED IN R1A DISTRICT**

(For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. churches and emergency health care facilities; see page 10-54)

<b>TYPE OF SIGN</b>	<b>PERMIT REQD.</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	Limited to non-residential uses only. May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from ROW	External; limited to directional ground lights	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Real Estate Signs (Such as: "For Rent", "For Sale")	No	Freestanding	8 sq. ft.	4 feet	One per street frontage	10 feet from ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.

## SIGNS PERMITTED IN R1A DISTRICT

(For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. churches and emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
Special Event Banner	Yes	Banner	40 sq. ft.	Limited to height of building or fence to which it is affixed	One per property; suspended banners permitted only for community events	None, as approved	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.

## PERMANENT SIGNS

Business Identification	Yes	Wall	100 sq.ft.	Signable area of wall	One per parcel or property	10 feet from ROW	Internal; external	
		Freestanding, Monument	100 sq.ft.	25 feet				
Home Occupation	No	Wall	1.5 sq.ft.	8 feet	One per single family dwelling	Same as building to which it is affixed	None	Must be affixed to dwelling in which home occupation is conducted.
Neighborhood or Subdivision Identification	Yes	Monument	50 sq.ft.	6 feet	Two signs per major entrance if used on either side of entry road; one if on median or island in center of entry street	As approved on permit; sight triangle to be maintained	External; limited to directional ground lights	If a sign is to go in the median, a license agreement will need to be obtained before a permit is issued

**TABLE T0-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN RR THROUGH 3-R, INCLUSIVE (SINGLE FAMILY AND DUPLEX DISTRICTS)**

(For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. churches and emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	External; limited to directional ground lights	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	8 sq. ft.	4 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN RR THROUGH 3-R, INCLUSIVE (SINGLE FAMILY AND DUPLEX DISTRICTS)**

(For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. churches and emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Home Occupation	No	Wall	1.5 sq.ft.	8 feet	One per single family dwelling	Same as building to which it is affixed	None	Must be affixed to dwelling in which home occupation is conducted.
Neighborhood or Subdivision Identification	Yes	Monument	50 sq.ft.	6 feet	Two signs per major entrance if used on either side of entry road; one if on median or island in center of entry street	As approved on permit; sight triangle to be maintained	External; limited to directional ground lights	

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

**SIGNS PERMITTED IN RESIDENTIAL ZONE DISTRICTS: 3RA THROUGH 6R, INCLUSIVE (MULTI-FAMILY DISTRICTS)**

(For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. churches and emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQ'D.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One (1) per street frontage	10 feet from ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One (1) per property	10 feet from ROW	External; limited to directional ground lights	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	8 sq. ft.	4 feet	Either one wall or one freestanding per street frontage	10 feet from ROW, or if wall mounted, same as building to which it is affixed	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	8 sq. ft.	Within wall area of unit; below roof eave				

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN RESIDENTIAL ZONE DISTRICTS: 3RA THROUGH 6R, INCLUSIVE (MULTI-FAMILY DISTRICTS)**

(For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. churches and emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Building Identification	Yes	Monument	8 sq. ft.	6 feet	Either one wall or one monument per building per street or parking lot frontage	10 feet from ROW, or if wall mounted, same as building to which it is affixed	External; limited to directional ground lights	Intended to provide address or unit number ranges, or a unique building name to assist residents and visitors to find a particular unit.
		Wall	8 sq. ft.	20 feet				
Business Identification	Yes	Monument	50 sq. ft.	6 feet	One (1) per street frontage	10 feet from ROW	External; limited to directional ground lights if on local/minor collector streets  Internal permitted if on major collector and arterial streets	These types of signs are for child care facilities; residential health care facilities as allowed in each zone district.
		Wall	50 sq. ft.	20 feet	One (1) per street frontage	same as building to which it is affixed		
Home Occupation	No	Wall	1.5 sq. ft.	8 feet	One (1) per single family dwelling; not permitted on multi-family units	same as building to which it is affixed	None	Must be affixed to dwelling in which home occupation is conducted.
Management/ Rental Office	No	Wall	2 sq. ft.	6 feet	One per office entrance	same as building to which it is affixed	External	

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

**SIGNS PERMITTED IN RESIDENTIAL ZONE DISTRICTS: 3RA THROUGH 6R, INCLUSIVE (MULTI-FAMILY DISTRICTS)**

(For signs for community facilities i.e. fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. churches and emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
Project Identification	Yes	Monument	50 sq. ft.	6 feet	Two signs per major entrance if used at either side of ROW; one if on median or island in center of entry street	As approved on permit; sight triangle to be maintained	External; limited to directional ground lights	
		Wall	50 sq. ft.	20 feet	One per street frontage	same as building to which it is affixed		
Property Management Company Identification	No	Wall	2 sq. ft.	6 feet	One per building	same as building to which it is affixed	None	
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the director	As approved on permit; sight triangle to be maintained	External; internal	

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE OFFICE (OF) ZONE DISTRICT: SINGLE BUSINESS ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER**  
 (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)  
 (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

<b>TYPE OF SIGN</b>	<b>PERMIT REQD</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE OFFICE (OF) ZONE DISTRICT: SINGLE BUSINESS ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER**  
 (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)  
 (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

Type of Sign	Permit Recd.	Style of Sign	Maximum Size per Sign	Maximum Height	Maximum Number	Minimum Setback	Permitted Illumination	Other Requirements
<b>PERMANENT SIGNS</b>								
Business Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage, or 100 sq. ft., whichever is less	25 feet	One	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One per street frontage. Additional wall signs may be approved by the Director to utilize maximum sign area	Same as required for building		
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the director	Sight triangle to be maintained	External; internal	No advertising message allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

<b>SIGNS PERMITTED IN THE OFFICE (OF) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
Type of Sign	Permit Req'd.	Style of Sign	Maximum Size per Sign	Maximum Height	Maximum Number	Minimum Setback	Permitted Illumination	Other Requirements
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per Bus Bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

<b>SIGNS PERMITTED IN THE OFFICE (OF) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 100 sq. ft.	25 feet	One per street frontage	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Twenty (20) percent of sign area must be used to identify the name of the development.
Project Directory	Yes	Monument	2 sq. ft. per business in center to a maximum of 50 sq. ft.	6 feet	One per major street entrance	10 feet from the ROW	Internal, external	No product or business advertising may be placed on the sign.
Building Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 2 sq. ft. per foot of building frontage on which sign is located. For each permitted sign, 100 sq. ft. or as calculated, whichever is less	Located in signable area of wall	One per street frontage	Same as required for building	Internal	May not exceed 75% of the width of the wall on which the sign is located.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One, except that a corner unit may have two wall signs	Same as required for building	Internal	May not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE OFFICE (OF) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT RECD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the director	Sight triangle to be maintained	External; internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

TABLE 1-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 1-C THROUGH 3-C FOR SINGLE BUSINESSES ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding, Wall	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 1-C THROUGH 3-C FOR SINGLE BUSINESSES ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQ'D.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Business Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage, or 100 sq. ft., whichever is less.	25 feet	One	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One per street frontage. Additional wall signs may be approved by the Director to utilize maximum sign area	Same as required for building		
Menu Boards	Yes	Freestanding, Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External; internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 1-C THROUGH 3-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS**  
 (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)  
 (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

<b>TYPE OF SIGN</b>	<b>PERMIT REQD.</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Events Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 1-C THROUGH 3-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 100 sq. ft.	25 feet	One per street frontage	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Twenty (20) percent of sign area must be used to identify the name of the development.
Kiosks, Teller Machines, Key Shops, Recycling Machines, Film Processors	Yes	Wall	20 sq. ft. minimum or 15% of total wall area on which sign is located, whichever is greater to a maximum of 50 sq. ft.	Located in signable area on wall	One per business	Same as required for building	Internal, external	These small accessory uses are not permitted a freestanding or monument sign.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 15% of tenant wall area facing street on which sign is located, whichever is greater for each sign, provided no sign exceeds 100 sq. ft.	Located in signable area on wall for unit	One, except that a corner unit may have two wall signs	Same as required for building	Internal, external	Shall not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.
Tenant Identification for Pad Sites	Yes	Monument	32 sq. ft.	6 feet	One per pad site	10 feet from the ROW	Internal	Property located within the Lakewood Center Activity Center is subject to design review.
Menu Boards	Yes	Freestanding, Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

<b>SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 1-C THROUGH 3-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	Sight triangle to be maintained	External; internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 4-C AND 5-C FOR SINGLE BUSINESSES ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER**  
 (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)  
 (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

Type of Sign	Permit Req'd	Style of Sign	Maximum Size per Sign	Maximum Height	Maximum Number	Minimum Setback	Permitted Illumination	Other Requirements
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding, Wall	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative of 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 4-C AND 5-C FOR SINGLE BUSINESSES ON SINGLE PARCEL THAT IS NOT PART OF A SHOPPING CENTER**  
(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)  
(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT RECD	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Business Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage, or 150 sq. ft., whichever is less	25 feet	One	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 150 sq. ft.	Located in signable area of wall	One per street frontage. Additional wall signs may be approved by the Director to utilize maximum sign area	Same as required for building		
Menu Boards	Yes	Freestanding, Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
(Continued)

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 4-C AND 5-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back reet	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

<b>SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 4-C AND 5-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 150 sq. ft.	25 feet	One sign per 1000 feet of street frontage	10 feet from the ROW	Internal, external	Property located within the Lakewood Center Activity Center is subject to design review, and freestanding signs must be monument style. Twenty (20) percent of sign area must be used to identify the name of the development.
Kiosks, Teller Machines, Key Shops, Recycling Machines, Film Processors	Yes	Wall	20 sq. ft. minimum or 15% of total wall area on which sign is located, whichever is greater to a maximum of 50 sq. ft.	Located in signable area of wall	One per business	Same as required for building	Internal, external	These small accessory uses are not permitted a freestanding or monument sign.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 15% of tenant wall area facing street on which sign is located, whichever is greater for each sign, provided no sign exceeds 150 sq. ft.	Located in signable area of wall	One, except that a corner unit may have two wall signs	Same as required for building	Internal, external	Shall not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.
Tenant Identification for Pad Signs	Yes	Monument	32 sq. ft.	6 feet	One per pad site	10 feet from the ROW	Internal	Property located within the Lakewood Center Activity Center is subject to design review.
Menu Boards	Yes	Freestanding, Monument	30 sq. ft.	6 feet	One per order station	10 feet from the ROW	Internal	No signage or advertising may be readable from the ROW.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE COMMERCIAL ZONE DISTRICTS: 4-C AND 5-C FOR MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	5 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

<b>SIGNS PERMITTED IN THE INDUSTRIAL (IN) ZONE DISTRICT: SINGLE BUSINESS ON SINGLE PARCEL</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
TYPE OF SIGN	PERMIT REQD	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on Bus Bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental of property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding, Wall	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE INDUSTRIAL (IN) ZONE DISTRICT: SINGLE BUSINESS ON SINGLE PARCEL**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

Type of Sign	Permit Req'd.	Style of Sign	Maximum Size per Sign	Maximum Height	Maximum Number	Minimum Setback	Permitted Illumination	Other Requirements
<b>PERMANENT SIGNS</b>								
Business Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage, or 100 sq. ft., whichever is less	25 feet	One	10 feet from the ROW	Internal, external	Wall signs may not exceed 75% of the width of the wall on which the sign is located.
		Canopy, Wall	50 sq. ft. minimum or 15% of total wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One per street frontage	Same as required for building		
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

<b>SIGNS PERMITTED IN THE INDUSTRIAL (IN) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
Type of Sign	Permit Req'd	Style of Sign	Maximum Size per Sign	Maximum Height	Maximum Number	Minimum Setback	Permitted Illumination	Other Requirements
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
(Continued)

<b>SIGNS PERMITTED IN THE INDUSTRIAL (IN) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
Type of Sign	Permit Req'd.	Style of Sign	Maximum Size per Sign	Maximum Height	Maximum Number	Minimum Setback	Permitted Illumination	Other Requirements
<b>PERMANENT SIGNS</b>								
Project Identification	Yes	Freestanding, Monument	2 sq. ft. per foot of street frontage to a maximum of 100 sq. ft.	25 feet	One per street frontage	10 feet from the ROW	Internal, external	Twenty (20) percent of sign area must be used to identify the name of the development.
Project Directory	Yes	Monument	2 sq. ft. per business in center to a maximum of 50 sq. ft.	6 feet	One per major street entrance	10 feet from the ROW	Internal, external	No product or business advertising may be placed on the sign.
Building Identification	Yes	Canopy, Wall	50 sq. ft. minimum, or 2 sq. ft. per foot of building frontage on which sign is located. For each permitted sign, 100 sq. ft. or as calculated, whichever is less.	Located in signable area of wall	One per street frontage	Same as required for building	Internal	May not exceed 75% of the width of the wall on which the sign is located.
Tenant Identification	Yes	Canopy, Wall	50 sq. ft. minimum or 15% of tenant wall area facing street on which sign is located, whichever is greater, provided no sign exceeds 100 sq. ft.	Located in signable area of wall	One, except that a corner unit may have two wall signs	Same as required for building	Internal	May not exceed 75% of the width of the tenant space on the wall on which the sign is located. Tenants that do not have a primary access to the exterior of the building are not permitted individual wall signs.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

**SIGNS PERMITTED IN THE INDUSTRIAL (IN) ZONE DISTRICT: MULTIPLE BUSINESSES IN SINGLE OR MULTIPLE BUILDINGS**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	Sight triangle to be maintained	External, internal	No advertising allowed.
Secondary Signs	Yes	Wall	10 sq. ft.	Located in signable area of wall	One sign per business	Same as required for building	Internal, external	Sign shall not be counted toward the maximum sign area or number.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
(Continued)

<b>SIGNS PERMITTED IN THE PLANNED DEVELOPMENT (PD) ZONE DISTRICT</b> (For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52) (For signs for institutional uses i.e. emergency health care facilities; see page 10-54)								
<b>TYPE OF SIGN</b>	<b>PERMIT REQD.</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus Benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Real Estate- such as "For Sale" and "For Rent"	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
		Wall	32 sq. ft.	Signable area of wall				
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from the ROW	None	May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
New Development Directional	Yes	Freestanding	32 sq. ft.	6 feet	One per property	10 feet from the ROW	None	To be located on property under development unless approved for off-premise location by Director. To be allowed during period from when grading permit issued for overlot grading of development site to closing date for last unit sold or initial rental period concluded.
Special Event Banner	Yes	Banner	40 sq. ft.	25 feet	One	Same as structure	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
Window	No	Window	20 per cent of first floor window area facing street being utilized	Within window area on first floor	NA	NA	None	Window signs cannot be displayed above first floor. No special illumination directed at the signage is permitted.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

**SIGNS PERMITTED IN THE PLANNED DEVELOPMENT (PD) ZONE DISTRICT**

(For signs for community facilities i.e. churches, fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities; see page 10-52)

(For signs for institutional uses i.e. emergency health care facilities; see page 10-54)

TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
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**PERMANENT SIGNS**

Planned Developments which have signage stipulations contained in the narrative text of the Official Development Plan (ODP) must abide by those written standards.

Planned Developments which do not have signage stipulations in the text of the Official Development Plan, or which have signage stipulations which address all types of currently permitted signs, shall utilize the sign standards defined for the planned land use in the compatible zone district and such determinations shall be made by the Director.

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
(Continued)

<b>SIGNS PERMITTED FOR COMMUNITY FACILITIES</b> (Fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities)								
<b>TYPE OF SIGN</b>	<b>PERMIT REQD.</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage abutting property	10 feet from ROW	None	Limited to non-residential uses only. May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	32 sq. ft.	6 feet	One per street frontage abutting property	10 feet from ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
Special Event Banner	Yes	Affixed to Wall or Fence	40 sq. ft.	Limited to height of building or fence to which it is affixed		One per property; suspended banners permitted only for community events	None, as approved	
		Suspended	40 sq. ft.	6' if not over ROW 16' if over ROW				Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.

TABLE 10-1  
SIGN STANDARDS BY DISTRICT  
(Continued)

<b>SIGNS PERMITTED FOR COMMUNITY FACILITIES</b> (Fire and police stations, helipads for noncommercial emergency use, parks, playgrounds, schools, public transportation facilities, water treatment facilities)								
TYPE OF SIGN	PERMIT REQD.	STYLE OF SIGN	MAXIMUM SIZE PER SIGN	MAXIMUM HEIGHT	MAXIMUM NUMBER	MINIMUM SETBACK	PERMITTED ILLUMINATION	OTHER REQUIREMENTS
<b>PERMANENT SIGNS</b>								
Business Identification	Yes	Wall	100 sq. ft.	Signable area of wall	One per parcel or property	10 feet from ROW	Internal, external	
		Freestanding, Monument	100 sq. ft.	25 feet				
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	As approved on permit; sight triangle to be maintained	Internal, external	

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
(Continued)

<b>SIGNS PERMITTED FOR INSTITUTIONAL USES</b> (Institutional uses i.e. churches and emergency health care facilities)								
<b>TYPE OF SIGN</b>	<b>PERMIT REQ'D.</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>TEMPORARY SIGNS</b>								
Bus Bench Signs	No	Painted on bus bench	One face of bench back rest	NA	One per bus bench	Meet required setback for bench	None	Bus benches must meet all applicable provisions of Chapter 12.16 of the Lakewood Municipal Code.
Construction; Temporary Project Identification	Yes	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	Limited to non-residential uses only. May be installed upon issuance of grading permit; must be removed when occupancy permit issued. Intended for display of the name of the project, names of design and engineering team, and telephone number for information on leasing or hiring.
Real Estate Signs (Such as "For Rent", "For Sale")	No	Freestanding	32 sq. ft.	6 feet	One per street frontage	10 feet from ROW	None	Must be removed within three days of date of closing for sale property or move-in for rental property.
Special Event Banner	Yes	Affixed to Wall or Fence	40 sq. ft.	Limited to height of building or fence to which it is affixed	One per property; suspended banners permitted only for community events	None, as approved	None	Must be attached flat against the side of the building or fence. Permits may be issued for any time frame not to exceed a cumulative 90 days in one year per business.
		Suspended	40 sq. ft.	6' if not over ROW 16' if over ROW				

**TABLE 10-1**  
**SIGN STANDARDS BY DISTRICT**  
**(Continued)**

<b>SIGNS PERMITTED FOR INSTITUTIONAL USES</b> (Institutional uses i.e. churches and emergency health care facilities)								
<b>TYPE OF SIGN</b>	<b>PERMIT REQD.</b>	<b>STYLE OF SIGN</b>	<b>MAXIMUM SIZE PER SIGN</b>	<b>MAXIMUM HEIGHT</b>	<b>MAXIMUM NUMBER</b>	<b>MINIMUM SETBACK</b>	<b>PERMITTED ILLUMINATION</b>	<b>OTHER REQUIREMENTS</b>
<b>PERMANENT SIGNS</b>								
Business Identification	Yes	Wall	100 sq. ft.	Signable area of wall	One per parcel or property	10 feet from ROW	Internal, external	
		Freestanding, Monument	100 sq. ft.	25 feet				
Building Identification	Yes	Wall	100 sq. ft.	Signable area of wall	One per building	Same as required for building	Internal, external	
Project Directory	Yes	Monument	50 sq. ft.	6 feet	One per major street entrance	10 feet from the ROW	Internal, external	No product or business advertising may be placed on the sign.
Traffic and Parking Directional	No	Freestanding, Monument, Wall	6 sq. ft.	3 feet	One per curb cut. Additional signs may be allowed by the Director.	As approved on permit; sight triangle to be maintained	Internal, external	

## ARTICLE 11: SECONDARY USES

**17-11-1. DEFINITION.** As used in this Ordinance, a "Secondary Use" is one which meets the following criteria (a) - (d) when the specific use is not contained within Section 17-11-2, and is approved by the Director. *(As amended by 0-83-159.)*

- (a) Is subordinate to and serves the main building or principal use;
- (b) Is subordinate in area, extent, and purpose to the main building or principal use served;
- (c) Contributes to the comfort, convenience, or necessity of occupants of the main building or principal use served; and
- (d) Is located within the main building or structure.

### **17-11-2. USE REGULATIONS.**

- (1) Secondary Uses are uses by right. Uses not contained within the main building but otherwise meeting the definition of a secondary use shall be considered as Accessory Use as provided for within Article 12.
- (2) The following specific Secondary Uses shall be permitted as uses by right within the zone district indicated provided they conform to the requirements of this Section.

(a) 4-R and 4-RA Districts:

- (1) Private noncommercial athletic or recreational facilities operated for the benefit of members only and not for economic gain.
- (2) Amusement center.

(b) 5-R and 5-RA Districts:

- (1) Private noncommercial athletic or recreational facilities operated for the benefit of members only and not for economic gain.
- (2) Any use permitted within the OF District or the 1-C District.
- (3) Amusement center.

(c) 6-R District:

- (1) Amusement Center.

(d) OF District:

- (1) Any use permitted within the 1-C District.

- (2) Living quarters for not more than one household in a building not designed primarily for occupancy as a dwelling unit and occupied by the owner or operator of the office or secondary commercial use.
- (3) Amusement center.

(e) **1-C District:**

- (1) Amusement center.

(f) **2-C District:**

- (1) Amusement center.

(g) **3-C District:**

- (1) Amusement center.

(h) **4-C District:**

- (1) Amusement center.

(i) **5-C District:** *(As amended by 0-83-55.)*

- (1) Administrative office serving the principal use. Additional subordinate administrative office space serving more than the principal use may not exceed fifty (50) percent of the gross floor area of the main building.
- (2) Amusement center.
- (3) Living quarters for not more than one household in a building not designed primarily for occupancy as a dwelling unit and occupied by the owner or operator of the commercial or secondary office use. *(As amended by 0-83-159.)*

(j) **IN District:** *(As amended by 0-82-156 and 0-83-55.)*

- (1) Administrative offices, which shall not exceed fifty (50) percent of the gross floor area of the main building.
- (2) Child care facilities.
- (3) Restaurant.
- (4) Amusement center.
- (5) Living quarters for not more than one household in a building not designed primarily for occupancy as a dwelling unit and occupied by the owner or operator of the industrial or secondary office use. *(As amended by 0-83-159.)*

17-11-3. **AREA REGULATIONS.** The sum total of gross floor area utilized by all Secondary Uses shall not exceed more than ten (10) percent of the gross floor area of any single building or structure within which it is contained, except as otherwise specifically allowed in this Article. The entrance to any such Secondary Use shall be from inside the main building and no sign advertising said use shall be visible from outside the building.

## ARTICLE 12: ACCESSORY USES

17-12-1. **DEFINITION.** As used in this Ordinance, an "Accessory Use" is a use which:

- (1) Is subordinate to and serves the main building or principal use;
- (2) Is subordinate in area, extent, and purpose to the main building or principal use served;
- (3) Contributes to the comfort, convenience, or necessity of occupants of the main building or principal use served; and
- (4) Is located external to the existing main building but on the same lot as the existing main building or principal use served.

### 17-12-2. **USE REGULATIONS.**

- (1) Accessory uses are uses by right.
- (2) The following specific Accessory Uses are uses by right within the zone districts indicated, if they conform to the requirements set forth herein:

(a) **Residential One Acre (R1A) District:**

- (1) Dwellings for farm or ranch employees employed on the premises or dwellings for farm or ranch tenants on any farm or ranch.
- (2) Any building or structure other than a dwelling incidental to the operation of any ordinary farm or ranch or any other use provided for within the (R1A) Residential One Acre District irrespective of size. *(As amended by 0-97-9.)*

(b) **R-R, 1-R, 2-R, 3-R, 3-RA:** Private garages, storage facilities, private noncommercial recreation facilities, workshops, and clubhouses. No such structure or combination of structures shall exceed ten (10) percent of the lot area or six hundred (600) square feet, whichever is greater, up to a maximum of twelve hundred (1,200) square feet. The square footage of any such use which is an integral part of the main building shall be deducted from the maximum square footage permitted in a detached accessory structure(s). Such detached facilities that are less than one hundred twenty (120) square feet and do not exceed ten (10) feet in height, shall be exempt from side and rear setback requirements, but shall not be placed within a designated easement, flood plain, or floodway. All other accessory structures shall be one story with a maximum height of twenty (20) feet.

A private garage constructed as an integral part of the original main building shall not be subject to this size limitation provided it is smaller than the habitable portion of the main building. *(As amended by 0-89-51.)*

(c) 4-R, 4-RA, 5-R, 5-RA: Private garage, storage facilities, private noncommercial recreation facilities, and clubhouses, but only as approved in conjunction with a site plan conforming to the requirements of Article 15 of this Ordinance. Any such accessory structure shall meet the setback requirements of Subsection 17-7-7 of this Ordinance. *(As amended by 0-89-51.)*

(d) Office (OF) District:

- (1) Dormitories and recreation fields within the campus confines of a school, college or university, but not including garage, vehicle service and maintenance center.
- (2) Buildings housing personnel employed on the grounds of a hospital or sanitarium.

(e) Community Commercial (3-C) and Regional Commercial (4-C) Districts: Carnivals and fairs, but only if located farther than five hundred (500) feet from any residential district, and only if operated for a period of time not to exceed fourteen (14) days in each calendar year.

(f) Industrial (IN) District: Administrative offices.

(g) All Districts:

- (1) Off-street parking areas, including off-street parking spaces only for the purpose of storage of recreational vehicles.
- (2) Keeping of household pets defined as regulated species shall not exceed a total of three (3) per household, except that the keeping of servant animals shall be allowed in addition to the household pets.
- (3) Private, noncommercial greenhouses.
- (4) Private, noncommercial swimming pools.
- (5) Church parish house but not in the Large Lot Commercial (5-C) and Industrial (IN) Districts.
- (6) Fall out shelters.
- (7) Residence for caretaker of public park or public recreation area if located in such park or area.
- (8) Satellite Dish Antennas. *(As amended by 0-94-81.)*

(a) Purpose and Intent. It is the intent of the City Council of the City of Lakewood that this section of the Ordinance shall differentiate between satellite receive-only antennas and other types of antenna facilities. It is further the finding and intent of the City Council of the City of Lakewood that the regulation of satellite dish antennas has a reasonable and clearly defined

health, safety or aesthetic objective and that the regulation of satellite dish antennas does not operate to impose unreasonable limitations on, or prevent reception of, a reasonable number of satellite-delivered signals by receive-only antennas or to impose costs on the users of such antennas that are excessive in light of the purchase and installation costs of the equipment.

- (1) The reasonable health, safety and aesthetic objectives of the Ordinance relate to the size of satellite dish antennas, their high visibility when placed either on the ground or on rooftops, and the need to assure adequate support and anchoring for installations of satellite dish antennas on rooftops. Satellite dish antennas are intrusive in a way which television antennas are not. It is the intent of the Ordinance that satellite dish antennas not be placed in primary front yards and that they be screened from view by shrubbery or other material to the extent feasible consistent with their purpose.
- (2) The Ordinance does not operate to impose unreasonable limitations or excessive costs on the users of the satellite dish antennas. Evidence indicates that under the terms of the Ordinance most of the residences within the City of Lakewood will be allowed to install a satellite dish with minimal costs for screening. Additionally, the Ordinance recognizes that the City and the user will attempt to reach a reasonable accommodation with the user on those locations where setback requirements or other restrictions would otherwise prevent the installation of a satellite dish.

(b) Exception. Satellite dish antennas with a diameter of 18" or less shall comply with the provisions of Subsection 17-12-2(g)(8)(g) on satellite dish antenna design and color. Such satellite dish antennas shall otherwise be excepted from the provisions of this ordinance.

(c) Placement and Number. Placement of Satellite Dish Antennas shall be as follows:

- (1) Ground-mounted satellite dishes are allowed in all zone districts.
- (2) Rooftop-mounted satellite dishes are allowed on buildings having flat roofs in zone districts 5R, 5RA, OF, 1-C through 5-C and IN, except as provided in Administrative Relief.
- (3) The number and placement of satellite dish antennas shall be limited as shown in Table 12-1 below.

TABLE 12-1: NUMBER & PLACEMENT PERMITTED FOR SATELLITE DISHES

ZONE DISTRICT	NUMBER	PLACEMENT
R1A	If satellite dish is accessory to a single family house, requirements as stated for 1-R through 3-R shall apply.	Same as 1-R through 3-R
	If satellite dish is accessory to a nonresidential use, requirements as stated for OF, 1-C through 5-C shall apply.	Same as OF, 1-C through 5-C
R-R through 3-R	One (1) satellite dish antenna per lot, or if duplex is located on one lot, then each unit in duplex may have one (1) satellite dish.	See Section 17-12-2(2)(g)(8)(d) on setbacks.
3-RA through 5-RA, improved with legal, nonconforming single family house(s) or duplex	One (1) satellite dish antenna per lot, or if duplex is located on one lot, then each unit in duplex may have one (1) satellite dish.	See Section 17-12-2(2)(g)(8)(d) on setbacks.
3-RA through 4-RA	A minimum of one (1) satellite dish per condominium, townhouse, or apartment development. If more than one (1) satellite dish is requested, the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(g)(8)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(g)(8)(i) on administrative relief.
5-R and 5-RA	A minimum of one (1) satellite dish per condominium, townhouse, or apartment development. If more than one (1) satellite dish is requested, the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(g)(8)(d) on setbacks.
		For ground-mounted: Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(g)(8)(i) on administrative relief.
6-R	For mobile home parks which have been subdivided such that each mobile home is located on a recorded lot, one (1) satellite dish per lot. For mobile home parks where mobile homes are not located on individual recorded lots, a minimum of one (1) satellite dish per mobile home park. If more than one (1) satellite dish is requested, the location of the satellite dishes and maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(g)(8)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, buffering or recreational facilities, except as provided in Section 17-12-2(2)(g)(8)(i) on administrative relief.

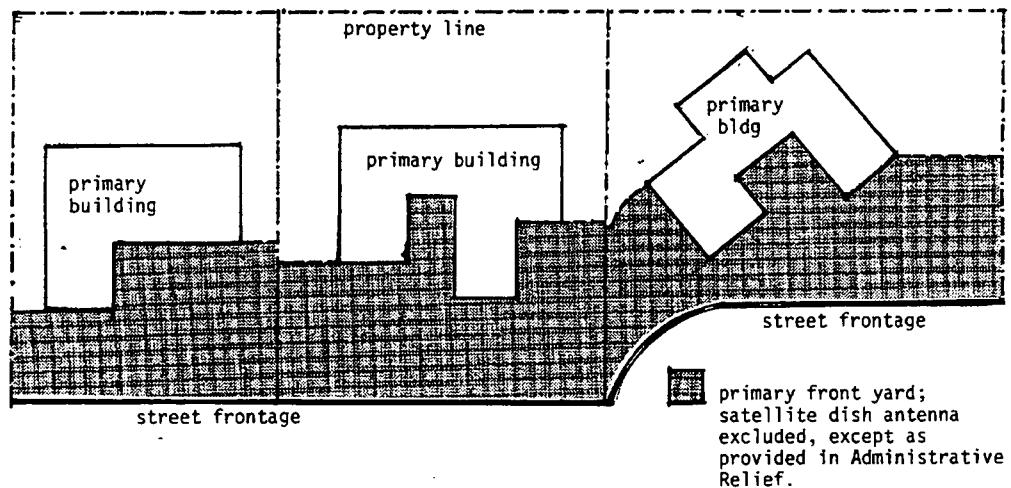
ZONE DISTRICT	NUMBER	PLACEMENT
OF, 1-C through 5-C	A minimum of one (1) satellite dish per parcel. If more than one (1) satellite dish is requested, the applicant shall submit a site plan illustrating the location of the satellite dishes, and the maximum number allowed shall be determined by the Director as a condition of site plan approval.	See Section 17-12-2(2)(g)(8)(d) on setbacks.
		For ground-mounted: Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(g)(8)(i) on administrative relief.
		For rooftop-mounted: Placement shall be coordinated with mechanical equipment or mechanical penthouse, if such equipment is in place.
IN	One (1) per parcel.	See Section 17-12-2(2)(g)(8)(d) on setbacks. Satellite dishes may not occupy area for required parking, landscaping, or buffering, except as provided in Section 17-12-2(2)(g)(8)(i) on administrative relief.
PD	Number allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.	Placement allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.

(d) **Setbacks.** Satellite dish antennas must meet the setback requirements as stated in Table 12-2, except as provided in Administrative Relief.

TABLE 12-2: SETBACKS FOR SATELLITE DISH ANTENNAS

ZONE DISTRICT	FRONT	SIDE	REAR
R1A, 1-R, 6-R	<p><b>Primary Front:</b> Not permitted in primary front yard. For the purposes of this Subsection 17-12-2(g)(8), the primary front yard shall include the area between the primary front lot line and the following:</p> <ul style="list-style-type: none"> <li>(a) the front face(s) of the primary building</li> <li>(b) a line from the point on the primary building closest to each side lot line extending to that side lot line, with the line being parallel to the primary front lot line.</li> </ul> <p>(see Figure 12-1).</p> <p><b>Non-Primary Front:</b> No closer to the non-primary front lot line than the minimum front setback distance required for the applicable zoning district.</p>	20'	15'
2-R through 5-RA; OF, 1-C through 5-C, IN	Same as R1A, 1-R, 6-R	20'	5', except where a property in one of these districts abuts a property in R1A or 1-R through 6-R districts, the setbacks on the abutting side and/or rear shall be 10'
PD	Placement allowed shall be the same as for the zoning district closest to the land use permitted by the PD district unless otherwise stated in the official development plan adopted with the PD district.		

FIGURE 12-1



(e) Height Limits. Satellite dish antennas must meet the following height limitations, except as provided in Administrative Relief.

- (1) Ground-mounted satellite dish antennas shall not exceed 12 feet in height measured from the finished grade of the property.
- (2) Rooftop-mounted satellite dish antennas shall not exceed 12 feet above the height of the roof measured from the roof surface at the point(s) of attachment.

(f) Screening.

(1) **Ground mounted:** The purpose of screening for ground mounted satellite dishes is to lessen the visual impact of the satellite dish antenna on surface streets and adjacent properties as viewed from approximately the same grade level as the ground level of the site where the satellite dish antenna is to be installed. The type of screening required shall be determined by planning staff at the time the building permit for the satellite dish is issued to the applicant in general conformance with the following:

(a) **Non-receiving side:** Screening for ground mounted satellite dish antennas shall consist of either vegetation, solid fencing or intervening buildings, or a combination of such elements on the

non-receiving side. If vegetation is used, it shall be capable of achieving a height of eight (8) feet within two (2) growing seasons from the year in which the satellite dish is installed. Vegetation shall either be evergreen plants or deciduous plants having a dense branching structure. If fencing is used, it shall be judged by the City to be a sufficient screen at the maximum height allowed for fencing in the applicable zoning district.

- (b) Receiving side: Screening for ground mounted satellite dish antennas shall be either vegetation, solid fencing or intervening buildings, or a combination of such elements, except the height required for such elements shall be subject to administrative relief [see Section 17-12-2(2)(g)(8)(i)] so interference with signal reception does not result.
- (2) Rooftop mounted: Screening of rooftop mounted satellite dish antennas is required, using parapet walls, screens for mechanical equipment, or other means, to the extent the support structures are hidden from view from street level, except as provided in Section 17-12-2(2)(g)(8)(i) on administrative relief. Where the City determines that screening of rooftop mounted satellite dish antennas would create a greater visual intrusion than the satellite dish antenna itself, no screening shall be required.

(g) Satellite Dish Antenna Design and Color.

- (1) A satellite dish antenna installed in the R1A, OF, 1-C through 5C, and IN zone district and any nonresidential portion of a PD district shall be constructed of non-reflective, matte finish material. Satellite dish antennas installed in the 1-R through 6-R zone districts, and any residential portion of a PD district shall be constructed of non-reflective, matte finish mesh material.
- (2) The color of the satellite dish antennas shall be as follows:
  - (a) Ground-mounted satellite dish antennas shall be black, dark bronze, dark gray, dark brown or dark green.
  - (b) Rooftop-mounted satellite dish antennas shall be black, dark bronze, dark gray, dark brown or dark green, except that if the satellite dish antenna is placed such that the mechanical penthouse serves as a backdrop to the dish, the satellite dish antenna shall be painted the same color as the mechanical penthouse.
  - (c) No advertising shall be permitted on or inside the satellite dish antenna.

(h) Building Permit. All satellite dish antennas must have a building permit prior to installation. Where the permit is for rooftop installation of a satellite dish antenna, the permit application must include certification by a registered engineer that the proposed installation complies with the standards listed in Chapter 23 of the Uniform Building Code of the City of Lakewood.

(i) Administrative Relief. In those instances in which the height, screening, placement, setback, or other requirements would prohibit the installation of a satellite dish antenna, the City Planning Division shall attempt reasonable accommodations to allow installation of the satellite dish antenna. The applicant must submit technical backup to the City to support a case that the satellite dish antenna must be placed in setbacks, landscaping, buffering or open space areas, exceed height limitations or otherwise cannot conform with the requirements of this ordinance in order to receive reception. The purpose of this subsection is to allow the applicant to receive at least two-thirds of the available orbital transmissions at the property under consideration. No applicant is guaranteed that any one particular channel shall be received. The administrative relief shall be achieved by:

- (1) Varying the setback or height requirement in such a way that it allows installation of a satellite dish antenna and is also the minimum practical relief which permits the installation.
- (2) Allowing placement of the satellite dish in required landscaping, buffering or open space areas as long as appropriate screening for the satellite dish antenna is provided. In no event shall the placement of the satellite dish antenna interfere with any provision for required parking.
- (3) Varying the screening or installation method of the satellite dish antenna to allow the installation of the antenna in a manner which is not excessive in cost in relation to the purchase and installation costs of the satellite dish.
- (4) Modifying such other requirements of this ordinance as shall be determined by the Director.

(j) Appeals to the Board of Adjustment. Any appeal from a staff decision regarding administrative relief shall be to the Board of Adjustment. The Board of Adjustment shall use the following criteria in determining an appeal:

- (1) Whether relocating the satellite dish antenna will observe the spirit of this ordinance, secure the public safety and welfare, and achieve substantial justice.

- (2) Whether relocating the satellite dish antenna will afford the minimum degree of relief to the applicant to allow reception of at least two-thirds of the available orbital transmissions at the property under consideration.
- (3) Whether the setback or height requirement can be varied in such a way that it allows installation of a satellite dish antenna and is also the minimum practical variance which permits the installation.
- (4) Whether the screening or installation method of the satellite dish antenna can be varied to allow the installation of the antenna in a manner which is not excessive in cost in relation to the purchase and installation costs of the satellite dish.

(k) **Nonconforming Satellite Dish Antennas.** All in-place satellite dish antennas which do not conform to this ordinance when it becomes effective are considered legal, nonconforming uses, provided proof is submitted, upon request by the City of Lakewood, that the satellite dish was in place prior to the effective date of this ordinance.

- (9) The maximum height for amateur radio towers and antennae shall be seventy (70) feet or the maximum height permitted within the relevant zone district, whichever is greater. The height shall be measured at the highest horizontal member of the tower and antenna structure. The front yard setback must be equal to or greater than the setback for the primary structure but in no case shall the setback be less than the required front yard setback in the applicable zone district. All portions of the tower, including support structures shall be entirely within the property lines. Retractable towers are also permitted but shall be retracted when not in operation. The maximum height of a retractable tower shall be based on its height when retracted. Towers and antennas shall be of a neutral color and shall not be painted or otherwise treated to call attention to themselves. *(As amended by O-87-10.)*
- (10) CMRS Telecommunications.

(a) **Design and Performance Criteria For All CMRS Telecommunication Sites.**

All CMRS telecommunications sites are subject to a design review process. The review process varies according to the type of facility proposed and the zone district in which the facility is located. Applicants should refer to section 17-12-2(g)(10)(d) of this Ordinance to determine the review process applicable to their proposed installation of a CMRS telecommunication site. The purpose of design review for CMRS telecommunications sites is to ensure that the necessary antennae, equipment, and equipment shelters are sited and screened in a way that minimizes visual and physical impacts on the surrounding area. The following design criteria and requirements shall apply to all CMRS telecommunication antennae, equipment, and equipment shelters:

- (1) All CMRS telecommunication antennae, equipment, and equipment shelters shall be designed to be compatible with surrounding buildings and existing or planned uses in the area. This may be accomplished through the use of compatible architectural elements such as color, texture, scale, and character.
- (2) Siting and installation of CMRS telecommunication antennae, equipment, and equipment shelters shall preserve or enhance the existing character of the topography and vegetation of a site. Existing vegetation, if any, and if suitable with natural features, should be preserved and/or improved to provide screening for the facility. If existing topography of the site does not adequately screen equipment from view, fencing may be required. Fencing should not be used exclusively but instead be supplemented with vegetation. Any security fencing should be of a design which blends into the character of the existing environment and meet the height limitation for the zone district in which the fencing is located.
- (3) All CMRS antennae and equipment should be no taller than necessary for the efficient operation of the CMRS antennae and equipment.
- (4) Applicants shall demonstrate that the CMRS telecommunications site is a necessary component of the applicant's overall communication network and communication plan for the community. Such demonstration shall require that the applicant establish at least one of the following criteria: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume. In addition, the applicant shall demonstrate: (1) existing topography and/or structures in the surrounding area preclude other locations in the same area; and (2) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access.
- (5) All CMRS telecommunication antennae, equipment, and equipment shelters shall be sited, designed, and screened to minimize the visibility of such equipment from surrounding properties, public streets and neighborhoods.
- (6) The colors of all CMRS telecommunication antennae, equipment, and equipment shelters shall minimize the visibility of the facility.
- (7) To minimize the visual and physical impact on the surrounding area caused by freestanding and building mounted CMRS telecommunications facilities, the City encourages innovative and multiple use of building and structures for the location of CMRS telecommunications facilities, antenna, and equipment.

(b) Design and Performance Standards for Structure or Building Mounted CMRS Telecommunications Facilities.

All structure or building mounted CMRS antennae and equipment shall be designed and constructed to blend with and enhance the architectural characteristics of the accompanying building or structure.

(1) Panel Antennae Standards

- (A) Panel antennae shall not protrude horizontally more than two (2) feet from the building wall and shall be painted or treated to match the building or structure to which the panel is attached.
- (B) Panel antennae attached to the side of a building shall not exceed the height of the parapet or the roofline, whichever is greater.
- (C) Panel antennae mounted on an existing penthouse or existing rooftop mounted service equipment for the building shall not exceed the height of the penthouse or service equipment to which the antennae is attached.
- (D) Panel antennae shall not be mounted in a freestanding, sled, or rack-mounted fashion on the top of a building unless: (1) there exists unscreened service equipment on the roof which will be screened from view along with the panel antennae; and (2) the screening of the antennae and equipment will be architecturally compatible with the building; and (3) a waiver is obtained from the Planning Commission. The construction of artificial penthouses or artificial service equipment on a roof for the purpose of attaching CMRS telecommunication facilities is prohibited.
- (E) No panel antenna shall exceed the maximum height limitation for the zone district in which the panel is located.

(2) Whip Antennae Standards

- (A) Single whip antennas shall not extend more than fifteen (15) feet above the building height.
- (B) Where more than one whip antenna is attached to one building, such antennae shall maintain a minimum separation of fifteen (15) feet between antenna owned by different CMRS telecommunication providers.
- (E) No whip antenna shall exceed the maximum height limitation for the zone district in which the antenna is located.

(c) Design and Performance Standards for Freestanding CMRS Telecommunication Facilities: All freestanding CMRS telecommunications facilities shall be subject to an Article 15 Site Plan review. The following design and performance standards shall apply to all freestanding CMRS telecommunication facilities:

- (1) The height of any freestanding CMRS communication facility shall conform to the height limit of the zone district in which the facility is located unless a height exception is granted by Planning Commission.
- (2) All freestanding CMRS telecommunications facilities shall meet the landscaping requirements set forth in Article 15 of the Lakewood Zoning Ordinance including screening of such facilities with vegetation. As a condition of approval of any freestanding CMRS telecommunication facility, the City may require the applicant to provide a performance bond or other surety to the City which is adequate to ensure the completion of all planned and required landscaping and screening associated with the approved CMRS telecommunication facility. Where the CMRS telecommunications facility is located on a parcel of land that is leased by the applicant and which is part of a larger parcel of land under single ownership, reasonable landscaping improvements in accordance with Article 15 of the Lakewood Zoning Ordinance may be required within the larger unleased parcel where such improvements will bring the facility into conformance with the requirements of this Ordinance, mitigate the impacts of the telecommunication facility, or enhance the visual qualities and aesthetics of the larger parcel.
- (3) A freestanding CMRS telecommunications facility, as defined by section 17-2-2 of the Zoning Ordinance, shall not be located closer than one thousand (1,000) feet from any other freestanding CMRS telecommunications facility established or proposed by the same or another provider unless a waiver from this requirement is obtained from the Planning Commission. Co-location of CMRS telecommunication facilities on the same freestanding facility is therefore strongly encouraged. No facility owner or lessee or employee thereof shall act to exclude or attempt to exclude any other provider from the same location. A service provider or lessee or employee thereof shall cooperate in good faith to achieve co-location or antennae with other providers. City staff can be used as a resource to facilitate this co-location. Should co-location not be acceptable to existing providers, the service provider wanting to locate on the existing facility shall be required to prove to the satisfaction of the Director that co-location is not feasible.

To obtain a waiver from the requirements of this subsection, the applicant shall demonstrate: (1) the site is necessary to provide appropriate signal coverage quality; (2) the site is made necessary pursuant to the applicant's FCC license; (3) the site is necessary to handle increased capacity due to caller volume; (4) existing topography and/or structures in the surrounding area preclude other locations in the

same area; and (5) technical and engineering factors require the site to be in the desired location in relation to other existing sites and system constraints such as frequency requirements, availability of electric power and interconnection to telephone land lines, and site access; and (6) screening and design of the freestanding facility will make the site compatible with surrounding land uses.

- (4) All freestanding CMRS telecommunication facilities shall be designed and constructed to permit the facility to accommodate the attachment of at least two CMRS telecommunication providers on the same freestanding facility.
- (d) Design and Performance Standards for CMRS Telecommunication Equipment Shelters.

All CMRS telecommunications equipment shelters shall be screened to minimize the visibility of such equipment from surrounding properties, public streets and neighborhoods.

- (1) **Equipment Shelters Associated with Structure or Building Mounted CMRS Antennae.**

Shelters associated with roof or building mounted antennae are encouraged to be located in one of the following areas, which are listed in order of preference from most (A) to least (G) preferred:

- (A) Inside the building or structure to which the panel or whip antennae are attached.
- (B) Inside an existing equipment penthouse on the roof of a building whenever possible.
- (C) Immediately adjacent to the exterior of an existing equipment or elevator penthouse if the shelter can be visually incorporated into the penthouse structure by the use of screening of similar style and color to the penthouse.
- (D) If no penthouse exists, consideration may be given to the creation of a penthouse, or a screen which is deemed architecturally compatible with the associated building by the Director, that screens both the equipment shelter and the existing service equipment associated with the building such as heating and air-conditioning equipment.
- (E) Outside of a penthouse on the roof of a building if a parapet exists that is taller than the CMRS equipment shelter. If the parapet is not taller than the CMRS equipment shelter, consideration will be given to increase the height of the parapet provided that the building materials used are the same as those existing and if the design of the parapet is found acceptable to City standards and the parapet extension is architecturally compatible with the building.

(F) Painted or treated the same color and located in such a manner that an additional protrusion is not created on the roof.

(G) On the ground and screened according to the design criteria for CMRS telecommunications facilities.

(2) **Equipment Shelters Associated with Freestanding CMRS Antennae.**

CMRS telecommunications equipment shelters associated with freestanding CMRS telecommunications facilities shall:

- (A) Either be located in an enclosed building that is architecturally compatible with the surrounding environment; or
- (B) Be screened completely with an architecturally compatible wall or fence so the shelter is not visible from adjacent properties, streets or public areas;

and in addition, all CMRS telecommunication equipment shelters associated with freestanding CMRS telecommunications facilities shall:

- (1) Have enclosed buildings, walls, or fencing, the appearance of which is enhanced by vegetation;
- (2) Be grouped as closely as technically possible to each other and the freestanding facility;
- (3) Cover a surface area not to exceed 450 square feet per provider;
- (4) Use designs, materials, and colors compatible with structures and vegetation on the same parcel and adjacent parcels; and
- (5) Not reduce the parking or landscaped areas below the minimum district requirements for other principal uses on the parcel.

(f) **Approval Procedures for All CMRS Telecommunications Facilities in Specific Zone Districts.** CMRS telecommunication facilities shall be permitted as provided in the following schedule:

<b>Zone District</b>	<b>Structure or Building Mounted Facility</b>	<b>Freestanding Facility</b>
R1A (Non-Residential Uses)	Administrative Review	Special Use Permit
R1A through 3-R Single Family Detached	Not Permitted	Not Permitted
3-R through 5-R Single Family Attached	Not Permitted	Not Permitted
4-R through 5-R Multi-Family Attached	Special Use Permit <sup>1</sup>	Not Permitted
OF Office District	Administrative Review	Administrative Review <sup>2</sup>
1-C through 3-C Commercial District	Administrative Review	Administrative Review <sup>2</sup>
4-C through 5-C Commercial District	Administrative Review	Site Plan <sup>3</sup>
IN Industrial District	Administrative Review	Site Plan <sup>3</sup>
R1A, 1-C through 5-C, IN City Owned Property	Special Use Permit	Special Use Permit
PD Planned Development	Determined by Director <sup>4</sup>	Determined by Director <sup>4</sup>
Unzoned Land within City Boundaries	Special Use Permit	Special Use Permit

- 1 Structure or building mounted telecommunication facilities are permitted on non-residential structures within residential districts and also permitted on multi-family residential buildings provided that the antenna and equipment are located no closer to a dwelling unit than the distance deemed safe or appropriate by the Federal Communication Commission or other appropriate federal regulatory agency for radio frequency radiation or emissions.
- 2 Any freestanding CMRS telecommunications facility in the OF, 1-C, 2-C, and 3-C zone districts shall be entirely enclosed within an attached architectural element of a building or structure that is compatible in design, color, and materials with the adjacent uses to the CMRS telecommunications site.
- 3 All Site Plans shall meet the requirements set forth in Article 15 of the Lakewood Zoning Ordinance.
- 4 For CMRS telecommunication sites proposed within a PD Planned District, the PD District shall be reviewed by the Director to determine the appropriate review process based on the underlying zoning classification and proposed or established land use(s) of the PD zoned property.

(g) Exceptions and Requirements for Particular Uses.

- (1) CMRS telecommunication facilities mounted on church or school buildings or other non-residential structures located within any residential zone district may be permitted and shall be subject to administrative review and approval.
- (2) Public utility transmission facilities, structures, and transmission poles may be utilized as a CMRS telecommunication site if: (1) the utility company has granted approval of the use of the facility, structure, or pole; and (2) where located in a residential zone district, the CMRS telecommunication facility is granted a Special Use Permit; or where located in a zone district other than residential, the telecommunication facility has received administrative review and approval; and (3) where the CMRS telecommunication facility does not exceed the height of the existing transmission structure or pole by fifteen (15) feet.
- (3) In all zone districts where telecommunication facilities are permitted, freestanding or tower facilities, panels, antennae, and equipment shelters which are completely enclosed and contained entirely within a sign or other structure which meets all requirements of the Zoning Ordinance may be administratively approved by the Director provided that the tower, panel, antennae, and shelter are not visible.
- (4) In all zone districts in which CMRS telecommunication facilities are permitted, any proposal to co-locate or otherwise mount new CMRS facilities on an existing freestanding CMRS telecommunication facility meeting all requirements of this section 17-12-2(g)(10) shall be subject to administrative review.

(h) Application for Approval of CMRS Telecommunication Facilities.

All applications for approval of a CMRS telecommunication facility shall be accompanied by a non-refundable application fee as established by resolution of the City Council. The application must be completed and submitted by the owner of the property upon which the CMRS telecommunication facility is proposed for location or the owner's authorized representative. In addition, where the site for the CMRS telecommunication facility will be leased to a CMRS telecommunication provider, the application must include the provider's consent and approval.

All CMRS telecommunications facility applications shall include such plans, drawings, photographs and specifications as are necessary for the City of Lakewood to determine that the proposed installation is consistent with the standards set forth in the design review and performance standard sections of this Ordinance. Such application shall include, describe, or illustrate the dimensions, location and appearance of:

- (1) All proposed CMRS telecommunications facilities and associated equipment shelters for the proposed site.

- (2) All buildings and/or structures to which the proposed CMRS telecommunications equipment shelter and antenna will be attached.
- (3) The proposed methods for minimizing the visibility of the proposed CMRS telecommunication facility, including but not limited to all screening, landscaping, cladding materials, and paint color or other treatment samples.
- (4) Proof of ownership (deed or title documentation) or a letter of authorization from the property owner of the real property on which the CMRS telecommunications facility is proposed to be located.
- (5) Evidence acceptable to the City that the property owner and the CMRS telecommunication provider shall remove, at the property owner's and CMRS telecommunication provider's cost and expense, the CMRS telecommunication facility and all equipment and restore the property to a condition substantially similar to that existing before the installation following abandonment of the facility or non-use for a period of six (6) months. Such removal shall not, however, include removal of any installed landscaping unless approved by the City. Such evidence may be in the form of an executed agreement between the telecommunication provider and the property owner which is approved by the Director. Such an agreement shall provide that the agreement may not be terminated without the City's written consent and the agreement shall be enforceable by the City against the property owner and the CMRS telecommunication provider.
- (6) Evidence that the CMRS provider has obtained or secured a performance bond, letter of credit, or other surety ("performance guarantee") acceptable to the City Attorney in an amount of one-hundred twenty percent (120%) of the estimated cost and expense of removing the CMRS telecommunication facility following abandonment of the facility or non-use of the facility for a period of six (6) months. All performance guarantees shall authorize the City to obtain the funds secured by the guarantee upon the City's determination that the CMRS telecommunication facility is abandoned or no use of the facility has been made for a period of six (6) months. The amount of such performance guarantee shall be based upon an estimate obtained by the CMRS telecommunication provider which shall be subject to review and approval of the City. In the event that the City rejects an estimate as inaccurate, incomplete, or incorrect, the City may obtain, at its cost and expense, an estimate which shall be used for purposes of determining the amount of the performance guarantee. The CMRS telecommunication provider shall take all action necessary to keep such performance guarantee valid and in effect at all times. Expiration of a performance guarantee may, at the option of the City and following notice to the CMRS provider, result in the expiration of the City's approval of the CMRS telecommunication facility.

(7) Proof of insurance to insure adjacent property owners and the public against personal and property damage resulting from negligent installation and/or damages caused by or arising from the operation and maintenance of the CMRS telecommunication site.

(i) Review Procedures and Requirements for Approval.

(1) Special Use Permit: If a proposed installation requires a Special Use Permit, regulations listed in Sections 17-6-1 through 17-6-3 of the Lakewood Zoning Ordinance shall be followed. In addition to these requirements, the proposed installation will have to meet the performance standards for CMRS telecommunications facilities in Articles 6 and 12 of the Lakewood Zoning Ordinance.

(2) Site Plan: Applications requiring a site plan shall be submitted in conformance with the requirements of Article 15 of the Lakewood Zoning Ordinance as well as the requirements set forth in Article 12.

(3) Administrative Review: An application for administrative approval shall be submitted in conformance with the requirements of the Lakewood Building Department, and the requirements set forth in this Article 12. In addition to the appropriate application fee, all CMRS telecommunications facilities are subject to building permit review and other fees established by the City.

All required applications, permits, and plans shall be submitted and approved prior to commencing construction for any CMRS telecommunication facility or equipment.

(j) Appeals.

Any applicant aggrieved by a final administrative decision made pursuant to this Ordinance may appeal such decision to the Planning Commission. A request for appeal shall be made by the applicant in writing accompanied by payment of the appeal fee set by resolution of the City Council. A request for appeal shall be received by the Secretary of the Planning Commission within thirty (30) days of the date of the administrative decision. The request for appeal shall be heard by the Planning Commission at the next regularly scheduled meeting or as soon thereafter as practicable. Following review, the Planning Commission may affirm, reverse, or remand the decision to the administrative official with directions. During the time an appeal is pending, no building permit shall be issued.

(k) The Planning Commission shall have the authority to grant waivers and exceptions which are expressly permitted by provisions of this Section 17-12-2(g)(10). An applicant requesting a waiver or exception shall submit a written application to the Director and the application shall specify the provision for which the waiver or exception is requested. The Director is authorized to promulgate forms and require additional information from the applicant which may be necessary to provide sufficient information to the Planning Commission to evaluate the applicant's request for a waiver or exception.

## ARTICLE 13: HOME OCCUPATIONS

**17-13-1. DEFINITION.** Home Occupation - Any occupation of a service character which is clearly secondary to the main use of the premises as a dwelling unit, and which does not change the character thereof except as provided in Section 17-13-5 of the Zoning Ordinance of the City of Lakewood.

**17-13-2. PURPOSE AND INTENT.** It is the purpose and intent of this chapter to:

- (1) Maintain neighborhood integrity and preserve the residential character of neighborhoods by encouraging compatible land uses.
- (2) Provide residents of the City with an option to utilize their residences as a place to enhance or fulfill personal economic goals as long as the choice of home occupation does not infringe upon the residential rights of neighborhood inhabitants.
- (3) Establish criteria for operating home occupations in dwelling units within residential districts.
- (4) Minimize the impact a home occupation has on a neighborhood with respect to public and private services such as street, sewer, water, and electrical systems.

**17-13-3 PERFORMANCE STANDARDS FOR R1A, R-R, 1-R, 2-R, 3-R, 3-RA, 4-R, 5-R AND PLANNED DEVELOPMENT ZONE.** A home occupation operating from a single family detached or duplex residential dwelling unit in R1A, R-R, 1-R, 2-R, 3-R, 3-RA, 4-R, 5-R and Planned Development Zones, shall meet the following conditions: *(As amended by 0-93-34.)*

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space of the dwelling unit. Habitable space shall be as defined in the Lakewood Building Code.
- (2) Parking:
  - (a) If the garage is used for a home occupation, parking required by Article 9 of the Lakewood Zoning Ordinance must be provided.
  - (b) At all times during the day or night parking related to the home occupation shall be confined to the street frontage of the lot in question, the driveway, and the garage/carport.
- (3) Persons permitted to conduct home occupation: The home occupation shall be conducted by the residents of the dwelling with no more than one (1) additional employee.
- (4) Home occupations permitted:
  - (a) Minor repair services: Such as for electronics, small appliances and upholstery.

- (b) Craft work for sale off-site: Such as the making of pottery, jewelry, or dolls, gunsmithing, and woodworking which are produced or manufactured on the premises.
- (c) Tutoring: Such as music lessons, dance lessons, swimming lessons, tennis lessons, or gymnastic lessons.
- (d) Garment work: Such as tailoring, dressmaking, millinery work, ironing and garment repair.
- (e) Office use: Such as office uses for door-to-door, home party and phone solicitation sales, investment counseling, typing, notary public, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via telephone modem for uses such as acquiring mailing lists or information libraries.
- (f) Artistic endeavors: Such as art studios, portrait studios, photography studios, writing and lithography.
- (g) Renting of rooms: The renting of sleeping rooms to not more than two (2) persons per dwelling unit.
- (h) Garage sales: Not to exceed four (4) sales in a total of fourteen (14) days, which need not be consecutive, per calendar year.
- (i) Hair care: Hair care services and/or manicuring services carried on by only one (1) inhabitant of the dwelling unit.
- (j) Mail Order: Not to include retail sales from site.
- (k) Child care: Providing primarily daytime care for compensation for children from birth to sixteen (16) years of age, for up to six (6) children, including in the total any of the provider's own children not attending full day school. In addition, providing primarily daytime care for two (2) additional children of school age before and/or after school hours, including in this total number any of the provider's own school age children under the age of twelve (12). The following chart is provided by way of illustration:

<u>Provider's children not attending full day school</u>	<u>Maximum number of day care children permitted at one time</u>
6 or more	0
5	1
4	2
3	3
2	4
1	5
0	6

<u>Provider's school age children under 12 years of age</u>	<u>Additional school age day care children permitted during nonschool times</u>
0	2
1	1
2	0

(I) Foster Care for dogs in the (R1A) One Acre Residential District: The keeping of four (4) dogs in addition to permitted household pets in the R1A Zone District under the following conditions:

- (1) Minimum lot size of one (1) acre;
- (2) Buildings or pens housing dogs must be located in rear yards and must be at least one hundred (100) feet from residential buildings on adjoining properties; and
- (3) Foster care of dogs shall not exceed a period of six (6) months. *(As amended by 0-89-51.)*

**17-13-4. PERFORMANCE STANDARDS FOR MULTI-FAMILY BUILDINGS IN 4-R, 4-RA, 5-R, PLANNED DEVELOPMENT ZONES.** A home occupation operating from a dwelling unit in a multi-family building in 4-R, 4-RA, 5-R, Planned Development Zone shall meet the following conditions: *(As amended by 0-93-34.)*

- (1) Area of use: The area used for a home occupation shall not exceed twenty-five (25) percent of the habitable space in the dwelling unit.
- (2) Persons permitted to conduct home occupation: The home occupation shall be conducted only by the residents of the dwelling unit with no additional employees.
- (3) Home occupations permitted:
  - (a) Office uses: Such as office uses for door-to-door, phone solicitation sales, investment counseling, typing, travel services, physicians, dentists, lawyers, certified public accountants, architects, engineers, and computer uses where an exchange of information is done via phone modem for such uses as acquiring mailing lists or information libraries. These office uses shall not generate customer or client traffic to or from the dwelling unit.
  - (b) Garage sales: Garage sales shall be sponsored or coordinated by the management or owners' association of a residential complex. No more than two (2) garage sales may be held, not to exceed six (6) days, per calendar year or three (3) days per event. The management or owners' association shall ensure access to all residential dwelling units is maintained free and clear of any obstruction generated by such garage sale. It shall be unlawful for a resident to conduct a garage sale which is not in conjunction with one of the residential complex's sponsored sales.

**17-13-5. SIGNAGE.** For single family detached dwellings and duplexes a maximum of one (1) non-illuminated sign, not to exceed one and one-half (1 and 1/2) square feet, to be attached to the dwelling shall be permitted. No signage will be permitted for home occupations in multi-family buildings.

**17-13-6. CHANGES TO EXTERIOR OF DWELLING UNITS.** The exterior appearance of a dwelling unit shall not be altered to draw attention to the structure as a commercial or business operation, such as alteration of building material, size, or color; lighting fixtures or the intensity of light; parking area; or other exterior changes which alter the residential character of the dwelling unit and detract from the residential character of the neighborhood.

**17-13-7. STORAGE OF STOCK, SUPPLIES AND PRODUCTS.** Storage of stock, supplies and products shall be permitted only inside the premises where a home occupation is being operated. No exterior storage of stock, supplies, and products shall be permitted.

**17-13-8. RETAIL SALES.** Sale of stocks of merchandise or products shall not be conducted on the premises, except as follows:

- (1) One engaged in hair care and/or manicuring services may sell products directly related to such services;
- (2) One conducting a garage sale may sell merchandise displayed for sale during the garage sale and items for sale shall belong to the person conducting the garage sale, or in the case of a residential complex, to the tenants of the complex;
- (3) One engaged in garment work may sell custom work to specific clients, but may not develop stocks of garments for sale to the general public on site;
- (4) One engaged in home party and phone solicitation sales may display sample products and take orders for the products on the premises, but delivery and payment for the products shall occur off-site; and
- (5) One engaged in artistic endeavors may sell custom work to specific clients, but may not develop stocks of products for sale to the general public on site.

**17-13-9. NUISANCE UNLAWFUL.** It shall be unlawful for a resident operating a home occupation to:

- (1) Produce, dump, or store combustible or toxic substances in or around a residential dwelling unit.
- (2) Create interference or fluctuations of radio or television transmission received by other residents of the neighborhood.

**17-13-10. SPECIFIC EXCLUSIONS.** In no event shall any of the home occupations permitted herein be interpreted to allow any of the following business or commercial activities:

- (1) Body or mechanical repair or modification of any motor vehicle for compensation or of any motor vehicle not owned by an occupant, or family member of an occupant, of the

dwelling unit where the repair or modification occurs. However an occupant may repair or modify motor vehicles of any family member whether or not the family member lives on the premises. *(As amended by O-93-43.)*

- (2) Animal hospital, or kennel.
- (3) Residential health care facility.
- (4) Restaurant.

**17-13-11. ADDITIONAL LIMITATIONS.** In no event shall more than one home occupation be operated within any single dwelling unit, except that a garage sale may be operated in addition to any other home occupation. No home occupation shall be operated within any dwelling unit which also contains a use approved by a Special Use Permit.

## ARTICLE 14: FLOOD PLAIN MANAGEMENT

*(As amended by 0-81-158.)*

**17-14-1. TITLE.** This Ordinance shall be known and may be cited as "Flood Plain Management Ordinance of Lakewood, Colorado." *(As amended by 0-88-39.)*

**17-14-2. PURPOSE.** This Ordinance is enacted for the following purposes:

- (1) To establish regulations to help minimize the extent of floods and the losses incurred in flood hazard areas.
- (2) To promote the public health, safety and welfare.

**17-14-3 LEGISLATIVE INTENT.** The intention of this Article is:

- (1) To permit only that development within the flood plain which is appropriate in light of the probability of flood damage.
- (2) That the regulations in this Article shall apply to all property located in the flood plains, as indicated in the Official Flood Studies for the City of Lakewood, as adopted by this Article and filed with the City Clerk.
- (3) That these regulations combine with and qualify with the Zoning Ordinance regulations.
- (4) That any use not permitted by the primary zone shall not be permitted in the flood plain and any use as permitted by the primary zone shall be permitted in the flood plain only upon meeting conditions and any requirements as prescribed by this Article.

**17-14-4 DEFINITIONS.** As used within this Article, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivatives shall have the following meanings:

- (1) **Administrator:** The Federal Insurance Administrator.
- (2) **Appurtenant Structure:** A structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- (3) **Area of Shallow Flooding:** Land designated as shallow, indeterminate flooding in the Official Flood Studies. No clearly defined channel exists and the path of flooding is unpredictable.
- (4) **Base Flood of 100-Year Flood:** The flood having a one percent chance of occurrence in any given year.
- (5) **Base Flood Elevation (Flood Protection Elevation):** The water surface elevation of the 100-year flood as indicated in the Official Flood Studies.
- (6) **Chief Executive Officer:** The City Manager or his/her appointed designee. *(As amended by 0-91-59.)*

- (7) **Development:** For the purpose of Article 14 only, shall mean any manmade change to improved or unimproved real estate including but not limited to buildings, fences, or other structures, mining, dredging, filling, grading, paving or excavation operations.
- (8) **Equal Degree of Encroachment:** A standard applied in determining the location of encroachment limits so that flood plain lands on both sides of a stream are capable of conveying a proportionate share of flood flows. This is determined by considering the effect of encroachment on the hydraulic efficiency of the flood plain along both sides of a stream for a significant reach.
- (9) **Existing Construction:** Structures for which the "start of construction" commenced before the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.
- (10) **Existing Mobile Home Park or Mobile Home Subdivision:** A manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of floodplain management regulations adopted by Lakewood, Colorado, July 21, 1972.
- (11) **Expansion to an Existing Mobile Home Park or Mobile Home Subdivision:** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).
- (12) **Flood Hazard Area:** Means the area which would be inundated during the occurrence of the base flood or 100-year flood.
- (13) **Flood or Flooding:** A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland waters, or the unusual and rapid accumulation or runoff of surface waters from any source.
- (14) **Floodway Fringe District:** The land located between the encroachment lines of the floodway and maximum elevation subject to inundation by the 100-year flood as defined herein.
- (15) **Flood Insurance Rate Map (FIRM):** Means an official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the flood hazard areas and the risk premium zones applicable to the community.
- (16) **Flood Plain Management Regulations:** Subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading ordinance or erosion control ordinance) and other applications of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.
- (17) **Flood Plain:** Means the area which would be inundated during the occurrence of the base flood or 100-year flood.

- (18) **Flood Plain Management:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.
- (19) **Floodproofing:** Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- (20) **Floodway:** The channel of a gulch or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than six inches (6") at any point. This information is based upon Urban Drainage Flood Hazard and Control District's criteria.
- (21) **Floodway Encroachment Lines:** The lines marking the limits of floodways as tabulated in the Official Flood Studies.
- (22) **Lowest Floor:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this Ordinance.
- (23) **Mean Sea Level:** The average height of the sea for all stages of the tide. Mean sea level shall be used as the elevation datum in Lakewood, Colorado, for purposes of these regulations and shall include the National Geodetic Vertical Datum (NGVD) of 1929 for purposes of the National Flood Insurance Program, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.
- (24) **Manufactured Home:** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also included park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
- (25) **Manufactured Home Park or Manufactured Home Subdivision:** For the purposes of Article 14 only, means a parcel for contiguous parcel(s) of land divided into two or more home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is commenced on or after the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.
- (26) **New Construction:** Structures for which the start of construction commenced on or after the effective date of the Flood Plain Management Regulations adopted by Lakewood, Colorado, July 21, 1972.

- (27) **Official Flood Hazard Map:** A map delineating the 100-year Flood Hazard area.
- (28) **Official Flood Studies:** Official studies adopted by the City of Lakewood to determine the location, size and elevation of the flood plain and floodway. The studies adopted are enumerated in Section 17-14-5.
- (29) **Person:** Any individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.
- (30) **Reach:** A hydraulic engineering term to describe longitudinal segments of a stream or river. In an urban area, an example of a reach would be the segment of a stream or gulch between two consecutive bridge crossings.
- (31) **Start of Construction:** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
- (32) **Structure:** For the purposes of Article 14 only, means a walled and roofed building, including gas or liquid storage tank, that is principally above ground, as well as a manufactured home.
- (33) **Substantial Improvement:** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (a) before the improvement or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.
- (34) **Variance:** A grant of relief by Lakewood, Colorado, from the terms of the Flood Plain Management Ordinance.
- (35) **Water Surface Elevation:** The height in relation to Mean Sea Level reached by floods of various magnitudes and frequencies in flood plains.

(36) **EXHIBIT A:** For illustrative purposes, and in order to facilitate understanding the definitions and provisions of this Article, Exhibit A is attached hereto and is incorporated herein by reference.

**17-14-5. ADOPTION OF FLOOD INSURANCE RATE MAP, OFFICIAL FLOOD STUDIES, AND OFFICIAL FLOOD HAZARD MAP.** Lakewood, Colorado, hereby adopts the Flood Insurance Rate Map and the following studies and addendums thereto and all technical back-up information as the Official Flood Studies for Lakewood, Colorado. The flood plains indicated in these studies shall be shown on a single Official Flood Hazard Map which is hereby adopted by Lakewood, Colorado, is attached hereto as Exhibit B and incorporated herein by reference. A copy of said map, studies and addendums are on file in the City Clerk's office and available for public inspection. No provision in this Article will be enforced based upon modified data reflecting natural or man-made physical changes without prior approval of the change in the documents by the Urban Drainage and Flood Control District and the Federal Insurance Administration.

(1) (a) Flood Hazard Area Delineation  
Weir Gulch Tributaries  
1st Avenue - Dakota Avenue July, 1977

(b) Major Drainageway Planning  
Weir Gulch Tributaries  
1st Avenue and Dakota Avenue  
Depew Street Basin July, 1978

(c) Major Drainageway Planning  
Sanderson Gulch/Weir Gulch \*  
Volume 2, Drawings August, 1972

\*Portions of this study are superseded by (1)(d),(1)(e) and (1)(q) below.

(d) Weir Gulch  
Drainage Improvements  
Schedule III So. Garrison Street to  
Main Reservoir January, 1977

(e) Flood Hazard Area Delineation  
Sanderson Gulch &  
North Sanderson Gulch August, 1979

(f) Flood Hazard Area Delineation  
Lakewood Gulch February, 1979

(g) Flood Hazard Area Delineation  
McIntyre Gulch October, 1977

(h) Flood Hazard Area Delineation  
Sloans Lake Basin October, 1977

(l)	Flood Hazard Area Delineation Green Mountain Area	April, 1978
(j)	Flood Hazard Area Delineation South Lakewood Gulch	July, 1977
(k)	Flood Hazard Area Delineation Bear Creek	December, 1979
(l)	Lena Gulch ** Master Drainage Plan Volume Two	June, 1975

\*\*Portions of this study are superseded by (1)(r) and (1)(s) below.

(m)	Flood Hazard Area Delineation Dry Gulch and Tributaries	November, 1977
(n)	Flood Hazard Area Delineation Henry's Lake Drainageway	July, 1983
(o)	Flood Hazard Area Delineation Weaver Creek	May, 1981
(p)	Flood Hazard Area Delineation: Dutch Creek, Lilley Gulch, Coon Creek and Three Lakes Tributary, May, 1978.	
(q)	Major Drainageway Planning Upper Weir Gulch Phase B Preliminary Design Report	December, 1993
(r)	Flood Hazard Area Delineation Upper Lena Gulch	January, 1993
(s)	Major Drainageway Planning Upper Lena Gulch Phase B Report	March, 1994
(t)	Flood Insurance Study prepared for the Federal Insurance Administration by the United States Army Engineering District, Corps of Engineers, Omaha, Nebraska, 1971.	

(2) The official flood studies listed as (a) through (s) above are to be used in all cases for administration of this ordinance with one exception. When the 1971 study (t) indicates a base flood elevation higher than that listed in studies (a) through (s), the higher elevation shall be used for determining the following:

- (a) The elevation of lowest floor.
- (b) Floodproofing elevation.

(3) In all cases, without exception, studies (a) through (s) shall be used for determining the width and location of the floodway.

**17-14-6. APPLICABILITY.** This Article shall apply to all lands within Lakewood, Colorado, as indicated in the Official Flood Studies as being located within the 100-year flood plain.

**17-14-7. RULES FOR DETERMINING THE EXACT LOCATION OF THE FLOOD PLAIN AND FLOODWAY.** The boundaries of the flood plain and the floodway shall be determined from information presented in the Official Flood Studies. In the absence of other information, boundaries shall be determined by scaling distances on the map. Where interpretation is needed as to the exact location of the boundaries, the City Engineer shall make the necessary interpretation. In all cases, the level of the 100-year flood shall be the governing factor in locating the boundary on any property.

**17-14-8. ESTABLISHMENT OF FLOOD PLAIN AND FLOODWAY.** Lakewood hereby establishes flood plains and floodways whose boundaries are those of the designated 100-year Flood Plain and the designated floodway respectively, as shown or tabulated in the Official Flood Studies adopted in Section 17-14-5. The flood plain includes the floodway.

**17-14-9. INTERPRETATION.** In their interpretation and application, the provisions of this Article shall be held to be minimum requirements and shall not be deemed a limitation or repeal of any other powers granted by Colorado State Statutes.

**17-14-10. DISCLAIMER OF LIABILITY.** The degree of flood protection required by this Article is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes, such as bridge openings restricted by debris. This Article does not imply that areas outside the flood plain will be free from flooding or flood damages. This article shall not create liability on the part of the City of Lakewood or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made thereunder.

**17-14-11. FLOOD PLAIN REGULATIONS.** Unless modified by other parts of this Ordinance, the following general Flood Plain Regulations shall be in force:

- (1) (a) In areas of shallow indeterminate flooding, all new construction and substantial improvements of nonresidential and residential structures shall have the lowest floor, including basement, elevated to one foot (1') above the crown of the nearest street.
  - (b) As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood-proofed to the level mentioned above. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.
- (2) (a) In flood plain areas in which the 100-year flood elevations are known, all new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated one foot (1') above the 100-year flood level as indicated in the Official Flood Studies.

(b) As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood-proofed one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

(3) When flood-proofing is used for nonresidential structures, a registered professional engineer or licensed architect shall certify that the flood-proofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces, and other factors caused by the 100-year flood. A record of this certification shall be maintained on file with the building permit by the Building Official. The elevation to which the structure is flood-proofed (based on sea level) shall be attached to the certification.

(4) All new individual manufactured homes, new manufactured home parks, expansions of existing mobile home parks, and mobile home parks where the repair, reconstruction or improvements of the streets, utilities and pads equal or exceed fifty (50) percent of their value before the repair, reconstruction or improvement was commenced, are to be placed or substantially improved and be elevated on a permanent foundation such that the lower floor of the manufactured home is one foot (1') above the 100-year flood elevations as indicated in the Official Flood Studies, provide adequate surface drainage, be securely anchored to an adequately anchored foundation system in accordance with this Ordinance, and access for a hauler be provided. When mobile homes are put on pilings, the lot must be large enough to have steps up to the mobile home. The pilings must be reinforced if they are more than six feet (6') high and they must be placed in stable soil on ten foot (10') centers or less.

(5) Individual building permits shall be required for the placement of any manufactured homes anywhere in the flood plain.

(6) (a) All manufactured homes placed after the effective date of these regulations in the 100-year flood plain shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. There shall be top ties at each corner with one (1) mid-point tie on each side of manufactured homes shorter than fifty feet (50'). Longer manufactured homes shall have two (2) ties at intermediate points on each side.

(b) All parts of the anchoring system shall have a strength of 4,800 pounds. Additions to manufactured homes shall be anchored in the same way.

(7) All land development proposals shall follow the guidelines for drainage studies outlined in the Engineering Regulations, Construction Specifications, and Design Standards adopted by the City Council of Lakewood, Colorado.

(8) The City of Lakewood will review all proposed development in the flood plain to verify appropriate permits have been obtained and to ensure compliance with Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334.

(9) The City of Lakewood will:

- (a) Require flood plain construction permits for all new development and other activities such as filling, paving and dredging in the flood plain.
- (b) Require building permits for structures in the flood plain according to the Uniform Building Code and this Article.
- (c) Review all building permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood hazard area, all new construction and substantial improvements (including the placement of prefabricated buildings and mobile homes) shall be:
  - (1) designed or modified and adequately anchored to prevent flotation, collapse, or lateral movement of the structure, resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
  - (2) be constructed with materials and utility equipment resistant to flood damage,
  - (3) be constructed by methods and practices that minimize flood damage, and
  - (4) constructed with electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (d) Require every builder or developer to submit a statement from a registered land surveyor listing the lowest floor (including basement) of new and substantially improved structures.
- (e) Require that for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or licensed architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot (1') above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- (f) Review subdivision proposals and other proposed new development (including proposals for manufactured home parks and subdivisions) to determine whether such proposals will be reasonably safe from flooding. The proposals shall include base flood level data submitted with subdivision proposals and other proposed developments greater than fifty (50) lots or five (5) acres whichever is less. If a

subdivision proposal or other proposed new development is in a flood hazard area, any such proposals shall be reviewed to assure that:

- (1) all such proposals are consistent with the need to minimize flood damage within the flood hazard area,
- (2) all public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damage, and
- (3) adequate drainage is provided to reduce exposure to flood hazards.

(g) Require within flood hazard areas:

- (1) new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems,
- (2) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters,
- (3) on-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding, and
- (4) cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot (1') at any point.

#### **17-14-12. FLOODWAY REGULATIONS.**

(1) The Floodway delineates the channel of a gulch or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the base flood water surface elevation more than six inches (6") at any point. This information is based upon the Urban Drainage and Flood Control District's criteria.

There shall never be encroachment of fill, new construction, substantial improvements or any other development within or above the floodway unless a Special Use Permit has been issued under the conditions of Section 17-14-13.

(2) Permitted Uses in the Floodway: The following uses shall be permitted within the Floodway to the extent that they are otherwise permitted by the Zoning Ordinance.

- (a) General farming, pasture, outdoor plant nurseries, horticulture, forestry, wildlife sanctuary, game farm, and other similar agricultural, wildlife and related uses.
- (b) Loading areas, parking areas and other similar uses provided they are no closer than ten feet (10') to the stream bank. Signs 18" x 24" shall be posted listing the depth of water in a base flood.

- (c) Lawns, gardens, play areas, bikeways, pedestrian pathways and other similar uses.
- (d) Portions of golf courses, driving ranges, archery ranges, picnic grounds, parks, hiking or horseback riding trails, open space, and other similar private and public recreational uses not involving structures.
- (e) Streets, railroads, overhead utility lines, creek and storm drainage facilities, sewage or waste treatment plant outlets, water supply intake structures and other similar public, community or utility uses.
- (f) Boat docks, ramps, piers for publicly owned structures or similar structures.
- (g) Dams, provided they are constructed in accordance with regulations of the Department of Public Works, and other federal and state agencies.

(3) Uses prohibited in or above the floodway.

- (a) All fill, encroachments, new construction, any artificial obstruction, substantial improvements of existing structures or other development unless a Special Use Permit is obtained.
- (b) Any portion of a new mobile home park, any expansion to an existing mobile home park, or any new mobile home not in an existing mobile home park.

#### **17-14-13. SPECIAL USE PERMITS.**

- (1) Uses permitted by Special Use Permit in the floodway. The following uses may be permitted within a floodway upon approval of a Special Use Permit:
  - (a) Any use or accessory use employing a structure; however, no structure which is designed for human habitation shall ever be allowed under any conditions in or above the floodway.
  - (b) Open storage of any material or equipment.
  - (c) Parking, loading areas and other similar uses when located less than ten feet (10') from the stream bank. If a Special Use Permit is granted, 18" x 24" signs shall be posted listing depth of water in a base flood.
  - (d) Other uses similar in nature to those listed in items (a) through (c) above.
- (2) Uses listed in this Article as requiring a Special Use Permit may be established only after approval of the Planning Commission.
- (3) Standards relating to Special Use Permits in the floodway.
  - (a) The base flood elevation (or flood protection elevation) is the water level for the 100-year flood assuming only that encroachment on the flood plain that existed when each Official Flood Study was adopted. Additional and complete

encroachment to the floodway encroachment lines will cause the water level to surcharge six inches (6") described above, assuming future complete encroachment to the floodway lines will occur. Consideration of the effects of a proposed use shall be based on a reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.

(b) Maintaining an unobstructed floodway capable of carrying the 100-year flood without surcharging water levels more than six inches (6") at any point is an integral purpose of this Ordinance. As such, special conditions apply to floodway Special Use Permits as follows:

- (1) Any fill proposed to be deposited in the floodway must be shown to have some beneficial purpose and the amount placed shall not be greater than necessary to achieve the purpose demonstrated on a plan submitted by the applicant. Any fill or other materials shall be protected against erosion by rip rap, a vegetative cover or bulkheading.
- (2) Structures. Under no conditions shall structures in or above the floodway ever be designed for human habitation. Structures shall have a low flood damage potential and shall be constructed and located on the building site in a manner which minimizes obstruction of the flow of floodwaters. Whenever possible, structures shall be placed with the longitudinal axis of the building parallel to the direction of the floodflow and structures shall be placed approximately on the same floodflow line as other adjacent structures. All structures shall have the lowest floor, including basement, elevated one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies or together with attendant utility and sanitary facilities, shall be flood-proofed one foot (1') above the level of the 100-year flood as indicated in the Flood Studies. A registered professional engineer or licensed architect shall certify that the flood-proofing methods are adequate to withstand the flood pressures, velocities, impact and uplift forces and other factors caused by the 100-year flood.
- (3) Any structure allowed by a Special Use Permit shall be firmly anchored to prevent flotation, collapse or a lateral movement of the structure which may result in damage to other structures, restrictions of bridge openings or restrictions of narrow sections of the stream or river.
- (4) The storage or processing of materials that are buoyant, flammable, explosive or could be injurious to human, animal, or plant life during times of flooding is prohibited under all conditions; however, storage of other materials or equipment may be allowed if not subject to major damage by floods and if firmly anchored to prevent flotation or if readily removable from the area within the time available after flood warning.

(4) Application for Special Use Permit.

(a) Applications for Special Use Permits shall be filed within the Department of Community Planning and Development and considered by the Planning Commission.

The procedure shall be as outlined in Article 6 of the Zoning Ordinance unless modified by this Section. *(As amended by 0-91-59.)*

(b) The applicant shall submit forms together with four sets of plans drawn to scale, showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the channel, floodway and 100-year flood elevation as indicated in the Official Flood Studies. The applicant shall furnish such of the following additional information as is deemed necessary by the Department of Community Planning and Development for the evaluation of the effects of the proposed use upon flood flows: *(As amended by 0-91-59.)*

- (1) Typical valley cross-sections showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
- (2) Plan view showing elevations or contours of the ground; pertinent structures, fill, or storage elevations; size, location and special arrangement of all proposed and existing structures on the site; location and elevations of streets, water supply, sanitary facilities, photographs showing existing land uses and vegetation upstream, soil types, flood plain and floodway boundaries, and other pertinent information.
- (3) Profile showing the slope of the bottom of the existing channel, 100-year water surface profile, and proposed channel and water surface profile.
- (4) Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvements, storage of materials, water supply, and sanitary facilities.
- (5) Additional information as may be required.

(5) In passing on an application for a Special Use Permit, the Planning Commission shall determine the specific flood hazard at the site and shall evaluate the suitability of the proposed use in relation to the flood hazard. The application shall be submitted to the Urban Drainage and Flood Control District for review and a recommendation to the Planning Commission. In addition, the Planning Commission shall consider the following factors although not limited to such factors.

- (a) The probability that materials may be swept onto other lands or downstream to the injury of others.
- (b) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage to the individual owner.
- (d) The availability of alternative locations not subject to flooding for the proposed use.

- (e) The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (f) The expected heights, velocity, duration, rate of rise and sediment and debris transport of the floodwaters expected at the site.

**17-14-14. PROCEDURES FOR MODIFYING THE OFFICIAL FLOOD STUDIES, THE FLOOD INSURANCE RATE MAP, AND THE OFFICIAL FLOOD HAZARD MAP.**

- (1) Lakewood's 100-year flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. Within six months of the date that such information becomes available, Lakewood shall notify the Federal Emergency Management Agency of the changes by submitting technical or scientific data indicating that the Official Flood Studies, the Flood Insurance Rate Map, and the Official Flood Hazard Map do not accurately reflect flood risks as they currently exist.
- (2) The City of Lakewood shall notify adjacent communities, the Urban Drainage and Flood Control District, and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse. Evidence of such notification shall be sent to the Federal Emergency Management Agency. This notice will certify that the flood carrying capacity within the altered or relocated portion of the watercourse has been maintained.
- (3) Following these submissions, the Federal Insurance Administration shall notify Lakewood that the 100-year flood elevations in the affected studies are correct or that new 100-year flood elevations will be established by the Federal Insurance Administration.

**17-14-15. NON-CONFORMING STRUCTURES.** A structure which was lawful before becoming subject to this Article but which is not in conformity with the provisions of this article may be continued subject to the following conditions:

- (1) Such structure shall not be expanded, changed, enlarged or altered in a way which increases its non-conformity.
- (2) If any non-conforming structure is destroyed by any means, including floods, to the extent that the cost of restoration would equal or exceed sixty (60) percent of the market value of the structure before the structure was damaged, the following regulations shall apply:
  - (a) If the non-conforming structure is in the Floodway, the structure may be rebuilt; however, it shall not be expanded, changed, enlarged or altered in any way which would create an obstruction to water flow greater than that which existed before damage to the structure occurred. Upon reconstruction, nonresidential and residential structures shall be elevated one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. As an alternative for nonresidential facilities, can be completely flood-proofed one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.

- (b) If the structure is located in the floodway fringe district, it may be reconstructed provided nonresidential and residential structures are elevated one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. As an alternative for nonresidential structures only, the structure, including utility and sanitary facilities, can be completely flood-proofed one foot (1') above the level of the 100-year flood as indicated in the Official Flood Studies. The walls and basement floor shall be completely waterproofed and they shall be built to withstand lateral and uplift water pressure.
- (c) If any manufactured home or manufactured home park located in the floodway and floodway fringe area is destroyed by any means such that the cost of restoration would exceed sixty (60) percent of the market value of the structure prior to damage; then such manufactured home or manufactured home park shall not be rebuilt if it is located in the floodway and if it is located in the floodway fringe, it shall be rebuilt in conformance with this Ordinance.

**17-14-16. FLOOD PLAIN MANAGEMENT ORDINANCE ADMINISTRATOR.** Notwithstanding Section 17-4-2 of the Lakewood Zoning Ordinance, this Article shall be administered and enforced by the Chief Executive Officer or his/her appointed designee. When base flood elevation data has not been provided by the Federal Emergency Management Agency in a Flood Insurance Study or in a Flood Insurance Rate Map, the administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development meet the requirements of this Ordinance.

**17-14-17. VARIANCES.**

- (1) Notwithstanding Article 4 of the Lakewood Zoning Ordinance, for purposes of this Article, the following provisions shall govern the granting of variances.
  - (a) The Lakewood Board of Adjustment shall interpret this Article and shall judge where variances from the provisions of this Article may be granted.
  - (b) Administrative Review. The Board shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Chief Executive Officer in the enforcement or administration of this Article. Those aggrieved by the decision of the Board of Adjustment, or any taxpayer, may appeal such decision to a court of competent jurisdiction.
  - (c) General Requirements for Granting of a Variance. In all circumstances variances may only be granted upon (1) a showing of good and sufficient cause, (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the variance issuance will not result in increased flood height, additional threats to public safety, extraordinary public expense, will not create nuisances, cause fraud on or victimization of the public or conflict with any other local laws or ordinances. No variance shall have the effect of allowing in any zoning district uses prohibited in that district by either this section or the Lakewood Zoning Ordinance.

- (d) Variances shall not, under any condition, be issued within or above any floodway if any increase in flood level during the 100-year flood would result.
- (2) Notice of Granting of Variance: In an annual report, the City of Lakewood shall notify the Federal Flood Insurance Administrator of the issuance of variances from the Flood Plain Management Ordinance and justification for issuing such. Lakewood shall maintain a record of all variance actions including justification for their issuance.
- (3) Special Exceptions for Historic Places: The City of Lakewood Board of Adjustment may permit special exceptions from the Flood Plain Management Ordinance for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a State Inventory of Historic Places without regard to the variance procedures set forth in this Section.
- (4) Notice to Applicant: Lakewood shall notify the variance application in writing that the issuance of a variance to construct a structure below the 100-year flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 per \$100 of flood insurance coverage and that such construction below the level of the 100-year flood increases risks to life and property. This notification shall be maintained in the Board of Adjustment files relating to this variance.

**17-14-18. ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Article to repeal, abrogate, annul, or in any way to impair or interfere with any existing provisions of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued, in conformity with law, relating to the use of buildings or premises. However, where this Article imposes a greater restriction upon the use of buildings or premises or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits or by such easements, covenants, or agreements, the provisions of this Article shall control.

**17-14-19. SEVERABILITY.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

**17-14-20. RECORDS.** The City of Lakewood shall maintain for public inspection:

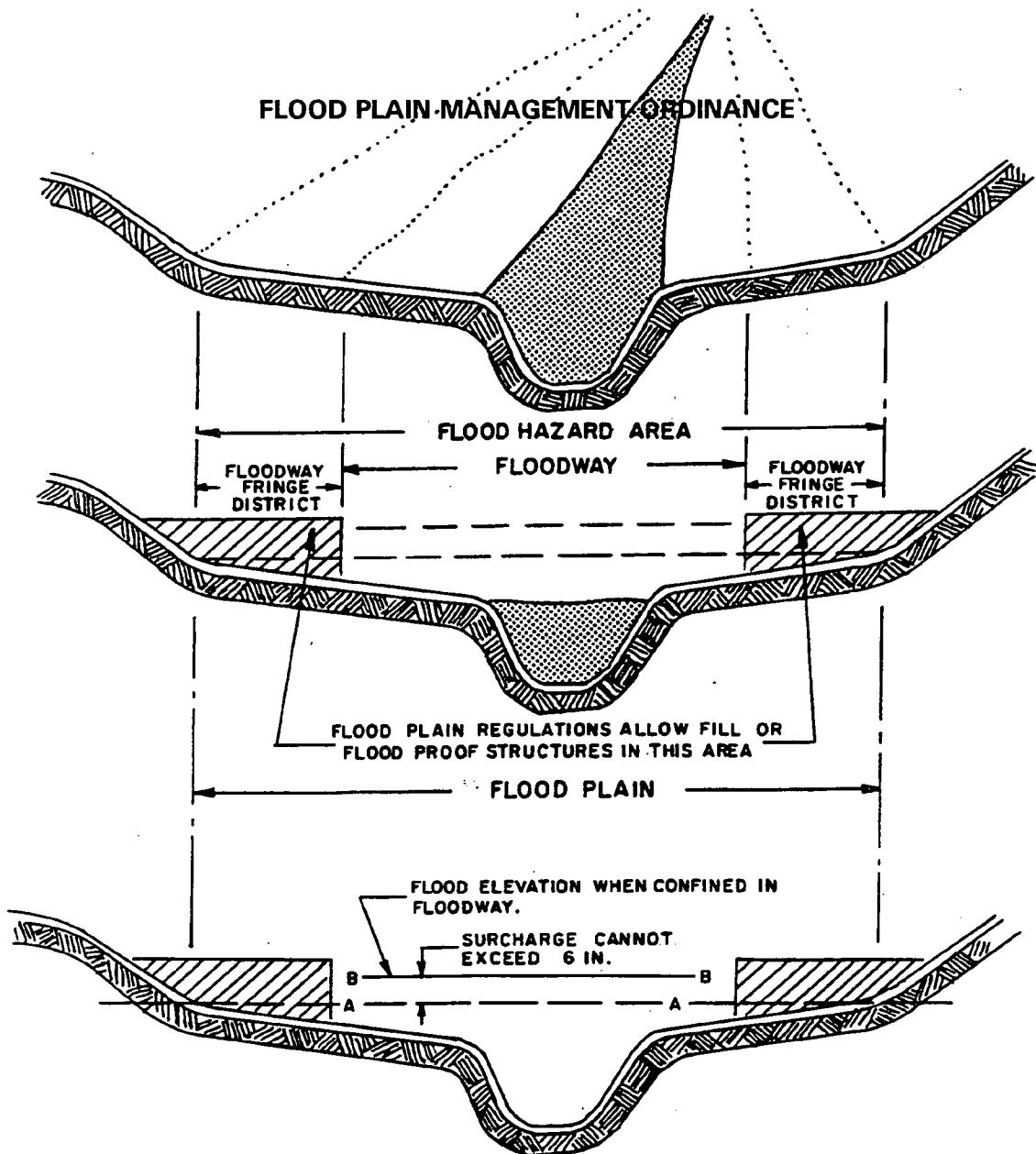
- (1) Official Flood Studies, a Flood Insurance Rate Map, and an Official Flood Hazard Map.
- (2) Certificates of flood-proofing and a statement whether a structure has been flood-proofed and to what elevation (with Building Permits as applicable).
- (3) For structures in the flood plain:
  - (a) Information on the elevation of the lowest habitable floor, including basement, for all new or substantially improved structures.
  - (b) A statement whether a new or substantially improved structure contains a basement.

**17-14-21. ANNEXATION NOTIFICATION OF FEDERAL INSURANCE ADMINISTRATION.** The City of Lakewood will annually notify the Federal Insurance Administration whenever the boundaries of Lakewood have been added to by annexation or decreased by de-annexation. With the notification, Lakewood will include a copy of the map of the community suitable for reproduction, clearly delineating the new corporate limits.

**17-14-22. ANNUAL REPORT TO FEDERAL INSURANCE ADMINISTRATION.** The City of Lakewood shall submit a biennial report to the Federal Emergency Management Agency, utilizing a biennial report form designated by the Federal Emergency Management Agency.

EXHIBIT A

FLOOD PLAIN MANAGEMENT ORDINANCE



LINE A-A IS FLOOD ELEVATION BEFORE ENCROACHMENT. THIS IS DEFINED AS THE  
"100 YEAR FLOOD ELEVATION" STRUCTURES MUST BE FLOODPROOFED  
ONE FOOT ABOVE THIS LEVEL.

LINE B-B IS FLOOD ELEVATION AFTER ENCROACHMENT.

## ARTICLE 15: SITE DEVELOPMENT STANDARDS

### 17-15-1. APPLICABILITY.

- (1) These site development and design guideline regulations shall apply to:
  - (a) Any development proposed in an application for zoning or rezoning.
  - (b) Any development within a subdivision of two (2) lots or greater which subdivision receives final plat approval in accordance with Section 16-4-1(8) of the Subdivision Ordinance of the City of Lakewood after the effective date of this Ordinance and which is located within the following districts:

R1A	Residential One Acre District
RR	Rural Residential District
1-R	Large Lot Residential District
2-R	Small Lot Residential District
3-R	Duplex and Small Lot Residential
3-RA	High Density Detached/Low Density Attached Residential District
  - (c) All development located within the following zone districts:

4-R	Medium Density Residential District
5-R	High Density Residential District
6-R	Mobile Home Residential District
OF	Office District
1-C	Convenience Commercial District
2-C	Neighborhood Commercial District
3-C	Community Commercial District
4-C	Regional Commercial District
5-C	Large Lot Commercial District
IN	Industrial District
PD	Planned Development District which permits uses allowed in any of the above-listed zone districts. (As amended by 0-93-34.)
  - (d) Development which is located or to be located on property otherwise not subject to this article when the owner of the property requests application of these site development regulations.
- (2) No building permit for any development described in Subsection (1) shall be issued for the construction of any new building, structure, parking area, or loading area, or any substantial alteration thereto without first obtaining the approval of a site plan from the Director of Community Planning and Development. A site plan may be required prior to a proposed rezoning of property only pursuant to the provisions of Article 17.

- (3) The site development standards set forth in this Article apply throughout the zone districts and to any development as set forth in Subsection (1) above and are in addition to any other site development standards which may otherwise be applicable to a particular property or geographic area of the City. In case of any conflict among applicable site development standards, the more restrictive standards will apply.
- (4) Property located within the Villa Italia Activity Center is subject to design review by the Villa Italia Design Review Committee. In the instances where specific quantitative landscape site development standards in the Villa Italia Design guidelines are in conflict with Article 15, the stricter shall apply. *(As amended by 0-95-24)*

#### **17-15-2. APPLICATION FORM AND SITE PLAN.**

- (1) Every request for site plan approval shall be accompanied by a completed application form and three (3) copies of the site plan except when the site plan is a condition of a rezoning request as provided for in Section 17-17-3(3). In such case the applicant shall provide, in addition to the three (3) copies, thirteen (13) copies of the final site plan for Planning Commission review. These shall be submitted to the Director on one or more sheets of paper measuring twenty-four (24) by thirty-six (36) inches and drawn to a minimum scale of one inch equals fifty feet (1" = 50') (i.e., 1" = 40', 1" = 30', 1" = 20', and 1" = 10' shall be acceptable) and signed by the applicant. The site plan shall contain the following information: *(As amended by 0-81-108 and 0-84-9.)*
  - (a) Date.
  - (b) North arrow.
  - (c) Written and graphic scale.
  - (d) Finished floor elevation related to the United States Geological Survey information, and should be surveyed to USGS datum when practical. All plans shall indicate grading and drainage and existing and finished grades and contours. *(As amended by 0-84-9.)*
  - (e) The size and location of all existing and proposed public and private utility and emergency easements or other rights-of-way.
  - (f) The building envelope, size, setback dimensions, and height of all proposed structures and all existing structures which are to be retained on the site.
  - (g) Location, dimensions and names of adjacent streets, and proposed internal streets showing center line radii and curb return radii. Location and dimensions of bike/pedestrian paths and walkways shall be shown.
  - (h) The proposed layout of the parking lot including location and dimensions of parking spaces, curb islands, internal planter strips, maneuvering aisles, and access driveways with indication of direction of travel.
  - (i) Location of all exterior lighting, signage, and fencing used to divide properties and to screen mechanical equipment and trash containers.

- (j) Existing specific physical features on the site, including drainage ways, lakes, buildings, and structures, with indication as to which are to be retained. Adjacent properties and their physical features within fifty (50) feet of the property line shall be identified including setback dimensions of adjacent structures.
- (k) The location of all existing trees greater than four (4) inch caliper and those which are to be retained on the property, the location and dimensions of landscaped areas, location and names of all proposed plant materials and ground cover, and the location of other pertinent landscape features.
- (l) Location of all existing and proposed recreational amenities such as open play areas, swimming pools, tennis courts, tot lots, and similar facilities.
- (m) Building elevations showing height and dimensions of buildings. *(As amended by 0-84-9.)*

(2) Other information which shall be required, but need not be designated on the site plan includes:

- (a) A metes and bounds legal description of the property verified and signed by a registered land surveyor in the State of Colorado. If the property is the subject of a recorded plat, a legal description referencing lot, block and subdivision name shall be sufficient.
- (b) Statement of the present zoning and the intended use of the property.
- (c) Statement of maintenance responsibility for all improvements shown on the site plan.
- (d) Site data in tabular form including:
  - (1) Total area of the property (sq. ft.)
  - (2) Building coverage (sq. ft.)
  - (3) Parking lot coverage (sq. ft.)
  - (4) Parking lot landscape area (sq. ft.) as defined in Subsection 17-15-9
  - (5) All other landscape area coverage (sq. ft.)
  - (6) Number of parking stalls provided
  - (7) Number of residential units as appropriate
  - (8) Existing and proposed gross floor area (sq. ft.)

### **17-15-3. REVIEW PROCEDURES AND DESIGN CONSIDERATIONS.**

#### **(1) REVIEW PROCEDURES**

- (A) A nonrefundable application fee shall be paid in an amount as set by City Council Resolution. The amount of the application fee shall not be credited against the amount of the building permit fee.
- (B) For all development listed in Section 17-15-1, the developer must submit, along with a site plan, a set of design guidelines which address all of the design considerations

listed in Subsection (2) of this Section 17-15-3.

(C) The Director of Community Planning and Development shall approve or deny the site plan, proposed building elevations and proposed design guidelines within twenty-one (21) working days after receipt of a complete site plan.

Site plans, building elevations and design guidelines shall be approved if they are complete in form, meet all the applicable standards set forth in this title, and address the design considerations set forth in Subsection (2) of this Section. It is the intent of this section that the qualitative standards serve as general guidelines in the review of site plans and building elevations. It is not expected that any one development will meet all of the qualitative guidelines, but it is expected that principles of good design be applied in the best combination determined by the use, nature of the site, and location of the development. It is further the intent that the design criteria set forth herein be administered so as to improve those development proposals which appear to be marginal or weak in design character. The criteria are not to be administered in a fashion which would require a developer to make changes unless there is a sound basis in principles of good design to support the changes.

(D) Any approval or denial shall be in writing with the reasons for the denial set forth. Red line changes on the site plan shall constitute sufficient detail of the reasons for the denial.

(E) Upon denial of a site plan, the applicant may request in writing, within five (5) working days after denial, that the Director reconsider his or her decision. The request for reconsideration shall state the grounds therefor. A decision upon the request for reconsideration will be given by the Director within ten (10) working days after receipt of the request. No appeal to the Planning Commission shall be permitted unless a request for reconsideration was previously filed and denied by the Director.

(F) If a building permit has not been issued within two (2) years from the date the approval of the site plan occurred, the site plan shall be null and void unless extended. An extension may be granted for a maximum of one year upon the written request of the applicant. No extension shall be granted if this Ordinance shall be amended such that the site plan no longer conforms to the requirements of this Ordinance. If a zone change for any property included within an approved site plan has occurred, the site plan shall be null and void. *(As amended by O-95-24.)*

**(2) DESIGN CONSIDERATIONS**

**(A) On-site Circulation and Parking Considerations:**

**Intent:** In the context of suburban areas, street and parking area design are crucial elements. Since the advent of the automobile, streets have been the unifying force in the layout of subdivisions and residential communities. The use of cul-de-sacs, strip commercial centers and the dominance of the automobile in influencing street design has resulted in streets that handle cars well but fail to accommodate pedestrians. Overly wide streets are visually obtrusive, encourage motorists to speed, require more clearing and grading, and increase land development costs, resulting in more expensive

housing, increased runoff and wasted resources. Streets should be positive visual open space elements in themselves.

The parking of automobiles is also a necessity, but parking facilities often detract from the appearance of commercial and residential areas. Numerous design techniques to soften the visual impact of parking lots and private garages are available. Parking should be designed to minimize the visual impact on physical form and the fabric of the city while ensuring access to, and parking for, individual properties.

- (1) The circulation system, including parking lots, should contribute to the order and aesthetic quality of the site.
- (2) Provisions should be made to limit the effects of vehicular noise and exhaust.
- (3) Negative impacts of parking areas should be minimized, including excessive heat absorption. Aesthetics, compatibility with the overall site design, convenience, and safety for users and pedestrians should be considered in parking lot design.

(B) Building Orientation Consideration

Intent: These considerations are intended to encourage design sensitivity to the relationship of structures and land uses to one another and to the development of a unique community identity. Sites and structures located thereon define the form and image of the community. In order to achieve better land use patterns, the quality of design of sites and structures must help to create streetscapes of pedestrian scale and must better respond to design issues which arise at the edges of abutting, dissimilar land uses and arise between varying densities of similar land uses.

- (1) Scale should be appropriate to the site and function of the project.
- (2) Building orientation should promote harmonious transitions in scale and character in areas between different land uses.
- (3) The quality and overall design should be compatible with the site location and proposed use. This should be illustrated by building elevations.
- (4) Diverse architectural treatments should be integrated to avoid a cluttered appearance.
- (5) Site plans should respect the environmental conditions of the site. The orientation of structures should not be dictated solely by parking requirements, but by natural site amenities and other urban design issues.

(C) Open space considerations:

Intent: Open space can serve a multitude of functions including: (1) conveying of water; (2) providing wildlife and pedestrian corridors; (3) providing corridors linking districts, neighborhoods, or important social and cultural facilities; and (4) providing a community with a sense of integration with the natural environment. To optimize these

benefits, new development should allow the natural landscape to dominate.

- (1) The site plan should optimize preservation of natural site features, including trees and drainage areas.
- (2) The landscape design should improve or create a micro-climate to mitigate extreme heat and cold.
- (3) The overall landscape treatment of exterior spaces should enhance the quality of the project and create usable open space.
- (4) Landscape design should incorporate consideration of the function and use of outdoor spaces.
- (5) lighting and signage should be of a scale, style, and material appropriate to the development, with negative impacts minimized.

(D) Vicinity considerations:

Intent: The design of any neighborhood or residential community begins with a study of the proposed site and its natural processes. An understanding of natural systems and environmental relationships is fundamental to any prospective development project. A site development plan should respond to a site's natural features and should be an extension of the site's environmental characteristics. Good design will appear to "grow from the land". It is also important to respect the adjacent land uses to ensure that a plan is sensitive to its surroundings and to consider environmental issues that effect planning and development.

- (1) The plan should display sensitivity to the site including logical on-site/off-site pedestrian, auto, and bike linkages;
- (2) Landscaping on or near the border of the site should be an amenity to the adjacent use as well as the project. *(As amended by 0-95-24.)*
- (3) Any approval or denial shall be in writing with the reasons for denial set forth. Red line changes on the site plan shall constitute sufficient detail of the reasons for denial.
- (4) Upon denial of a site plan the applicant may request in writing, within five (5) working days after denial, that the Director reconsider his decision. The request for reconsideration shall state the grounds therefor. A decision upon the request for reconsideration will be given by the Director within ten (10) working days after receipt of the request. No appeal to the Planning Commission shall be permitted unless a request for reconsideration was previously filed with and denied by the Director. *(As amended by 0-84-9.)*
- (5) If a building permit has not been issued within two (2) years from the date the approval of the site plan has occurred, the site plan shall be null and void unless extended. An extension may be granted for a maximum of one year upon written request of the applicant. No extension shall be granted if this Ordinance has been amended such that

the site plan no longer conforms to the requirements of this Ordinance. If a zone change for any property included within an approved site plan has occurred, the site plan shall be null and void.

#### **17-15-4. APPEALS.**

- (1) If the Director denies the application upon reconsideration, the applicant may appeal to the Planning Commission. Written appeals from the decision of the Director must be received by the Secretary to the Planning Commission within thirty (30) days of the date of denial upon reconsideration, and must be accompanied by an appeal fee in an amount to be established by City Council Resolution. During the time an appeal is pending, no building permit shall be issued. *(As amended by 0-85-125.)*
- (2) The Planning Commission shall conduct a public hearing within thirty (30) days after the appeal is made in writing by the applicant of a decision made by the Director pursuant to this Ordinance. The inquiry of the Planning Commission shall be limited to whether the decision of the Director was contrary to or violated this Ordinance.
- (3) Any decisions of the Planning Commission shall be set forth in writing giving reasons for affirming, modifying, or reversing the administrative decision of the Director. Any decision of the Planning Commission shall be final and any appeal therefrom shall be to the courts. *(As amended by 0-84-9.)*

#### **17-15-5. WAIVERS AND EXCEPTIONS.**

- (1) Upon written request, the Director of Community Planning and Development may waive specific plan form or information requirements as set forth in Subsection 17-15-2. Such request must be accompanied by a request fee, the amount of which shall be established by City Council Resolution.
- (2) The Director of Community Planning and Development may waive any requirement of a site plan if, in his opinion, specific requirements are unnecessary due to circumstances unique to the property, or if the requirements have been previously submitted and approved. Such requirements may be set aside only to the extent that the intent and purpose of this Ordinance is not violated.
- (3) The Director of Community Planning and Development may approve a site plan which is different from dimensional and other quantitative criteria in this Article provided that the change fulfills the design guidelines in Subsection 17-15-3(2) and does not conflict with other ordinances and regulations. *(As amended by 0-95-24.)*

#### **17-15-6. AMENDMENTS TO SITE PLAN.**

- (1) Except as provided in paragraph (2) of this Subsection 17-15-6, amendments to an approved site plan shall be subject to the same application, review and appeal process applicable to the original site plan. The applicant shall provide the Director with an updated site plan with all current amendments shown on the most recent approved site plan. Amendments deemed minor shall require payment of a minor amendment fee in an amount established by City Council Resolution, while major amendments shall require payment of a major amendment fee in an amount to be established by City

Council Resolution. A change shall be deemed minor unless it involves one or more of the following:

- (a) A change altering any other condition of the zoning.
- (b) A change in the size or location of existing or proposed easements or rights-of-way that would result in a significant change in the circulatory system or alter the provision of services for existing structures.
- (c) A change of twenty (20) percent or more in the building envelope, size, setback, dimensions, or height of any proposed or existing structures to be retained, the number of parking spaces, the size of signage, fencing or landscaped areas.
- (d) A change in the location of the parking area, access driveways, recreational amenities, exterior lighting, signage, or fencing or landscaping used as buffering, if such change would significantly affect the compatibility of the use of the site with surrounding areas.

(2) (a) If a rezoning includes as a condition thereof the use of a specific approved site plan, such site plan may be amended or modified only after submission of a new site plan indicating the desired changes in conformance with Article 15 of this Ordinance. The Director shall then determine whether such changes are minor or substantial based on the criteria contained in Subsection (1) above.

(b) If the modification is deemed to be minor, the Director shall approve or deny the modifications pursuant to the provisions of Article 15 of this Ordinance. Such approval or denial shall be given only after the applicant has paid a minor modification fee in an amount to be determined by City Council Resolution.

(c) If the modification is determined to be substantial, the applicant shall be required to submit a new application for rezoning the parcel as provided for within Article 17 of this Ordinance, and shall pay the fees required for such a new application.

(d) If the Director is unable to determine whether the modification is minor or substantial, he shall present the proposed change and all relevant material to the Planning Commission which shall make such determination. If the Planning Commission determines that the change is minor, the provisions of Paragraph (2)(b) above shall apply. If the Planning Commission determines that the change is substantial, the provisions of Paragraph (2)(c) above shall apply.

(e) Regardless of the type of amendment applied for, every amendment to an approved site plan shall be reviewed by the City Engineer in accordance with the applicable provisions of Chapter 14.13 to determine if the amendment necessitates the dedication and/or construction of public improvements by the applicant. *(As amended by O-85-125.)*

#### **17-15-7. PERIMETER LANDSCAPE AREA.**

(1) Where the property lies adjacent to an arterial or collector street, a landscaped strip along the entire perimeter area averaging at least twenty (20) feet in width but not less

than fifteen (15) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways shall be included in the perimeter landscape area and counted as part of the twenty (20) feet. The eventual cross section shall be based upon the Transportation Section of the Comprehensive Plan. Landscaping within this area shall include two (2) trees for each one thousand (1,000) square feet, and four (4) shrubs for each one thousand (1,000) square feet, and ground cover over the entire area except for perimeter landscape areas adjacent to Alameda Parkway where four (4) trees for each one thousand (1,000) square feet, four (4) shrubs for each one thousand (1,000) square feet, and ground cover over the entire area is required. One (1) tree can be substituted for two (2) shrubs. All plant materials should be in accordance with the Recommended Plant List of the City of Lakewood.

*(As amended by 0-85-31.)*

- (2) Where the property lies adjacent to a local street, a landscaped strip along the entire perimeter area averaging at least fifteen (15) feet in width but not less than eight (8) feet at any point, as measured from the eventual cross section of the street, shall be provided. Any bikeways and walkways shall be included in the perimeter landscape area and counted as part of the fifteen (15) feet. The eventual cross section shall be based upon the Transportation Section of the Comprehensive Plan. Landscaping within this area shall include two (2) trees and four (4) shrubs for each one thousand (1,000) square feet, and ground cover over the entire area. One (1) tree can be substituted for two (2) shrubs. All plant materials should be in accordance with the Recommended Plant List of the City of Lakewood.

**17-15-8. SIGHT TRIANGLE AREA.** Within the sight triangle area, landscaping and structures shall not exceed the requirements of Section 17-8-1.

**17-15-9. PARKING LOT LANDSCAPE AREAS.** An area or a combination of areas equal to ten (10) percent of the total parking lot area shall be landscaped. Any parking area in excess of one hundred (100) spaces or four (4) parking rows shall require interior landscape islands. Landscape islands shall be a minimum of nine (9) feet in width and eighteen (18) feet in length with a minimum of one (1) tree and four (4) shrubs per island. If the island is larger than two hundred (200) square feet, landscaping shall include one (1) additional tree and four (4) additional shrubs for every additional two hundred (200) square feet or fraction thereof.

**17-15-10. DRAINAGE.** Surface water from a property shall be discharged into a storm sewer system or into an alternate drainage system if storm sewers are unavailable, provided however, the alternate drainage system is designed and constructed in accordance with the adopted standards of the City of Lakewood.

**17-15-11. BUFFER AREAS.**

- (1) A buffer area not less than ten (10) feet wide shall be provided.
- (2) A solid fence or wall shall be placed adjacent to the property line which abuts the residential district and shall have a minimum height of five (5) feet. The fence requirement may be waived by the Director if a continuous hedge with a minimum height of five (5) feet is existing, or if there is no loading or access adjacent to the residential district and the materials, color and finish of the rear of the building match those of the front. *(As amended by 0-82-19.)*

(3) Landscaping shall include one (1) tree for each fifteen (15) linear feet or fraction thereof of the buffer area (as measured along the property line) and ground cover over the entire area. Shrubs are optional. The size of the individual plant material used within the buffer area, at the time of planting, shall be the same size as required by Subsection 17-15-15(3). All plant materials should be in accordance with the Recommended Plant List for the City of Lakewood. *(As amended by 0-82-19.)*

**17-15-12. TRASH CONTAINERS, ELECTRICAL AND MECHANICAL EQUIPMENT AND SERVICE LINES.**

- (1) All trash containers shall be screened to a height of six (6) feet.
- (2) Roof-mounted electrical and mechanical equipment shall be placed or screened such that the equipment is not visible from any point ten (10) feet above the ground and from any point within a two hundred (200) foot radius of the building upon which it is mounted.

**17-15-13. WALKWAYS AND BIKE/PEDESTRIAN PATHS.**

- (1) The minimum width of an on-site walkway shall be five (5) feet unless head-in parking is permitted adjacent to one side of the walkway, in which case the walkway shall have a minimum width of seven (7) feet. If head-in parking is permitted adjacent to both sides of the walkway, the walkway shall have a minimum width of nine (9) feet.
- (2) Walkways designed to accommodate bicycles shall be referred to as bike/pedestrian paths and shall have a minimum width of eight (8) feet. If head-in parking is permitted adjacent to bike/pedestrian paths, then two (2) feet additional width shall be required for vehicle overhang on each side where head-in parking is allowed.
- (3) Sustained grades for walkways and pedestrian paths shall not exceed eight (8) percent or the grade of the adjacent public street.
- (4) A walkway connecting the walkway or bikepath in the public right-of-way to the building or parking lot must be provided. *(As amended by 0-81-108.)*

**17-15-14. LANDSCAPING STANDARDS.**

- (1) All open areas not covered by paving, buildings or other structures shall be landscaped.
- (2) No artificial trees, shrubs, turf or plants shall be used to fulfill the minimum requirements for landscaping as required by this Article.
- (3) Minimum size for landscaping material as measured at the time of planting shall be:

- (a) Deciduous trees: Three (3) inch caliper, measured one (1) foot above the ground; however, four (4) inch caliper trees are required in the perimeter landscape area along arterials and major streets. *(As amended by 0-95-24.)*
- (b) Ornamental and flowering trees: Three (3) inch caliper measured one (1) foot above the ground, except that a multi-stemmed specimen shall have a minimum caliper of one and one-half (1-1/2) inches as measured one (1) foot above the ground. *(As amended by 0-95-24.)*
- (c) Evergreen trees: Five (5) feet in height; however, trees a minimum of eight (8) feet in height are required in the perimeter landscape area along arterials and major streets. *(As amended by 0-95-24.)*
- (d) Flowering and evergreen shrubs and hedges shall be of five (5) gallon size. If in ball and burlap, the minimum size shall be fifteen (15) inches in diameter.
- (e) Rock and stone: Minimum three-quarter (3/4) inch in size, and poured to a minimum depth of three (3) inches over a minimum 10 mil plastic ground cover.

(4) No living tree which exceeds four (4) inches caliper shall be removed from the property except in accordance with an approved site plan.

(5) The City shall provide a Recommended Plant List.

(6) All landscape improvements indicated on or contained in an approved site plan shall be completed prior to issuance of a Certificate of Occupancy. However, if all conditions necessary for issuance of a Certificate of Occupancy are met except landscape improvements, and the reason for not finishing these landscape improvements is because completion of construction occurred outside of a planting season, a Temporary Certificate of Occupancy will be issued. In this situation, all landscape improvements must be completed by the next planting season within a time frame established by the Director, but in no case shall exceed one hundred eighty (180) days after issuance of the Temporary Certificate of Occupancy. *(As amended by 0-81-108 and 0-95-24.)*

#### **17-15-15. MAINTENANCE RESPONSIBILITY.**

- (1) The owner of the property, his successors, heirs and assigns shall be responsible for the proper maintenance of the area subject to an approved site plan. That area shall be deemed to include an area as measured from the back of the curb line to, and including all areas subject to the approved site plan.
- (2) Landscaping shall be continuously maintained including necessary watering, weeding, pruning, pest control, and replacement of dead or diseased plant material. Replacement for dead or diseased plant material shall be of the same type of plant material as set forth in the approved site plan; for example, a tree must replace a tree, a shrub must replace a shrub, a ground cover must replace a ground cover, etc. Replacement shall occur in the next planting season, but in any event, such replacement time shall not exceed one (1) year. Any replacement which conforms to the requirements of this

Section shall not be considered an amendment to the site plan.

## ARTICLE 16: NONCONFORMING USES

**17-16-1. ADMINISTRATION AND DEFINITIONS.** An application for a Nonconforming Use Certificate shall be submitted on forms approved by the Director of Community Planning and Development along with a fee in an amount established by City Council Resolution. Any nonconforming use may be revoked subject to Section 17-16-10. Any appeal of the decision regarding Nonconforming Use Certificates under this Section shall be to the Planning Commission.

For the purpose of this Article 16 the following definitions shall apply:

- (1) "Nonconforming use" means a use which lawfully occupied a building or land at the time this Ordinance applied to the property, or at the time of any amendment hereto, and which does not conform to the use regulations of the zone district in which it is located.
- (2) "Nonconforming building or structure" means a building or structure, or portion thereof, lawfully existing at the time this Ordinance applied to the property, or at the time of any amendment hereto, which does not conform to all the height, setback, lot coverage, lot width, and lot area regulations of the zone district in which it is located.
- (3) "Nonconforming vacant lot" means a parcel of land which meets all of the following requirements:
  - (a) No main building is constructed thereon;
  - (b) On the effective date of this Ordinance, the lot did not meet the minimum lot area or lot width requirements of this Ordinance; and
  - (c) The lot was lawfully established prior to the adoption of this Ordinance. *(As amended by O-91-11 and O-91-59.)*

### **17-16-2. NONCONFORMING USE OF BUILDING OR STRUCTURE.**

- (1) The nonconforming use of a building or structure may be continued, except as otherwise provided herein.
- (2) A conforming building or structure containing a nonconforming use may be repaired, but it may not be structurally altered, except as allowed in Section (5) below, unless the building, structure, or a portion thereof, is declared unsafe by the City building inspector, in which case the building, structure, or portion thereof declared unsafe may be strengthened, altered, or restored to a safe condition.
- (3) The nonconforming use shall not be changed to a different nonconforming use.
- (4) The nonconforming use, if changed to a conforming use, may not thereafter be changed to any nonconforming use.
- (5) The nonconforming use shall not be extended or expanded, except for single household dwelling units or duplexes in the 4-R, 4-RA, 5-R, and 5-RA Zone Districts. An "extension

"or expansion" shall include any increase in the floor area of the building or structure in which the nonconforming use is conducted, and any expansion or relocation of the nonconforming use, in whole or in part, to a different part of the building or structure.

- (6) Except as provided herein, if the nonconforming use is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations, any future use of the building or structure may be a conforming use.
- (7) If a conforming building or structure containing a nonconforming use is destroyed or damaged to the extent of more than sixty (60) percent of its value, as determined pursuant to the method of valuation of buildings for permit issuance in the Building Code, any future use of the rebuilt or restored building or structure shall be a conforming use. However, a legal nonconforming single household dwelling unit, on August 30, 1980, located in a 4-R, 4-RA, 5-R, or 5-RA Residential District may be rebuilt or reconstructed and used as a single household dwelling unit if a building permit for the single household dwelling unit is applied for within one year after the destruction or damage occurred. A legal conforming two household dwelling unit, on August 30, 1980, located in a 1-R or 2-R Residential District may be rebuilt or reconstructed and used as a two household dwelling if a building permit for the two household dwelling unit is applied for within one year after the destruction or damage occurred. Further, a legal conforming multiple household dwelling in existence on or before August 27, 1989, located in a 3-RA, 4-R, 4-RA, 5-R, or 5-RA Zone District may be rebuilt or reconstructed and used as a multiple household dwelling containing a maximum of the same number of dwelling units that existed prior to the destruction or damage if a building permit for the structure(s) is applied for within one year after the destruction or damage occurred. *(As amended by O-81-108, O-85-28, O-87-12, and O-89-51.)*

#### **17-16-3. NONCONFORMING BUILDING OR STRUCTURE.**

- (1) A nonconforming building or structure may continue to be used, except as otherwise provided herein.
- (2) A nonconforming building or structure may be repaired, structurally altered, or expanded only if the alteration, repair or expansion complies with this Ordinance. If the nonconforming building or structure, or any portion thereof, is declared unsafe by the City building inspector, the building may be strengthened or restored to a safe condition even if compliance with the requirements of this Ordinance is impossible.
- (3) No nonconforming building or structure which is destroyed or damaged to the extent of more than sixty (60) percent of its value, as determined pursuant to the method of valuation of buildings for permit issuance in the Building Code, shall be repaired or rebuilt except in compliance with the requirements of this Ordinance.
- (4) If a nonconforming building or structure becomes conforming, it shall not be changed back to a nonconforming building or structure.

#### **17-16-4. NONCONFORMING USE OF LAND.**

- (1) A nonconforming use of land may be continued, except as otherwise provided herein.

- (2) Such nonconforming use of land shall not be extended or expanded, either on the same or adjoining properties. An "extension or expansion" shall include any increase in the area of land used for the nonconforming use, and any relocation of the nonconforming use, in whole or in part, to an area of land different from the area used on the date the use became nonconforming.
- (3) If the nonconforming use of land is discontinued for a period of one hundred eighty (180) days or more, regardless of any intent to resume operations, any future use of the land must conform to the requirements of this Ordinance.
- (4) The nonconforming use of land shall not be changed to a different nonconforming use.
- (5) The nonconforming use of land, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

#### **17-16-5. NONCONFORMING VACANT LOT.**

- (1) A nonconforming vacant lot may be used only for a use permitted in the zone district in which the lot is located, or at the discretion of the Director, a detached single household dwelling unit consistent with the provisions of the 2-R Zone District. The Director may waive or vary minimum open space, parking lot area, setback, and lot width requirements. The Director may grant said waiver or variance only if he finds that:
  - (a) The property cannot otherwise be used for any purpose permitted within the zone district applicable to the property;
  - (b) The property was included in the applicable zone district during the initial comprehensive city-initiated rezonings occurring subsequent to the effective date of this Ordinance; and
  - (c) The waiver, if granted, is necessary to afford relief with the least modification possible of this Ordinance. *(As amended by 0-89-51.)*
- (2) Any appeal from the Director's decision shall be to the Board of Adjustment which shall apply the same criteria as set forth in this Section 17-16-5 in determining the appropriateness of granting said waiver. *(As amended by 0-82-108.)*

#### **17-16-6. NONCONFORMING KEEPING OF DOMESTIC LIVESTOCK AND PERMITTED DOMESTIC LIVESTOCK IN THE 3-R AND 4-R ZONE DISTRICTS.**

- (1) For property in the 3-R or 4-R Zone Districts the keeping of horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas shall be permitted to continue as a permitted use only if they legally existed on the property at any time in 1987 and the keeping of such animals is in conformance with Section 17-5-8(1)(c).
- (2) The nonconforming keeping of horses, cattle, sheep, goats, poultry, pigeons, rabbits, and chinchillas may continue on a property in any other zone district by obtaining a Nonconforming Use Certificate.

The criteria and standards outlined in this Article shall be met prior to issuance of any certificate and the Nonconforming Use Certificate shall run with the property and be permitted to continue if the subject property is sold, transferred, or bequeathed so long as the criteria below continues to be met.

Criteria.

(A) Nonconforming Use Certificate may be issued if a complete application is submitted within ninety (90) days of the effective date of this Ordinance and if the application meets the following criteria:

- (1) The property contains an occupied legally conforming or legally nonconforming single household dwelling unit.
- (2) The keeping of such animals is in conformance with the domestic livestock standards listed in Section 17-5-8(1)(c).
- (3) A scaled site plan of the property is submitted.
- (4) If an adjacent property is not allowed to keep livestock and a house on that property is located within fifty (50) feet of the common property line and a six (6) foot solid fence is not existing on the common property line between the adjacent property and where animals are kept, the applicant requesting approval of the nonconforming use of domestic livestock shall construct and maintain a six (6) foot solid fence along the common property line between the adjacent property and where the animals are kept. For the purpose of this paragraph, solid fence means a fence with five (5) percent or less open space in its vertical surface.
- (5) Number of animals allowed. The nonconforming use application shall not be granted for more animals than the property is entitled to as regulated in Section 17-5-8(1)(c). If a Nonconforming Use Certificate is issued it shall state the number of animals allowed on the property and such number shall not exceed the number permitted.
- (6) Species of animals allowed. The applicant shall submit evidence to clearly establish the specific species and number of animals that legally existed on the subject property at any time in 1987. The determination of what domestic livestock was on the property shall be made by the Director of Community Planning and Development or his designee after reviewing all evidence submitted in relation to the application for a Nonconforming Use Certificate for domestic livestock. The Nonconforming Use Certificate shall be designated the allowance to have only the species of domestic livestock determined to have legally existed on the property at any time in 1987. *(As amended by 0-91-59.)*

**17-16-7. NONCONFORMING MOBILE HOME PARKS AND NONCONFORMING MOBILE HOMES.**

- (1) If a mobile home park was in existence in the City on the date this Ordinance applied to the property on which the park is located, or was in existence on property annexed to

the City after the effective date of this Ordinance, and such mobile home park complied with all applicable legal requirements then in effect, the mobile home park shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance except:

- (a) Any expansion or extension of the mobile home park shall be subject to all applicable requirements of this Ordinance; and
- (b) Any individual mobile home may be replaced or relocated within a legally nonconforming mobile home park.

(2) If a mobile home is used for residential purposes in the City on the date this Ordinance applied to the property on which the mobile home is located, or is located on property annexed to the City after the effective date of this Ordinance and the mobile home complied with all applicable legal requirements then in effect, the mobile home shall be considered legally nonconforming and shall not be subject to the requirements of this Ordinance, except:

- (a) If the mobile home is moved from its location, the mobile home shall not be replaced or relocated except within a mobile home park; and
- (b) If the use of the mobile home is discontinued for a period of one hundred eighty (180) days or more, the mobile home shall not be reoccupied until it is relocated within a mobile home park.

**17-16-8. EXPANSION OF CHILD CARE FACILITIES.** Any child care facility which was in existence on the date this Ordinance applied to the property on which the child care facility is located, and which by this Ordinance becomes a nonconforming use, may not expand to care for a larger number of children than the maximum licensed capacity as authorized by the State of Colorado on the effective date of this Ordinance.

**17-16-9. PROPERTY TAKEN FOR PUBLIC USE.** If a portion of a parcel of land is taken for public use such that the remaining portion of the parcel does not conform to the requirements of this Ordinance, the following shall apply:

- (1) If the taking causes a variance of no greater than twenty (20) percent in one or more numerical requirements, then the use shall be considered a legal, conforming use and a permanent variance shall be granted by the Board of Adjustment.
- (2) If the taking of land causes a variance of more than twenty (20) percent in one or more numerical requirements and, in the judgment of the Board of Adjustment, would not create a hazardous situation or be otherwise unreasonable, the use shall be considered a legal nonconforming use and shall be subject to the applicable nonconforming use regulations set forth in this Article 16.

**17-16-10. REVOCATION OF ANY NONCONFORMING USE.** Any nonconforming use may be revoked by the Director of Community Planning and Development if:

- (a) Violations of the Lakewood Municipal Code related to the nonconforming use are not resolved within thirty (30) days of issuance of an official notice of violation, and/or
- (b) There are recurring violations related to the nonconforming use to the property owner or persons in association with the nonconforming use.
  - (1) **Procedures.** The Director shall notify the property owner in writing stating the time and place for an administrative hearing. The purpose of the hearing shall be for the Director to determine whether revocation of the nonconforming use or other legal action should be pursued. Written notice of the hearing shall be provided at least ten (10) days prior to the hearing to the person owning the property on which the nonconforming use is located.

Following the hearing, the Director shall issue a decision either revoking or allowing continuance of the nonconforming use. This decision may be appealed to the Planning Commission only upon written request. The request shall be filed with the Secretary to the Planning Commission no later than thirty (30) days after the Director's decision. The appeal shall be conducted as a public hearing in accordance with Section 17-6-2(10)(a). The revocation of the nonconforming use shall require the use to terminate. After revocation, the property owner or any other person may not apply for a Nonconforming Use Certificate or be allowed to continue the nonconforming use on the property.

The City, in addition to any other remedies provided in this Ordinance or by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such violation. *(As amended by O-87-12, O-91-11 and O-91-59.)*

## ARTICLE 17: PROCEDURE FOR INITIAL ZONING AND REZONING

### 17-17-1. GENERAL PROVISIONS.

- (1) The procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any parcel of land within the City of Lakewood, as shown on the official zoning map of the City of Lakewood, herein referred to as "rezoning," shall be as provided in this Article 17. In addition to the pre-application review, the applicant shall meet with residents and persons owning property in the vicinity of the site prior to filing a formal rezoning application in accordance with the Neighborhood Referral Program which is hereby established. The meeting shall take place pursuant to the Neighborhood Referral Program administrative guidelines which shall be adopted by resolution. *(As amended by 0-84-88.)*
- (2) A rezoning may be initiated by:
  - (a) The owner of any property;
  - (b) Any person, firm, or corporation with the written consent of the owner of the property;
  - (c) The Planning Commission ("City-initiated"); or
  - (d) The City Manager of the City of Lakewood ("City-initiated"). *(As amended by 0-91-59.)*
- (3) The procedure for the initial zoning of property annexed or to be annexed to the City shall follow, to the extent practicable, the procedures applicable herein to rezonings. In such circumstances, the zoning procedures may be instituted at any time after a resolution of intent to annex is adopted Pursuant to C.R.S. 1973, 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. 1973, 31-12-107, as amended.
  - (a) No ordinance initially zoning property annexed to the City shall be adopted on second reading prior to the date the annexation ordinance is adopted on second reading.
  - (b) Property annexed to the City shall be initially zoned by the City within ninety (90) days after the effective date of the annexation ordinance. Any time requirements set forth herein, and not required by statute, shall be modified to the extent necessary to meet the ninety (90) day requirement.
  - (c) For property which has been previously zoned PD or a comparable zoning in the jurisdiction from which it is being annexed, see Section 17-5-24(8). *(As amended by 0-93-34.)*

### 17-17-2. PRE-APPLICATION REVIEW.

- (1) (a) Prior to filing an application to rezone any parcel of land, the applicant shall participate in a pre-application review with the Department of Community Planning

and Development. No application for rezoning shall be accepted until after the pre-application review is completed and written notification of the Department's conclusions is received by the applicant. *(As amended by 0-91-59.)*

(b) In addition to a pre-application review with the Department of Community Planning and Development, the City Engineer shall review the rezoning application to determine if public improvements may be necessitated as a result of the zoning or rezoning. If public improvements are necessary, the standards, criteria, timing, and extent of the public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply. *(As amended by 0-84-109 and 0-91-59.)*

- (1) The extent of existing and contemplated development of the surrounding area.
- (2) The need to ensure that the health, safety, and welfare of the public will be maintained.
- (3) Whether the zoning or rezoning may ultimately create a need for public improvements to serve the area.

If public improvements are necessary, the standards, criteria, timing and extent of public improvements as specified in Chapter 14.13 of the Lakewood Municipal Code shall apply, except that all rights-of-way, easements, and access rights shall be required at the time of zoning or rezoning and other public improvements shall be constructed at a time designated by the City Engineer.

- (2) When an application is submitted by the Planning Commission, any member or groups of members of the Planning Commission may serve as the applicant.
- (3) At the time of the pre-application review, the applicant shall submit the following:
  - (a) Plan of the general layout of the parcel. Plans submitted may be sketched on sheets eight and one-half (8 1/2) inches by eleven (11) inches in size or, at the option of the applicant, may be in final form.
  - (b) Letter stating the proposed uses of the parcel, the approximate gross floor area of any intended buildings or structures, and the number and size of residential dwellings to be included, and the gross land area of the parcel, including public rights-of-way contained within the parcel.
- (4) Official minutes summarizing the pre-application review shall be kept and a copy of the minutes shall be provided to the applicant.
- (5) Within fourteen (14) days after the date of the pre-application review, the Department of Community Planning and Development shall notify the applicant in writing of its conclusions regarding the desired change with respect to the following items: *(As amended by 0-91-59.)*
  - (a) Appropriateness of the change with respect to the policies set forth in the Comprehensive Plan.

- (b) Need, if any, to plat pursuant to the Subdivision Regulations.
- (c) Any required site plan considerations.
- (d) General concerns related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements.

(6) After receiving the written conclusions of the pre-application review, but prior to filing a formal application, the applicant shall meet with residents and persons owning property in the vicinity of the site in accordance with the Neighborhood Referral Program. Notification for said meeting shall be as provided in Subsections 17-17-4(1)(b) and (c) of this Ordinance.

### **17-17-3. APPLICATION PROCEDURE.**

- (1) An application for a rezoning shall be submitted on forms approved by the Director of Community Planning and Development. A rezoning application shall expire one (1) year after submittal, provided however, that the Director may extend the application for six (6) months for just cause. *(As amended by 0-91-59.)*
- (2) If the requested rezoning for the parcel is for a Planned Development District, the applicant also shall include with the application all information required by Section 17-5-24. *(As amended by 0-93-34.)*
- (3) An application for a rezoning shall be accompanied by a Conceptual Site Plan.
  - (a) The Conceptual Site Plan is intended to supply enough information about the development for the Director of Community Planning and Development to evaluate and for the Planning Commission and City Council to make a decision on the rezoning application. The information to be supplied will be determined by the Director of Community Planning and Development as part of the pre-application review, but should generally include: *(As amended by 0-91-59.)*
    - (1) The site characteristics.
    - (2) The density and intensity.
    - (3) General circulation and location of building(s) and parking area(s).
    - (4) The amount of the site devoted to structure, open space and parking.
    - (5) Compatibility with surrounding land uses.
  - (b) The Conceptual Site Plan shall be considered part of the rezoning application and shall become a condition of the zoning.
  - (c) The Conceptual Site Plan will be required as follows:

Applications for 3-R through 6-R, OF, 1-C through 5-C, and IN or PD zones shall be accompanied by a Conceptual Site Plan.

Applications for R-R, R1A, 1-R, 2-R, and single-family homes in 3-R will not normally require a Conceptual Site Plan. However, if the application involves an area of significant natural features or constraints, or involves an infill situation with more than three (3) units, or other similar situations, the Director of Community Planning and Development may require such a plan. *(As amended by 0-91-59 and 0-93-34.)*

- (d) The Director of Community Planning and Development may waive or defer the requirement for the Conceptual Site Plan for: a) City-initiated rezonings, b) rezonings related to an annexation, and c) other situations for which the Director determines that the requirement for a Conceptual Site Plan at the time of rezoning is not in the best interest of the City. If the requirement for a site plan is deferred, the Planning Commission shall consider the Conceptual Plan at a subsequent public hearing prior to the issuance of building permits. The reasons for waiving or deferring the Conceptual Site Plan requirement shall be incorporated into staff recommendations to the Planning Commission on the rezoning request. The Planning Commission or City Council may require a Conceptual Site Plan even if it has been waived or deferred by the Director of Community Planning and Development. *(As amended by 0-91-59.)*
- (e) Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission by the applicant. *(As amended by 0-91-59.)*
- (f) The Final Site Plan shall conform to the approved Conceptual Site Plan, or the Director of Community Planning and Development must determine that the changes are minor. Decisions of the Director of Community Planning and Development may be appealed to the Planning Commission. If the changes are substantial, a public hearing on the Final Site Plan will be held by the Planning Commission. The decision of the Planning Commission on a Final Site Plan is final. *(As amended by 0-91-59.)*

Criteria to be used by the Director of Community Planning and Development in determining whether a change is substantial are as follows: *(As amended by 0-91-59.)*

- (1) Whether or not the plan has the same character and same basic arrangement of buildings, parking and open space.
- (2) Whether or not the change adversely affects the surrounding area.
- (3) Whether or not the change constitutes more than a five (5) percent increase in gross floor area or the number of dwelling units.
- (4) Whether or not the change reduces the amount of usable open space, reduces the recreational amenities, or amount of landscaped area by more than five (5) percent or does not adversely affect natural features which were preserved with the Conceptual Site Plan.
- (g) If City regulations have changed since the approval of the Conceptual Site Plan and the submittal of the Final Site Plan; and if the regulations cannot be met on the Final Site Plan without major deviation from the approved Conceptual Site Plan, a public hearing before Planning Commission will be held on the Final Site Plan.

(4) If an application proposes a rezoning to a zone district listed in Section 17-15-1, a Final Site Plan which complies with selected requirements of Article 15 may be required rather than a Conceptual Site Plan.

- (a) By the Director of Community Planning and Development, to be filed along with the application for rezoning; *(As amended by 0-91-59.)*
- (b) By the Planning Commission, to be filed prior to completion of its fact-finding hearing on the application;
- (c) By the City Council, to be filed prior to completion of its hearing on the rezoning ordinance. If the City Council requires the Final Site Plan, the Council must remand consideration of the application to the Planning Commission for further proceedings prior to voting upon the rezoning ordinance on second reading.
- (d) No Final Site Plan may be required pursuant to Subsection (3) above unless the Director of Community Planning and Development, Planning Commission, or City Council determines that the Final Site Plan is essential to a determination that the proposed rezoning and method of development of the property will be compatible and consistent with the Comprehensive Plan. *(As amended by 0-91-59.)*

(5) The application shall be signed by the applicant or his duly authorized representative and shall be accompanied by the necessary fee as shown within the applicable fee schedule adopted by Council Resolution. No fee shall be charged for a City-initiated rezoning.

(6) The Department of Community Planning and Development shall study the application and shall make a written report of its findings within forty-five (45) days after acceptance of a complete application and at least two (2) days prior to the fact-finding hearing on the application. This report shall include a determination of the compatibility of the proposed rezoning with policies and standards contained in the Comprehensive Plan. *(As amended by 0-88-10 and 0-91-59.)*

**17-17-4. FACT-FINDING HEARING.** For the purpose of reducing costs, reducing time required to grant or deny rezoning applications, and ensuring full protection of the applicant's rights as well as the interests of other property owners and residents, and except as otherwise specifically provided herein, the Planning Commission shall function as the City Council's fact-finding hearing agency on all rezoning applications. Procedures to be followed by the Planning Commission are as follows:

- (1) The Secretary to the Planning Commission shall schedule a public hearing to be held not later than forty-five (45) days after all studies and plans submitted with the application have been approved by staff unless the hearing is continued by action of the Planning Commission. Notice of the hearing shall be provided as follows: *(As amended by 0-91-59 and 0-96-14 and 0-96-74.)*
  - (a) The Secretary shall give written notice of the date, time and place of the hearing, by first class mail, to the applicant.
  - (b) It shall be the obligation of the applicant, unless otherwise waived by the City, to provide notice of the hearing to the following people or entities:

- i) The fee owners of the subject property(ies). Notice to one fee owner shall be considered notice to all other owners of the property. *(As amended by 0-96-74.)*
- ii) The applicant.
- iii) The fee owners of real property within 500 feet from the boundary of the subject property(ies). *(As amended by 0-96-74.)*
- iv) The registered representative of neighborhood homeowners organizations which qualify for notice by having registered with the Department annually during the month of January of each year and provided the Department with the name and address of a current representative and a current map, approved by the Department, which shows the boundaries of the area represented by the organization, if any boundary of the organization as shown on the map registered with the Department falls within 1,000 feet of the subject property(ies). *(As amended by 0-96-74.)*

At least forty-five (45) days prior to the Planning Commission hearing, the applicant shall provide to the City a current assessment map(s) from the applicable county assessor's office showing the property or properties which are the subject of the hearing, as well as those properties subject to the notice requirements of this Subsection 17-17-4(1). Said assessment map(s) shall indicate the assessor's ID number(s) of the subject property(ies) and shall indicate the assessor's ID numbers of all surrounding property(ies) to a distance of 1,000 feet, as required by 17-17-4(1)(b)(iii) above.

Within ten (10) days of the applicant submitting the map, the City shall draw on the assessment map(s) a boundary encircling the property (ies) which is/are the subject of the hearing. This boundary will encircle all property as set forth in 17-17-4(1)(b) (iii) above.

The applicant shall retrieve the assessment map(s) from the City and, at least twenty (20) days prior to the Planning Commission hearing, shall provide to the Secretary to the Planning Commission lists of the names and addresses of:

- I. The fee owner(s) of the subject property(ies).
- II. The applicant.
- III. The fee owner(s) of the property, along with the property's assessor's ID number, of all property shown on the assessment map(s) within the delineation drawn by the City.

One list of the names and addresses to be notified of the Planning Commission hearing shall be submitted in the form of preprinted mailing

labels, the size and format of which has been approved by the Secretary to the Planning Commission. A second list shall include the names and addresses of the parties to be notified, along with the corresponding address and assessor's ID number of the property subject to the notification provisions.

It is the responsibility of the applicant to obtain and submit the lists of the correct names and addresses of the people and entities listed in subparagraphs I. through III. above from the current records of the county assessor or clerk and recorder of the appropriate jurisdiction. Current records shall mean records existing no older than ninety (90) days prior to the date of the Planning Commission hearing. In addition, the applicant shall present evidence reasonably acceptable to the City, including, but not limited to, copies of deeds or documentation provided by a title insurance company or a real property search company, or a copy of a printout of all applicable assessor's ID numbers obtained from the county assessor's office. *(As amended by 0-96-74.)*

The City shall supply to the applicant the list and information regarding the neighborhood associations to be notified. The applicant shall pay the cost of postage for mailing and preparation of notification letters. *(As amended by 0-96-74.)*

- (c) The City shall return the mailing labels to the applicant, along with mailing labels for all registered neighborhood associations and organizations subject to the notice provisions established in 17-17-4(1)(b) above. The City will also provide to the applicant a sufficient number of copies of a letter of notification, printed on City letterhead and City envelopes. At least fifteen (15) days prior to the date of the Planning Commission hearing, the applicant shall mail said notification letters using the envelopes provided by the City, via first class mail to all persons and entities listed on the mailing labels. *(As amended by 0-96-14.)*
- (d) The applicant shall erect upon the property, or aggregate of properties described within the application and to which the application applies, one or more signs containing notice of the public hearing which shall include the date, time and place the hearing will be held and the nature of the land use requested. Such signs shall be provided by the City, with the mounting boards and supports provided by the applicant, and shall be posted for a period of at least fifteen (15) consecutive days prior to the date of such hearing. The applicant shall certify in writing to the Secretary of the Planning Commission prior to the public hearing that the signs were posted on the property in accordance with this paragraph. *(As amended by 0-96-14.)*
- (e) The Secretary shall cause notice of the hearing, including date, time and place, to be published in full in an official paper or paper of general circulation in the City at least six (6) days prior to the date of the hearing.

(f) The applicant shall certify in writing to the Secretary to the Planning Commission, prior to the public hearing, that the lists submitted in accordance with (b) above were obtained from the most current records of the applicable county assessor, and that letters of notification were mailed in accordance with (c) above. *(As amended by 0-96-14.)*

(g) Failure of the applicant to provide the certification required in paragraphs (d) and (f) of this subsection shall cause the public hearing to be postponed at least fifteen (15) days and until the applicant provides the certification. *(As amended by 0-96-14.)*

(2) During the fact-finding hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or his representative, by the Director or any member of the staff, and by any person in attendance at the hearing. The Planning Commission may, in its sole discretion, hear and consider any other relevant statement or evidence, written or oral.

(3) The Planning Commission shall cause the hearing to be recorded by a reporter or by an electronic recording device. When required pursuant to Section 17-17-5, the Planning Commission shall cause the hearing proceedings, or any portion thereof, to be transcribed, the cost of the transcription to be paid by the person or entity requesting the transcription. If the City Council acquires a copy of the transcription of the proceedings, its copy of the transcription shall be made available to any person at reasonable times for inspection and study.

(4) Within sixteen (16) days after the hearing, the Planning Commission shall provide to the applicant its written findings and recommendations on the application. The written findings and recommendation shall include a statement of the Commission's findings and conclusions upon all relevant issues of fact or law raised by the application, and a recommendation for approval or denial thereof. A copy of the written findings and recommendations also shall be mailed to any other person who requested in writing a copy thereof.

(5) If the recommendation of the Planning Commission is to approve the rezoning, the Planning Commission shall transmit to the City Council a copy of its written findings and recommendation and a notice of the availability, at a location convenient to the Council, of the entire record of the application and hearing, including the application itself and any written evidence, exhibits, and other papers or matters considered by the Planning Commission. The applicant may request that such materials not be transmitted to the City Council for a period of time not to exceed six (6) months from the date of the Planning Commission's written findings and recommendation, or the applicant may withdraw his application at any time.

(6) If the recommendation of the Planning Commission is to deny the rezoning, the materials described in Subsection (5) shall be transmitted to the City Council only upon written request of the applicant filed with the Secretary to the Planning Commission not later than thirty (30) days after the public hearing at which the Planning Commission recommended the denial. *(As amended by 0-82-19.)*

(7) No substantial amendment to an application for a rezoning may be made after a decision on the rezoning has been made by the Planning Commission. *(As amended by 0-81-108.)*

#### **17-17-5. WRITTEN OBJECTIONS AND TRANSCRIPT OF HEARING.**

- (1) After receipt by the City Council of the written findings and recommendations and notice described in Section 17-17-4(5), an ordinance embodying the proposed rezoning shall be placed on the agenda of a meeting of the City Council for first reading. *(As amended by 0-87-54.)*
- (2) Any person who objects to a finding or the recommendation of the Planning Commission may file a written statement with the Secretary to the Planning Commission specifying in detail the finding or recommendation subject to objection, the reasons for the objection, and all parts of the transcript of the hearing proceedings before the Planning Commission relevant to such objection, and shall advance the cost of such transcription. A copy of the written objection shall also be served upon the applicant (if other than the objector), the Director, and any other person who requests in writing, a copy of the written objection. This objection must be filed with the Secretary to the Planning Commission at least ten (10) days prior to the public hearing before City Council. *(As amended by 0-87-54.)*
- (3) Within five (5) days after receipt of a written objection, the staff of the Department of Community Planning and Development, the City Council, or any other interested person may file a designation of additional parts of the hearing proceedings which are to be transcribed. *(As amended by 0-91-59.)*
- (4) No transcript shall be required in any case where the objector does not seek to amend or reverse a basic finding of fact set forth in the Commission's written findings of fact and recommendation, as distinguished from the recommendation of the Commission or its ultimate findings as to the matters set forth in Section 17-17-7.
- (5) If a transcript would otherwise be required pursuant to this Section, the applicant, objector (if different from the applicant), and Director of the Department of Community Planning and Development may approve a written summary of the relevant testimony and evidence presented at the Planning Commission hearing in place of the transcript. *(As amended by 0-91-59.)*
- (6) The transcript or approved written summary shall be filed with the City Council at least three (3) days prior to its consideration of the rezoning ordinance on second reading. If no transcript or approved written summary is provided to the Council as required herein, the Commission's basic findings of fact are conclusively presumed to be complete and accurate.

#### **17-17-6. CITY COUNCIL HEARING AND DECISION.**

- (1) Notice of the Council's consideration of the rezoning ordinance on second reading, and of the Council's consideration hearing thereon, shall be provided pursuant to the procedures set forth in Section 17-17-4(1) except that the City Clerk shall perform the responsibilities assigned therein to the Secretary to the Planning Commission. However, notwithstanding the provisions of Section 17-17-4(1)(d), the public hearing and consideration by the City Council of the rezoning ordinance shall not be less than ten (10) days from the date of publication in an official paper or paper of general circulation in the City. *(As amended by 0-87-54.)*

(2) The Council shall establish a period of time, prior to voting upon the rezoning ordinance on second reading, during which the applicant, any person filing a written objection, or any other interested person may comment and be heard upon the findings and recommendation of the Planning Commission. Upon consideration of the rezoning ordinance on second reading, the Council may consider only the record before the Planning Commission, the written findings and recommendation of the Planning Commission, any previously filed written objections to those findings and recommendation, and the comments related thereto made during the Council hearing. In addition, the City Council may, in its sole discretion, hear any other relevant written or oral statement regarding the findings and conclusions of the Planning Commission. No other materials or evidence shall be considered by the Council.

(3) If it is shown that the written findings and recommendation of the Planning Commission contain a finding based on incorrect information, or if there is shown to be newly discovered information not available at the time of the Planning Commission's fact-finding hearing, and if the correct or newly discovered information could, in the opinion of the Council, change the recommendation of the Planning Commission, then the entire matter shall be referred by the City Council to the Planning Commission for its consideration. If there is shown to be a clerical mistake in the written findings or recommendation of the Planning Commission, the mistake may be corrected by Council action without referral to the Planning Commission.

(4) After its hearing, the Council may:

- Continue the matter by remanding consideration of the rezoning to the Planning Commission for further proceedings as the Council may direct; or
- Revise the Commission's findings of fact only if such revision is supported by evidence in the record made before the Commission, and proceed to vote upon the rezoning ordinance; or
- Adopt the Commission's findings of fact and proceed to vote upon the rezoning ordinance; or
- Table its decision to a specified date.

(5) Final action by the City Council on the rezoning ordinance shall be taken within ninety (90) days after the date of the Council's hearing on the Ordinance, or within thirty (30) days after the date the Council receives the Ordinance after remand to the Planning Commission, whichever is later. Failure to take final action within such period shall be considered a final decision of the Council denying the rezoning. If the vote on any rezoning ordinance is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code Section 1.20.030, an additional fourteen (14) days shall be added to the time limitation for each such tabling.

(6) The City Clerk shall provide written notice to any person who has requested in writing to receive such notice, the results of the Council's final action adopting or rejecting the rezoning ordinance.

(7) The fact-finding hearing on the rezoning application shall be conducted by the City Council itself, rather than by the Planning Commission, only when the formal application for rezoning is initiated by the Planning Commission. Where the City Council conducts the fact-finding hearing, the procedures for the conduct of the hearing, notice prior thereto, and written findings thereafter shall comply to the extent possible with Section 17-17-4. The hearing shall be held prior to the Council vote on the rezoning ordinance on second reading.

**17-17-7. STANDARDS FOR ZONING AND REZONING.**

(1) To promote stability in zoning and appropriate development of property within the City, no application for rezoning of property shall be approved unless it is demonstrated: *(As amended by 0-88-10.)*

(a) That the proposed rezoning promotes the health, safety or welfare of the inhabitants of the City of Lakewood and the purposes of this Ordinance; and

(b) At least one of the following additional factors exist:

(1) The proposed rezoning is consistent with the goals of the Comprehensive Plan.

(2) There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning would be in the public interest and consistent with the change.

(3) The property to be rezoned was previously zoned in error.

(c) That both of the following criteria are met:

(1) The proposal as evidenced by the Conceptual Site Plan, is compatible with surrounding uses; or in the case of redevelopment that the proposal is an improvement to the area.

(2) The proposal as evidenced by the Conceptual Site Plan, enhances significant natural characteristics of the site by preservation or incorporating the features into the development's open space. *(As amended by 0-88-10.)*

(2) The requirements of paragraph (b) of Subsection (1) shall not apply to the initial zoning of property annexed to the City or to rezonings which occur incidental to a comprehensive City-initiated revision of the City's Official Zoning District Maps.

**17-17-8. COMPREHENSIVE INITIAL CITY-INITIATED REZONINGS.** Notwithstanding any other provision of this Article 17, only the following procedures shall be required for the initial comprehensive City-initiated rezonings occurring subsequent to the effective date of this Ordinance:

(1) The rezonings may be initiated by the City Manager in such form as the Planning Commission may direct. *(As amended by 0-91-59.)*

- (2) Public hearings on the rezonings, either individually or in groups, shall be conducted by the Planning Commission. Notice of the hearings, including date, time and place, shall be published in an official paper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearings. In the discretion of the Planning Commission, additional notice of the hearings may be provided.
- (3) The Planning Commission shall follow the procedures set forth in Subsection (2) through (5) of Section 17-17-4 except that the Planning Commission may recommend to the City Council a zone category for particular property different than the zone category proposed by the City Manager. *(As amended by 0-91-59.)*
- (4) The provisions of Sections 17-17-5 and 17-17-6 shall be followed except that the only required notice of the hearings before the City Council shall be publication of the date, time and place thereof in an official paper or paper of general circulation in the City at least fifteen (15) days prior to the date of the hearings. In the discretion of the City Council, additional notice of the hearings may be provided.

**17-17-9. WHEN REZONING APPLICATIONS ARE NOT ACCEPTED.** No application for rezoning property shall be accepted within six (6) months following a final decision on a prior rezoning application relating to all or any portion of that same property. A "final decision" shall mean:

- (a) Denial by the Planning Commission of the rezoning application without an appeal to the City Council;
- (b) Withdrawal of the rezoning application occurring after the Planning Commission has voted on the rezoning application and prior to the vote by the City Council on the rezoning ordinance; or
- (c) The vote by the City Council denying or approving the rezoning ordinance. *(As amended by 0-83-159.)*

**17-17-10. ZONING CONDITIONS.** The Planning Commission may recommend and the City Council may adopt an ordinance initially zoning or rezoning property which includes specific conditions binding upon the owner of the property, his successors, heirs and assigns. Examples of such conditions are the requirement that certain actions such as subdivision platting be completed prior to building permit issuance, further regulation of the use of the property itself such as specific use requirements, site plan requirements, height restrictions, or public improvement construction. *(As amended by 0-89-51.)*

- (1) That the initial zoning or the rezoning becomes effective on the day that initial zoning ordinance or rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or continuous land under the same or identical ownership as shall be necessary to adequately show the matters and things required by the subdivision regulations, be approved by the City Council; or
- (2) That the initial zoning or the rezoning becomes effective on the day that the initial zoning ordinance or the rezoning ordinance becomes effective, but that no building permit may be issued for the subject property until a plat of the subject property, together with such adjacent or contiguous land, under the same or identical ownership, as shall be necessary

to adequately show the matters and things required by the subdivision regulations, be approved by the City Council; provided, however, that said plat shall be filed with the Planning Commission by a specific date set forth in the zoning or rezoning ordinance. Furthermore, the initial zoning or the rezoning ordinance may provide that, if a plat is not submitted to the Planning Commission by said date set forth in said ordinance, the Planning Commission may initiate an application for a change in zone to determine if the zone district in which the property is included is still appropriate.

## ARTICLE 18: SITE SPECIFIC DEVELOPMENT PLAN

**17-18-1. PURPOSE.** The purpose of this Article is to provide the procedures necessary to implement the provisions of Article 68 of Title 24, C.R.S., as amended. *(As amended by 0-88-11.)*

**17-18-2. GENERAL PROVISIONS.** The Planning Commission may recommend and the City Council may adopt, in conjunction with the rezoning of any property, an Ordinance approving a Site Specific Development Plan. Approval of a Site Specific Development Plan pursuant to this Article shall create a vested property right. The approval may include such terms and conditions as are necessary to protect the public health, safety and welfare, and failure to abide by such terms and conditions may result in a forfeiture of the vested property rights.

### **17-18-3. APPLICATION.**

- (1) An owner of property who seeks to cause rights to vest may file an application for approval of a Site Specific Development Plan, which application may only be submitted in conjunction with a Rezoning application. Each application shall be signed by the fee owner of the property, or his authorized agent. Each such application shall be accompanied by a fee to be established by City Council Resolution to cover necessary costs related to processing the application.
- (2) The Site Specific Development Plan shall include the following items unless a written request to waive or vary certain requirements has been approved by the Director of Community Planning and Development. *(As amended by 0-91-59.)*
  - (a) Site Plan meeting the requirements of Article 15 of this Zoning Ordinance;
  - (b) Landscape Plan meeting the requirements of Article 15 of this Zoning Ordinance;
  - (c) Building Elevations meeting the requirements of Article 15 of this Zoning Ordinance;
  - (d) Preliminary Drainage Study;
  - (e) Grading Plan;
  - (f) Traffic Study;
  - (g) Utility Plan;
  - (h) Soils/Geologic Report; and
  - (i) Preliminary Construction Plans for Required Public Improvements.

#### **17-18-4. NOTICE OF HEARING.**

- (1) No Site Specific Development Plan shall be approved until after noticed public hearing before the Planning Commission and City Council have been held. The Planning Commission hearing shall follow the procedures set forth in Section 17-17-4 of this Zoning Ordinance and the City Council hearing shall follow the procedures of Section 17-17-6. Such notices and hearings may, at the City's option, be combined with the notice and hearings for the rezoning of the property approved in Sections 17-17-4 and 17-17-6.
- (2) A Site Specific Development Plan shall be deemed approved upon the effective date of the Ordinance relating thereto. Within 14 days following such approval, a notice describing generally the type and intensity of use approved, the specific parcel or parcels of property affected, and stating that a vested property right has been created shall be published once in a newspaper of general circulation within the City.

#### **17-18-5. DURATION OF RIGHT AND TERMINATION.**

- (1) A property right which has been vested, as provided for in this Article, shall remain vested for a period of three (3) years. In the event amendments to the Site Specific Development Plan are processed and approved, the effective date of such amendments, for purposes of the duration of the vesting period, shall be the date of the approval of the original Site Specific Development Plan, unless the amendments are approved by City Council and City Council specifically finds to the contrary and incorporates such findings in an approval of the amendment.
- (2) 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 original approval. Failure to establish such compliance may result in a notice of forfeiture from the Director of Community Planning and Development. *(As amended by 0-91-59.)*
  - (a) Upon receipt of a notice of forfeiture, an owner or his authorized agent may file a written request, within five (5) working days of receipt, that the Director reconsider his decision. The request for reconsideration shall state the grounds therefor and shall specifically describe the actions which constitute compliance with the terms and conditions of approval. No appeal to the Planning Commission shall be permitted unless a request for reconsideration is timely filed with and denied by the Director.
  - (b) Denial or a request for reconsideration may be appealed according to the procedures set forth in Section 17-15-4 of this Zoning Ordinance.

#### **17-18-6. OTHER PROVISIONS UNAFFECTED.**

- (1) Approval of a Site Specific Development Plan shall not constitute an exemption from or waiver of any other provisions of the Municipal Code pertaining to the development and use of property. Nor shall it preclude the application of ordinances or regulations which are general in nature and applicable to all property subject to land use regulation in the City of Lakewood.
- (2) Upon the discovery of natural or man-made hazards on or in the immediate vicinity of

property on which a Site Specific Development Plan has been approved, which hazards could not have been reasonably discovered at the time of the approval, and where such hazards, if uncorrected, would pose a serious threat to the health, safety or welfare, the City may alter, amend, or repeal its approval of the Site Specific Development Plan as necessary to protect the public health, safety and welfare.

**17-18-7. DEVELOPMENT AGREEMENTS.** In conjunction with approval of a Site Specific Development Plan pursuant to this Article, the City Council may enter into a Development Agreement with an owner providing that property rights shall be vested for a period exceeding three (3) years where Council finds such 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.

**17-18-8. LIMITATIONS.**

- (1) Nothing in this Article is intended to create any vested property right, but only to implement the provisions of Article 68 of Title 24, C.R.S., as amended. In the event of the repeal of said Article, or a judicial determination that said Article is invalid or unconstitutional, no vested property rights shall be deemed created by the approval by the City of any Site Specific Development Plan.
- (2) No approval of any site plan, or other land use plan, by the City, other than a Site Specific Development Plan approved pursuant to this Article, shall be deemed to vest a property right pursuant to Article 68, Title 24, C.R.S., as amended. *(As amended by 0-88-11.)*

**ARTICLE 19: THE WEST COLFAX AVENUE OVERLAY DISTRICT**  
*(Enacted by 0-94-29.)*

**17-19-1. OVERLAY DISTRICT INTENT.** The West Colfax Avenue Overlay District is recognized to be of special and substantial public interest due to its significant tax base contributions and to its unique urban character within the Denver metropolitan area. In recognition of the public interest and in conformance with the West Colfax Revitalization Plan, the West Colfax Avenue Overlay District (District) is hereby established. The District is intended to:

- (1) Support and stimulate commercial vitality within the District.
- (2) Contribute to economic development and revitalization of the District.
- (3) Provide mechanisms that encourage flexibility in the physical and economic revitalization of the District.

**17-19-2. WEST COLFAX AVENUE INTENT.** Within the District, West Colfax Avenue specifically serves as a major transportation route, the center of community commerce, and the character essence of the District. These functions require that properties fronting West Colfax Avenue be recognized and enhanced in a distinctive and special manner separate from the rest of the District. In recognition of these unique functions, West Colfax Avenue is intended to:

- (1) Create design continuity for West Colfax Avenue through the use of special urban design standards.
- (2) Advance and promote a pedestrian-friendly environment in the District.
- (3) Provide sign standards that stimulate innovative and creative sign design that supports the unique character of West Colfax Avenue.

**17-19-3. APPLICABILITY AND EFFECTS.** Within the District generally and specifically along West Colfax Avenue, these standards are expected to enhance the identity of the District while encouraging cohesive development and increased economic vitality. These standards set a benchmark for development and should be applied whenever possible. It is recognized that in some situations, it will not be possible for all of the City standards to be met.

- (1) The standards contained in this Article shall apply to all property within the District as defined by the City of Lakewood Official Zoning Maps. There are additional design standards that apply only to properties fronting on West Colfax Avenue. Underlying zone district designations shall not be affected by this District except to the extent that where District standards conflict, the District shall supersede the underlying zoning. For properties in the District zoned Planned Development (PD), the owner shall have the option to adhere to either the District standards or the approved Official Development Plan.

- (2) Within this District the following regulations, standards, and guidelines shall apply: West Colfax Design Guidelines, Uniform Building Code and other applicable building and construction regulations, City of Lakewood Flood Plain Ordinance, Colorado Department of Transportation Access Code requirements, City of Lakewood Engineering Standards, City of Lakewood Transportation Design Standards, and applicable provisions of the Lakewood Zoning Ordinance. Where conflicts occur regarding development requirements, the provisions of this District shall supersede those of the Zoning Ordinance, Chapter 14.13 of the Municipal Code, Public Improvements Exaction Policies except as provided in (4) below.
- (3) Properties within this District shall be exempt from the requirements of the Park Land Dedication and Park Development Fee Ordinances.
- (4) All properties within this District with West Colfax Avenue frontage shall be subject to the City-wide Public Improvements Exaction Policies relating to the Colfax Streetscape.
- (5) West Colfax Avenue frontage shall be defined as any property that directly adjoins or fronts the West Colfax Avenue right-of-way within the City of Lakewood.
- (6) Property, for purposes of this Article, shall be defined as a tract of land, held in individual or joint ownership, established either by a recorded subdivision plat or by written, recorded conveyance.
- (7) Story, shall be defined as the height between the successive floors of a building. For the purpose of this section, the average height for a story shall be defined to be 12 feet.

#### **17-19-4. APPROVAL AND FLEXIBILITY.**

- (1) **Intent:** It is recognized that many different situations exist within the District which may require flexibility in the application of City standards to a project site. Each site shall be considered on its own merits, attributes, and by its constraints which are unique to each site and in consideration of the broad District goals of furthering Colfax character, commercial vitality, and revitalization.
- (2) The Department shall require a site plan in accordance with the format requirements and procedures of Article 15 Site Development Standards and the standards herein for the following:
  - (a) Any major addition to existing buildings greater than 50% increase in gross floor area on any property in the District, or 20% or greater increase in gross floor area for properties with 150 feet or more of Colfax frontage. Increases in gross floor area are cumulative and are calculated from the size of the building as it legally existed on or before August 28, 1980.
  - (b) Rezoning (A Conceptual Site Plan may be substituted for a full Article 15 site plan with Director approval.)
  - (c) Redevelopment of an existing and/or vacant site.

- (d) New development on vacant lots.
- (3) The Director may require a Conceptual Site Plan as described in §17-17-3(a) of the Zoning Ordinance or any other relevant information necessary for adequate review for site improvements, which may include new or changed signs, decks, landscaping, or buildings which constitute a minor addition. A minor addition shall be considered to be less than a 20% increase in gross floor area for any property within the District, or less than a 50% increase in gross floor area for properties with less than 150 feet of Colfax frontage.
- (4) Site plans shall be subject to the standards listed herein and the review and approval requirements of Article 15. Any requested appeals from the standards of this District or the underlying zone district shall be subject to the procedures of Articles 4 and 15 of the Zoning Ordinance, as appropriate. For purposes of this District, the standards contained herein shall be subject to Director administrative authority contained in Article 15 of the Zoning Ordinance.

#### **17-19-5. WEST COLFAX AVENUE STREETSCAPE STANDARDS.**

- (1) Intent: West Colfax Avenue has a character that can be described as eclectic, strip corridor, "Main Street" development. Due to a variety of development standards over a long period of years and the diversity of land uses, architecture, signage, and building placement along the West Colfax Avenue corridor, a common streetscape design is critical to create a cohesive appearance along the Colfax Avenue frontage. The design standards differentiate the "urban" and "suburban" character areas which exist along the corridor (see Figure 19-1). The urban segment is generally the Colfax corridor east of Iris Street. The "urban" streetscape design for the Colfax Avenue frontage is generally characterized by buildings constructed close to the street and a streetscape consisting of brick pavers, attached sidewalk, low brick walls, planters, and a row of street trees in a landscaped strip. The suburban segment is generally the Colfax corridor west of Iris Street. The "suburban" streetscape design consists of brick pavers, a detached sidewalk, and a row groupings of street trees in landscaped areas next to the street.
- (2) West Colfax Avenue Streetscape Standards (see Table 19-3B, Landscaping Specifications for the streetscape):
  - (a) Urban Segment: The urban segment shall be defined as West Colfax Avenue frontage, east of Iris Street to Sheridan Boulevard: A 20 foot wide area, as measured from back of curb, shall be provided along the Colfax frontage, extending around any street corner to include the full radius. This area shall include items 1, 2, and 3 below (see Figure 19-2) and shall, as much as possible considering development constraints in order of priority, include items 4, 5, and 6 listed below:
    - (1) A six foot wide concrete walk;

- (2) Street trees (in tree grates where appropriate), planted 35 feet apart, set back 11 feet from curb flowline, and 25 feet from point of curb return at intersections;
- (3) A two foot wide, brick pavement strip adjacent to the curb;
- (4) A planted area adjacent to the sidewalk, 12 feet wide minimum, landscaped with approved ground cover, shrubs, and trees (see Table 19-3A, Plant Materials List);
- (5) Free-standing masonry, concrete, brick walls, and/or planters setback ten feet from the curb flowline. Masonry/brick walls, or other approved visual edge continuations, shall be required when parking lots or vehicle display areas front directly on Colfax Avenue. Walls or other visual continuity may include intermittent breaks or gaps to permit appropriate display of automobiles or other similar merchandise; and
- (6) Pedestrian scale lighting and/or approved bollards.

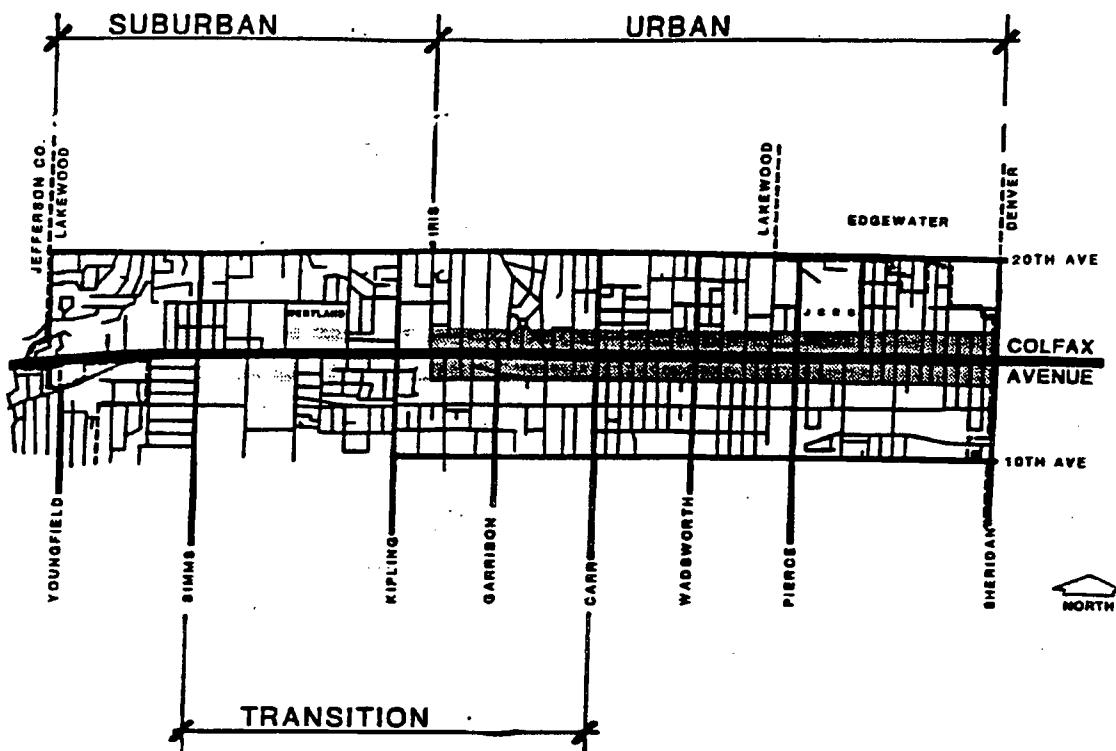
(b) **Suburban Segment:** The suburban segment shall be defined as West Colfax Avenue frontage, west of Iris Street to Youngfield Avenue: A 20 foot wide landscape area, as measured from back of curb, shall be provided along the Colfax frontage, extending around the corner to include the full radius. This area shall include items 1, 2, and 3 below (see Figure 19-3) and shall, as much as possible considering development constraints in order of priority, include items 4, 5, and 6 listed below:

- (1) A five foot wide sidewalk, separated from the brick pavement strip by a planted area. The sidewalk shall be placed no closer than six feet from the curb;
- (2) Street trees, averaging 35 feet apart, planted 11 feet minimum from the curb flowline, and 25 feet from point of curb return at intersections;
- (3) A two foot wide brick pavement strip adjacent to the curb;
- (4) A minimum 12 feet wide planted area, including areas on either side of the sidewalk, containing approved street trees, shrubs, and appropriate ground cover (see Table 19-3A, Plant Materials List);
- (5) Landscaped berms, lighting, walls, evergreen shrubbery, and/or planters shall be provided to screen parking and vehicular display areas which front on Colfax. Walls shall be set back ten feet from the curb flowline. Masonry/brick walls or other approved visual edge continuations, shall be required when parking lots or vehicle display areas front directly on Colfax Avenue. Walls or other visual continuity may include intermittent breaks or gaps to permit appropriate display of automobiles or other similar merchandise; and

(6) Pedestrian scale lighting and/or approved bollards.

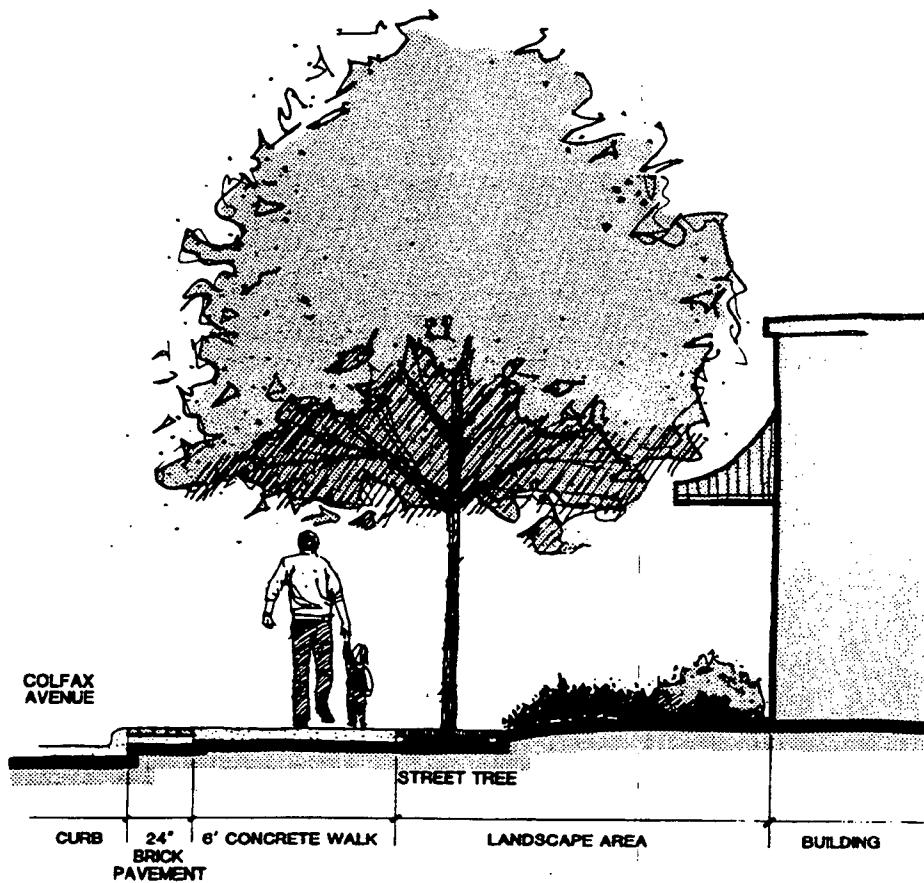
(c) **Transition Segment:** The transition segment shall be defined as West Colfax frontage, between Carr and Simms Street: Due to existing conditions, it may not be possible to construct the Urban or Suburban treatment as intended. When necessary, due to insufficient space, site conditions, or other development constraints and with Director approval, the required streetscape standards may be modified if an alternative treatment is approved and provided. The minimum streetscape treatment shall, in all cases, include the sidewalk, a row of street trees, and the brick pavers.

**FIGURE 19-1**



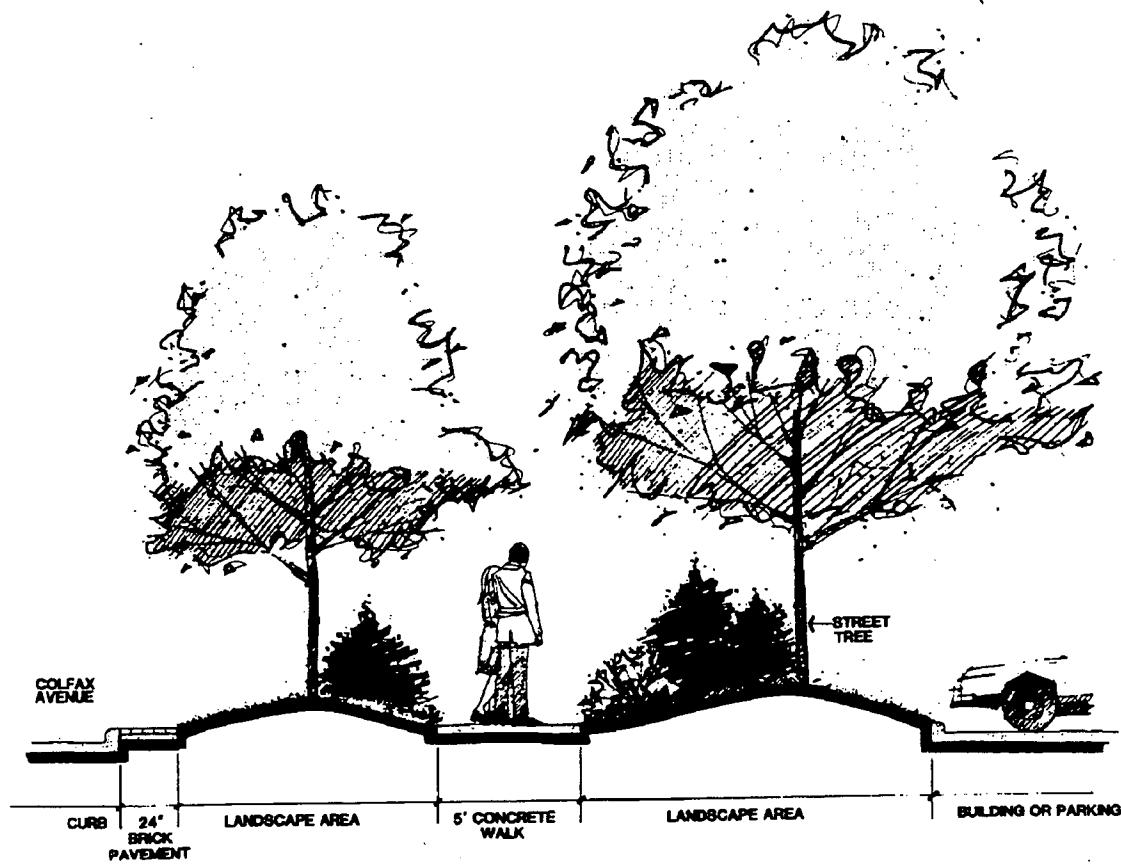
**URBAN AND SUBURBAN TREATMENT SECTIONS**

**FIGURE 19-2**



**TYPICAL URBAN STREETSCAPE TREATMENT**

FIGURE 19-3



TYPICAL SUBURBAN STREETSCAPE TREATMENT

## 17-19-6. BUILDING SETBACK AND SEPARATION STANDARDS.

(1) Intent: Building setbacks in the Urban Segment are intended to foster the urban character and to reflect existing setbacks along West Colfax Avenue. Setbacks in the Urban section are characterized by locating buildings close to the street curb. Setbacks in the Suburban Segment are less rigid and are intended to permit flexibility in building location. It is recognized that, in some instances, buildings may be set back further from the street with parking in front of the buildings than is suggested by the minimum setback. In those cases, visual street continuity should be provided by a full streetscape treatment. Building separations are intended to buffer the commercial intensity which occurs along Colfax Avenue from the adjacent residential uses.

(2) Standards:

(a) Front Setbacks: All setbacks are minimum unless otherwise stated below and shall be measured from back of right-of-way curb to structure wall.

(1) Urban Segment: 20 feet; 20 feet maximum is also strongly encouraged. If the building is set back more than 20 feet, other means of visual continuity along the street shall be provided, to include: streetscape treatment, walls, planters, plaza, pedestrian lights, or other special treatments.

(2) Suburban Segment: 20 feet.

(3) Setbacks for Projections: Projections up to seven feet into front setbacks may be permitted if the streetscape is installed and insurance for liability acceptable to the City is provided. In no instance shall projections be permitted into existing utility easements. Examples of permitted projections are as follows:

(a) Coverings over sidewalks, such as awnings.

(b) Signs

(c) Building projections including bay windows, cantilevers above the first story, decks, eaves of roofs and awnings hung parallel to the street.

(d) Roofs or overhangs to entrances.

(4) Fuel pump islands for service stations: 30 feet.

(5) Canopies for fuel pump islands: 20 feet.

(b) Side/Rear Setbacks, Building Separation, and Buffers:

(1) For all uses, building setbacks and separations shown in Table 19-1 shall apply.

**TABLE 19-1**  
**BUILDING SETBACKS AND SEPARATIONS**

PROPOSED USE	ADJACENT USE (EXISTING OR ZONED)	SIDE AND REAR SETBACK*
Non-residential	Low and medium density residential	20'**
High density residential	Low and medium density residential	30'**
Non-residential	High density residential	10'
High density residential	High density residential	20'
Non-residential	Non-residential	0'

\* See 17-19-10, Landscaping Standards 2(d), for buffering requirements.

\*\* For proposed buildings over 30 feet in height, the building separation from existing residential uses shall be 45 feet plus 1/2 foot for each foot of proposed building height over 30 feet.

#### **17-19-7. BUILDING HEIGHT STANDARDS.**

(1) **Intent:** The Building Height Standards section is intended to encourage higher intensity residential, office, and mixed-use development along arterial rights-of-way within the Colfax Overlay District to support transit use and pedestrian amenities. Higher intensity development should consider and promote pedestrian amenities and scale while protecting adjacent uses from negative impacts of intensity and height.

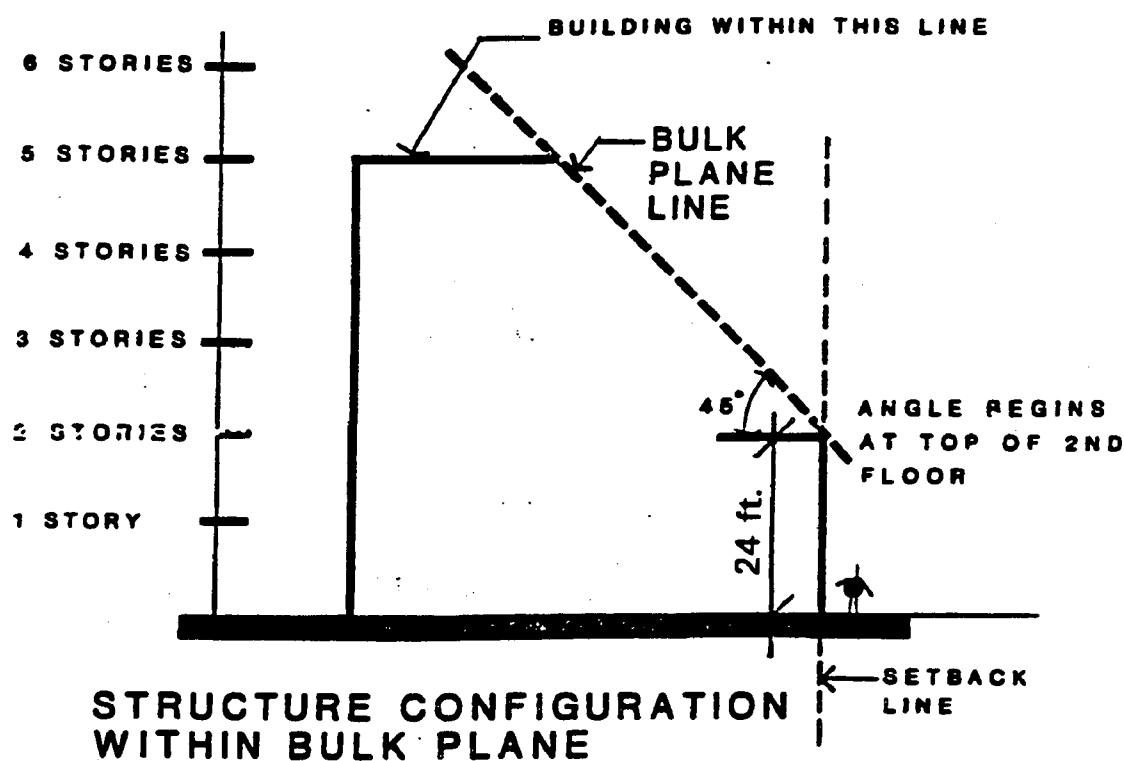
(2) **Applicability:** The standards contained in this section shall apply to all properties with arterial frontage within the City of Lakewood Colfax Overlay District and at appropriate locations within the District as further defined below. For all properties zoned PD, with arterial frontage, and as further defined below, the owner shall have the option to adhere to either the District height standards or to the approved Official Development Plan. All other properties within the Colfax Overlay District shall be regulated by the underlying zone district height standards.

Buildings proposed in accordance with the unlimited height standard regulations shall only be located in appropriate arterial locations for high density development. Appropriate locations shall be considered to be activity centers and major commercial nodes, as defined by the Colfax Revitalization Plan, Figure 19-4-*Commercial Land Use District Plan*.

(3) Standards:

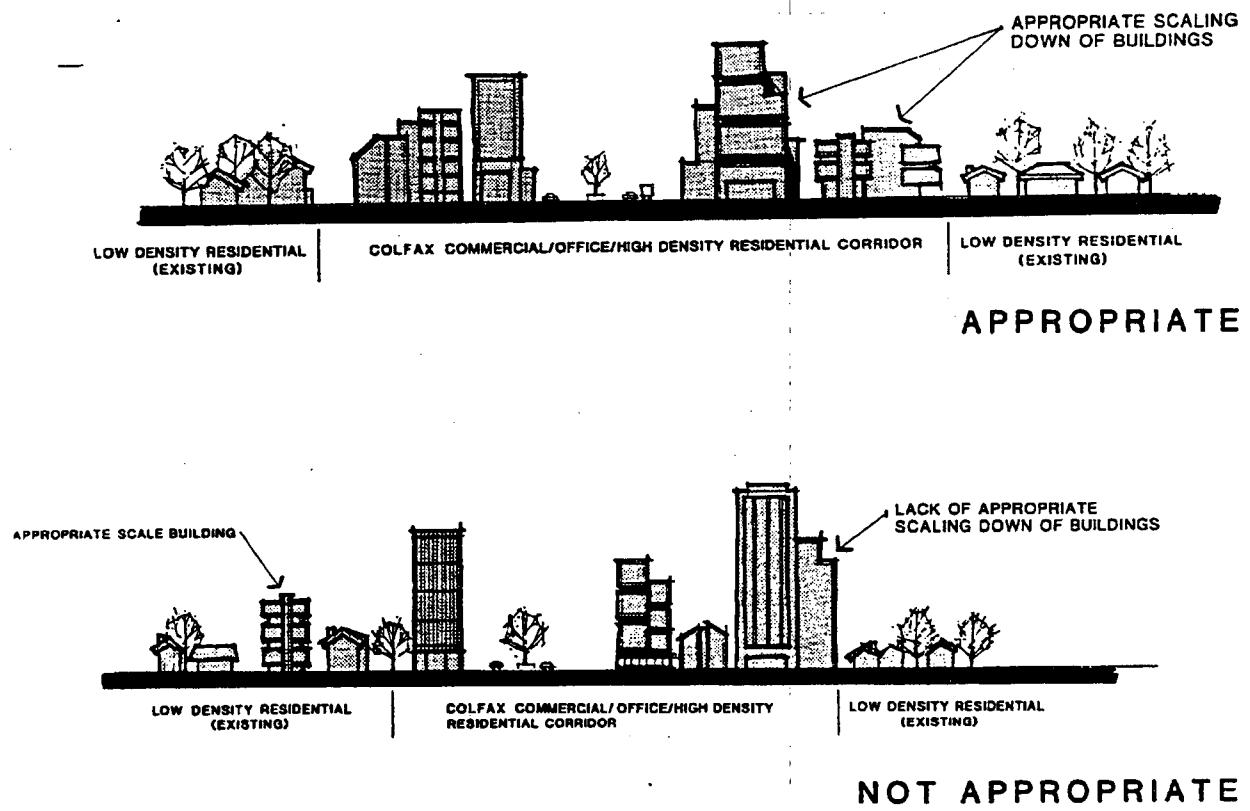
- (a) Except as specifically provided by this section, the maximum height of any structure within this District shall be regulated by the underlying zone district height standards for that site.
- (b) Structures within the District may have unlimited height provided all of the following conditions are met:
  - (1) The first floor along the arterial frontage and at an approved appropriate location shall provide retail and/or entertainment-type uses at a minimum of 60% of the first floor gross floor area;
  - (2) Canopies, arcades, horizontal bands, windows, or other approved means of reducing the visual impact of height and scale shall be provided to establish pedestrian scale along the arterial frontage;
  - (3) The structure shall not cast shadows on public sidewalks, cafes, open air plazas, other public areas, or on adjacent properties for more than six hours per day.
- (c) The structure may be required to be stepped back horizontally at a 45 degree angle above the second story (24 feet) to mitigate impacts of height on surrounding structures. (See Figure 19-4).
- (d) The impact of the bulk and/or mass of buildings adjacent to residential neighborhoods shall be mitigated by reducing building height adjacent to the edges of the development as shown in Figure 19-5, or as may be required or deemed appropriate by approval of the Director.

FIGURE 19-4



**ALTERNATE TREATMENTS FOR BUILDINGS  
FRONTING ARTERIAL RIGHTS-OF-WAY**

**FIGURE 19-5**



**TRANSITIONAL BUILDING SCALE ADJACENT TO  
EXISTING LOW DENSITY RESIDENTIAL USES**

## 17-19-8. PARKING STANDARDS.

- (1) **Intent:** Parking standards are intended to encourage safe, attractive, and adequate parking to meet the needs of the Colfax corridor. Whenever feasible, shared and combined parking arrangements are recommended. These standards are also intended to encourage parking to be placed to the side and/or rear of buildings to increase traffic safety and improve the visual appearance of the streetscape. The City recognizes that parking is important to business and that maximum flexibility should be considered in development review for parking requirements in order to encourage continued redevelopment in the District.
- (2) **Standards:**
  - (a) **Urban Segment-Required Spaces:** Numeric requirements of Article 9 of the Zoning Ordinance shall **not** apply to office or commercial zoned properties. Where a property proposes a mixed-use development, the total parking requirements shall be calculated only for the total residential use. All standards of Article 9 shall apply to all residential zoned properties in the Urban Segment.
  - (b) **Suburban Segment-Required Spaces:** All standards of Article 9 of the Zoning Ordinance shall apply to all properties in the Suburban Segment.
  - (c) **Setbacks-Urban and Suburban Segments:** Parking areas added after the effective date of this Ordinance, shall be set back a minimum of 20 feet from the back of the curb along West Colfax Avenue or as determined by the approved streetscape treatment.
  - (d) **Design:** Parking areas shall conform to the standards in Article 9 of the Zoning Ordinance. New parking areas fronting West Colfax Avenue shall provide a minimum streetscape treatment.

## 17-19-9. OPEN SPACE STANDARDS.

- (1) **Intent:** Open space standards are intended to encourage adequate on-site open space and urban landscaping along the Colfax corridor. Where development constraints or hardships are demonstrated to the City, flexibility in standards may be considered. Plazas, pedestrian environments, trees, and seating areas are strongly encouraged.
- (2) **Standards:**
  - (a) **Office/Commercial uses:** No minimum requirement.
  - (b) **Multi-family residential uses:**
    - (1) 45% of the total site area shall be open space (landscaped right-of-way behind curb shall be included in this total).

(2) Total open space requirement may be reduced to 30% of the total site area, if 100% of the required parking is structured. If less than 100% of the parking is structured, the open space requirement shall be determined by the following formula:

Open Space Formula

Total Open Space Required	=	45% of Total Site Area	-	Percentage of Structured Parking Provided	X	15% Total Site Area
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(3) Interior recreational facilities, a clubhouse, a pool, tennis courts, ponds, water features, and appropriately designed and landscaped courtyards may be counted toward the usable open space requirement.

(c) Mixed-use developments:

- (1) Where over 75% of the project is residential, the project shall be required to meet residential open space requirements.
- (2) Where 75% or less of the project is residential, the project shall not be required to meet any minimum open space requirements.

**17-19-10. LANDSCAPING STANDARDS.**

(1) Intent: Landscaping standards are intended to ensure that architecture blends and connects visually with the site and to the remainder of the Colfax corridor, to encourage pedestrian scale, to promote visual continuity and cohesiveness, to mitigate any adverse effects of development, and to provide screening and buffers from commercial areas to adjacent properties and neighborhoods.

(2) Standards:

- (a) Colfax Avenue frontage: Urban/Suburban Segment streetscape requirements shall apply.
- (b) Perimeter Landscape Areas: Article 15 standards shall apply.
- (c) Parking Lot Landscaping: Article 15 standards shall apply.
- (d) Buffers, ten feet wide in accordance with Article 15 standards, shall be required along side and rear lot lines of all proposed office, commercial, and/or multi-family developments, except that any of the following buffer options may be

considered to reduce the width requirement. The final selection of options shall consider the site, the proposed use, adjacent uses, and the success in mitigation of any adverse impacts of development.

- (1) A continuous screen of "Approved Screening Plant Materials" which are a minimum of four feet high at installation. These materials shall be planted to accommodate mature growth. (See Table 19-2).
- (2) A combination of Approved Screening Plant Materials (See Table 19-2) and fencing to create a continuous buffer a minimum of eight feet high at maturity.
- (3) An existing, continuous hedge of approved plant materials a minimum of eight feet high.
- (4) A combination of berthing and approved plant materials a minimum of eight feet high at installation.

**CITY OF LAKEWOOD  
ZONING ORDINANCE**

**TABLE 19-2  
APPROVED SCREENING PLANT MATERIALS**

COMMON NAME	SCIENTIFIC NAME
All evergreen trees	
Amur Maple	<i>Acer ginnala</i>
Columnar Buckthorn	<i>Rhamnus frangula columnaris</i>
Common Lilac	<i>Syringa vulgaris</i>
Highbush American Cranberry	<i>Viburnum trilobum</i>
Golden Elder	<i>Sambucus canadensis aurea</i>
Hawthorn	<i>Crataegus</i> sp.
Nannyberry Viburnum	<i>Syringa persica integrifolia</i>
persian Lilac	<i>Syringa persica integrifolia</i>
Purpleleaf Plum	<i>Prunus americana</i>
Rocky Mountain Maple	<i>Acer galbrum</i>
Snowball Viburnum	<i>Viburnum opulus sterile</i>
Wayfaring Tree Viburnum	<i>Viburnum lantana</i>
Dogwood	<i>Cornus</i> sp.
Serviceberry	<i>Amelanchier</i> sp.
Ninebark	<i>Physocarpus</i> sp.
Mockorange	<i>Philadelphus</i> sp.
Privit	<i>Ligustrum</i> sp.

**CITY OF LAEKWOOD  
ZONING ORDINANCE**

**TABLE 19-3A  
PLANT MATERIALS LIST**

Common Name	Scientific Name
1. <b>STREET TREES:</b> Boulevard street trees shall be planted 35 feet apart along the street right-of-way, 3" caliper in size or larger as measured at one foot above ground level, and limited to the following species.	
Norway Maple	<i>Acer platanoides</i>
Marshall Seedless Ash	<i>Fraxinus pennsylvanica "Marshall's Seedless"</i>
American Linden	<i>Tilia americana</i>
Shademaster Honeylocust	<i>Gleditsia triacanthos inermis "Shademaster"</i>
Common (Western) Hackberry	<i>Celtis occidentalis</i>
Sugar Maple	<i>Acer saccharum</i>
Northern Red Oak	<i>Quercus borealis</i>
Autumn Purple Ash	<i>Fraxinus americana "Autumn Purple"</i>
Burr Oak	<i>Quercus macrocarpa</i>
Little Leaf Linden	<i>Tilia cordata</i>
Red Maple	<i>Acer rubrum</i>
2. <b>PLANT MATERIALS IN LANDSCAPED AREAS:</b>	
<b>Shade Trees</b>	
Street trees (as listed in 1 Street Trees above)	
Ohio Buckeye	<i>Aesculus glabra</i>
English Oak	<i>Quercus robur</i>
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>
<b>Ornamental Trees</b>	
Amur Maple	<i>Acer ginnala</i>
Golden Rain Tree	<i>Koelreuteria paniculata</i>
Bradford Pear	<i>Pyrus calleryana "Bradford"</i>
Downy Hawthorn	<i>Crataegus mollis</i>
Eastern Redbud	<i>Cercis canadensis</i>
European Mountain Ash	<i>Sorbus aucuparia</i>

**TABLE 19-3A**  
**PLANT MATERIAL LIST**  
**(Continued)**

Common Name	Scientific Name
Washington Hawthorn	<i>Crataegus phaenopyrum</i>
Crabapple	<i>Malus</i> sp.
Newport Plum	<i>Prunus americana "Newport"</i>
Canada Red Cherry	<i>Prunus virginiana melacarpa "Shubert"</i>
Tartarian Maple	<i>Acer tataricum</i>
<b>Evergreen Trees</b>	
Austrian Pine	<i>Pinus nigra</i>
Bristlecone Pine	<i>Pinus aristata</i>
Colorado Blue Spruce	<i>Picea pungens glauca</i>
White Fir	<i>Abies concolor</i>
Pinyon Pine	<i>Pinus edulis</i>
Ponderosa Pine	<i>Pinus ponderosa</i>
Scotch Pine	<i>Pinus sylvestris</i>
Norway Spruce	<i>Picea abies</i>
<b>Shrubs</b>	
A. W. Spirea	<i>Spiraea bumalda "Anthony Waterer"</i>
Lead Plant	<i>Amorpha Canescens</i>
Alpine Currant	<i>Ribes alpinum</i>
Mockorange	<i>Philadelphus</i>
Beautybush	<i>Kolkwitzia amabilis</i>
Bridalwreath Spirea	<i>Spiraea prunifolia plena</i>
Mugho Pine	<i>Pinus mugho mugus</i>
Broadmoor Juniper	<i>Juniperus sabina "Broadmoor"</i>
Silver Buffaloberry	<i>Shepherdia argentea</i>
Golden Ninebark	<i>Physocarpus opulifolius aureus</i>
Potentilla	<i>potentilla fruticosa</i>
Chinese Lilac	<i>Syringa chinesis rothmagensis</i>
Privit	<i>Ligustrum</i> sp.

**TABLE 19-3A**  
**PLANT MATERIAL LIST**  
**(Continued)**

Common Name	Scientific Name
Chokeberry	<i>Aronia melanocarpa</i>
Rabbitbrush	<i>Chrysothamnus nauseosus</i>
Columnar Buckthorn	<i>Rhamnus frangula columnaris</i>
Redtwig Dogwood	<i>Cornus stolonifera coloradensis</i>
Common Buckthorn	<i>Rhamnus cathartica</i>
Rocky Mountain Maple	<i>Acer glabrum</i>
Common Flowering Quince	<i>Chaenomeles lagenaria japonica</i>
Three Leaf Sumac	<i>Rhus trilobata</i>
Common Lilac	<i>Syringa vulgaris</i>
Cotoneaster	<i>Cotoneaster sp.</i>
Serviceberry	<i>Amelanchier alnifolia</i>
Creeping Juniper	<i>Juniperus horizontalis</i>
Siberian Peashrub	<i>Caragana arboroscens</i>
Dwarf Winged Euonymus	<i>Euonymus alatus compactus</i>
Snowberry	<i>Symporicapas albus</i>
Burning Bush	<i>Euonymus alatus</i>
Snowmound Dwarf Spirea	<i>Spirea nipponica "Snowmound"</i>
Elder	<i>Sambucus sp.</i>
Smooth Sumac	<i>Rhus glabra</i>
Staghorn Sumac	<i>Rhus typhina</i>
Forsythia	<i>Forsythia intermedia</i>
Thimbleberry	<i>Rubus deliciosus</i>
Golden Currant	<i>Ribes aureum longiflorum</i>
Zabel Honeysuckle	<i>Locinera korolkowi "Zabeli"</i>
True Mountain Mahogany	<i>Cercocarpus montanus</i>
Barberry	<i>Berberis sp.</i>
Variegated Dogwood	<i>Cornus sanguinea variegata elegantissima</i>
Viburnum	<i>Virburnum sp.</i>

**TABLE 19-3A**  
**PLANT MATERIAL LIST**  
**(Continued)**

Common Name	Scientific Name
Wild Rose	<i>Rosa rugosa</i>
Buffalo Juniper	<i>Juniperus sabina "Buffalo"</i>
Gambel's Oak	<i>Quercus gambeli</i>
Privit	<i>Ligustrum</i> sp.
<b>Ground Covers</b>	
Bugle Plant	<i>Ajuga reptens</i>
Creeping Phlox	<i>Phlox subulata</i>
Bistort	<i>Polygonum</i>
Clematis	<i>Clematis</i> sp.
Dwarf Spring Cinquefoil	<i>Potentilla verna "Nana"</i>
Creeping Holly Grape	<i>Mahonia repens</i>
Englemann Ivy	<i>Parthenocissus engelmanni</i>
Periwinkle	<i>Vinca minor</i>
Stonecrop	<i>Sedum</i> sp.
Kinnickinnick	<i>Arctostaphylos uva-ursi</i>
Mother-of-Thyme	<i>Thymus serpyllum</i>
Sandwort	<i>Arenaria</i>
Wild Strawberry	<i>Fragaria americana</i>
Snow-in-summer	<i>Cerastium tomentosum</i>
Hall's Honeysuckle	<i>Lonicera japonica "Hall's"</i>
Wintercreeper	<i>Euonymus fortunei</i>

**CITY OF LAKWOOD  
ZONING ORDINANCE**

**TABLE 19-3B  
LANDSCAPING SPECIFICATIONS FOR THE STREETSCAPE**

ITEM	SIZE	QUANTITY	TYPE	OTHER
CONCRETE WALK	<u>Urban</u> : 6 foot width; 6 inch depth  <u>Suburban</u> : 5 foot width; 6 inch depth	Along entire Colfax frontage	See Engineering Design Standard	<u>Urban</u> : Attached to brick pavers  <u>Suburban</u> : Detached
BRICK PAVERS	2 foot width; 3 5/8" x 7 5/8" x 2 1/4" brick	Along entire Colfax frontage	See Appendix Section C	Attached to curb
STREET TREES	3 inch caliper min., measured one foot above the ground	35 ft. apart along street frontage	<u>Urban</u> : Street trees only, as per Specifications List A  <u>Suburban</u> : Shade trees only, as per Specifications List A	<u>Urban</u> : 35 ft. apart, located eleven feet from Colfax curb flow line  <u>Suburban</u> : 35 ft. apart, may be clustered
OTHER TREES	SHADE: 2.5 inch caliper minimum  ORNAMENTAL: 2 inch caliper  EVERGREEN: 6 ft. height minimum	<u>Urban</u> : Two trees per 1,000 S.F. of total landscape area; street trees may be counted towards meeting this requirement  <u>Suburban</u> : Three trees per 1,000 S.F. of landscaped area	Specification List A	Clustered
SHRUBS	5-gallon container size or larger	Eight shrubs per 1,000 S.F. of total landscape area	Specification List A	Planted in groups and located in planter beds
GROUND COVER	1-gallon container size or flats	Amount necessary to cover planted areas	Specification List A	Used in lieu of turf unless planted area is very large

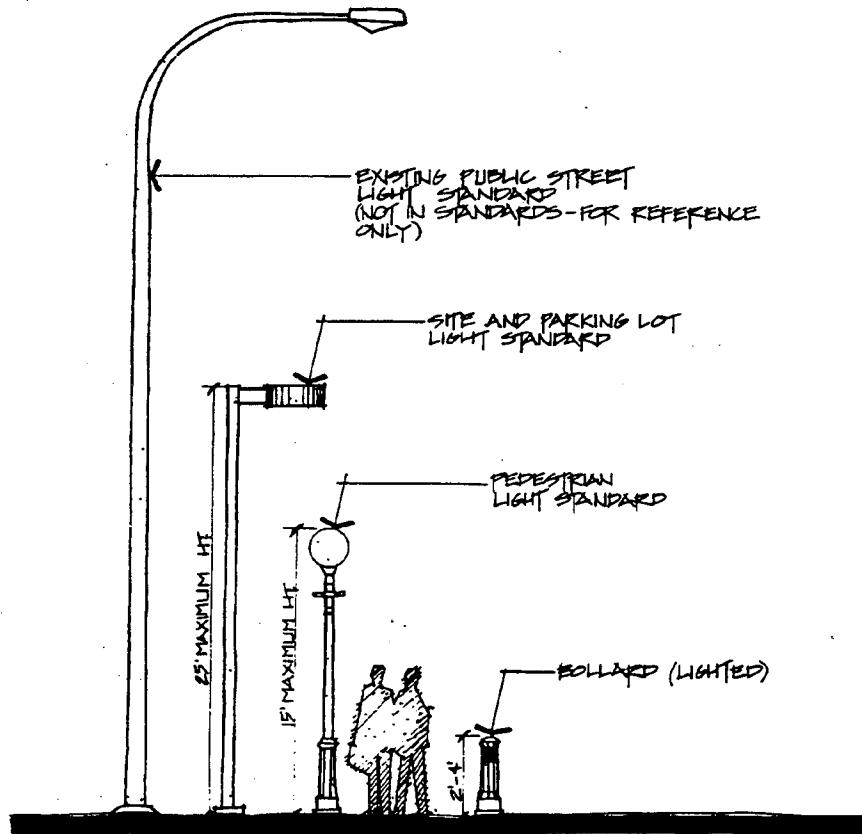
**TABLE 19-3B**  
**LANDSCAPING SPECIFICATIONS FOR THE STREETSCAPE**  
**(Continued)**

ITEM	SIZE	QUANTITY	TYPE	OTHER
TURF	Sod cut to 1/4 inch thickness minimum	Amount necessary to cover planted area	Blended bluegrass sod	Used only in very large planted areas
ROCK	Minimum 2 inch diameter	Minimum 3 inch depth, or depth = 2" x max. gradation of rock	Washed river rock	In planter beds only
PLANTER WALLS	20 inches in height; 3 5/8 x 7 5/8 x 2 1/4" brick	As needed to screen parking	Medium buff color brick	Between walk and parking or auto display areas
MULCH	1 inch in diameter or larger	Minimum 3 inch depth	Pine, cedar, aspen, or spruce bark	In planter beds only
BERMS	Suburban area only:  Maximum 3 1/4:1 side slopes and 32 inches in height	N/A	N/A	Landscaped with trees, plantings, living ground cover and turf

## 17-19-11. LIGHTING STANDARDS.

- (1) Intent: Lighting standards are intended to promote the use of pedestrian-scale lighting standards and to provide for other appropriate types of lighting.
- (2) Standards: These standards apply to all site and parking lot light standards including pedestrian light standards and lighted bollards. (See Figure 19-6).
  - (a) All types of illumination shall be downcast and shall not cast overflow light to adjacent properties.
  - (b) Parking lot light standards shall be a maximum of 25 feet high, and shall be set back a minimum of 20 feet from all property lines.

FIGURE 19-6



## STREET AND SITE LIGHTING

**17-19-12. WEST COLFAX AVENUE SIGN STANDARDS.**

(1) **Intent:** West Colfax Avenue developed over a period of years where the automobile wielded considerable power over American taste and style. West Colfax Avenue has a street character best described as diverse, "Main Street" development. This development style has resulted in a character along West Colfax Avenue that requires a different approach to sign design review from the remainder of the District and Lakewood. Due to the historical character and variety of sign styles, land uses, building setbacks, and architecture along the West Colfax Avenue corridor, flexibility in review of signs that exhibit innovation and creativity and reflect the commercial enterprise should be encouraged. These Sign Standards are intended to:

- (a) Support and stimulate commercial vitality, character, and competition along the length of West Colfax Avenue within the Overlay District.
- (b) Promote business interests and enhance the distinctive identity of West Colfax Avenue characterized in buildings and signs by the use of exaggerated geometry, streamlined curves, fanciful literal figures, chrome, neon, and animated lights.
- (c) Avoid or reduce commercial intrusion into adjoining residential neighborhoods by the strategic placement of signs and consideration of illumination directions and intensities.
- (d) Encourage signage with diversity of styles, designs, light levels, signage types, facade locations, and materials.

(2) **Applicability:** The standards contained in this section shall apply to all properties zoned OF, 1C, 2C, 3C, 4C, and 5C fronting West Colfax Avenue within the City of Lakewood Colfax Overlay District. For all properties zoned PD fronting West Colfax Avenue, the owner shall have the option to adhere to either the Colfax sign standards or to the approved Official Development Plan. All other properties within the Colfax Overlay District shall be regulated by Article 10 Lakewood Sign Code. A sign permit in accordance with Article 10 of the Lakewood Zoning Ordinance shall be required.

(3) **Definitions:**

- (a) **Incentive:** An incentive shall be a sign that meets the intent and standards of this section and that by its introduction on a property would exceed the maximum permitted standards allowed by Article 10 Lakewood Sign Code.
- (b) **Projecting sign:** A sign other than a wall sign, is supported by a wall, extends vertically and perpendicular to the wall, and which may extend above top of wall or parapet.

- (c) Mural sign: A non-illuminated, wall sign painted directly on the side or rear setback of any office or commercial building and with copy or advertising content not exceeding more than 50 percent of total wall area.
- (d) Electronic message center: A sign that provides changeable copy or content in an illuminated, electronic format.
- (e) Reader boards: A sign that requires copy or content to be manually changed and permits an illuminated format.

(4) **Incentives:** To encourage and strengthen Colfax character and business vitality, the City shall consider additional number of signs, sign types, and/or sign area that further the intent of this section (See Table 19-4 Colfax Sign Incentives). Incentives may only be granted where one or more of the *Design Factors* in subsection (7) below is used in a Colfax sign and the sign is approved in accordance with the *Colfax Sign Design Findings* in subsection (6) below. Where a standard cabinet sign form, or where indirect or internal lighting as the primary light source is proposed, no sign incentives shall be granted and Article 10 sign standards shall apply.

(5) **Colfax Sign Design Review:** A request for Colfax Sign Review shall be submitted with sufficient material to evaluate a sign for approval by the Director. Denial of any request may be appealed in accordance with procedures set forth within Article 10. The sign request shall be reviewed by a person with a background in architecture, urban design, landscape architecture, sign design, or other related design background. A sign request should be prepared and submitted by a sign design professional. A minimum submittal shall include:

- (a) Site plan showing adjacent properties within 100 feet and location of proposed signage.
- (b) Building elevations including proposed signage
- (c) Technical specifications for proposed signage
- (d) Color and material samples of proposed signage, as appropriate.
- (e) Any other relevant information deemed necessary by the Director.

(6) **Colfax Sign Design Findings:** The Director shall consider the sign recommendation and may approve, or conditionally approve a Colfax sign request when the Findings below are made. The sign is:

- (a) An enhancement of and furthers the unique character of West Colfax Avenue when considered in terms of scale, color, materials, lighting levels, and adjoining uses.
- (b) Compatible with and/or an enhancement of the architectural characteristics of the buildings on which they appear or are adjacent to when considered in terms of scale, proportion, color, materials, and lighting levels.

- (c) Appropriate to and expressive of the business or activity for which it is displayed.
- (d) Creative in the use of unique literal or figurative and/or three dimensional form, profile, and iconographic representation, employs exceptional lighting design, and represents exceptional graphic design, including the use of color, pattern, typography, and materials.
- (e) Of high quality, durable materials appropriate to an urban setting.
- (f) Appropriate to and considerate of adjacent properties, particularly residential, in terms of lighting, location, and height.

(7) **Design Factors:** The City of Lakewood recognizes that a vital business district and community character are associated. The Colfax Avenue corridor's historical and modern significance evokes images of western Americana, a time of automotive elegance, the flash of chrome, bright neon and animated lights. Design factors, for purposes of this section, shall be considered to be elements of a proposed sign that meet the intent of this sign section and that incorporate one or more of the Design Factors (a) and/or (b) below.

Signs incorporating motion or animation achieved through lighting design may be permitted *only* in combination with Design Factors (a) and (b). All animated signs shall be reviewed by the City's Traffic Engineering Division prior to final approval by the Director.

- (a) A significant portion or a significant design element of the sign area face shall use neon, fiber optic, incandescent bulb, and/or other similar lighting technology in a graphic or typographic manner on the sign face. Where indirect lighting or internal lighting in a cabinet or rectilinear form is proposed, no incentives as provided by *Sign Incentives* in subsection (4) above shall be permitted.
- (b) The sign shall be a literal or figurative and/or three dimensional sign form, profile, or iconographic representation, such that the style is characterized by the use of exaggerated geometry, streamlined curves, and fanciful elements representative of the business and intent of this sign standards section. Where a standard cabinet sign form is proposed, no incentives as provided by *Sign Incentives* in subsection (4) above shall be permitted.

(8) **Sign Standards Supplemental to Article 10:**

- (a) **Permitted Sign Types:** Wall, Window, Ground, Projecting, Banner, Murals
- (b) **Maximum Number of Signs:** The maximum number of signs for each business shall be determined as follows:
  - (1) ***For a lot having one business:***

Where at least one design factor is used, one sign in addition to the maximum permitted in Article 10 may be permitted for the first 25 linear

feet of Colfax right-of-way frontage and then one additional sign for every 50 linear feet of Colfax right-of-way frontage thereafter.

In no case shall more than four additional signs to the maximum permitted in Article 10 be permitted for any single lot with one business.

(2) *For a lot having two or more businesses:*

Where a design factor is used, one sign in addition to the maximum permitted in Article 10 may be permitted for the first 25 linear feet of Colfax right-of-way frontage and then one additional sign for every 25 linear feet of Colfax right-of-way frontage thereafter. In no case shall more than six additional signs to the maximum permitted in Article 10 be permitted for any single lot with two or more businesses.

(c) Maximum Sign Area: The maximum sign area for each business shall be determined as follows:

(1) *For a lot having one business:*

Where at least one design factor is used, the sign area of a ground and/or wall sign may be increased by up to 50% over the maximum permitted within Article 10 for the first 25 linear feet of Colfax right-of-way frontage and then up to an additional 25% over the permitted maximum area for each additional sign for every 50 linear feet of Colfax right-of-way frontage thereafter.

In no case shall the total sign area for any one property exceed 800 square feet for any single lot with one business except where otherwise permitted by Article 10. In no case shall any one sign exceed more than 200 square feet of sign area.

(2) *For a lot having two or more businesses:*

Where a design factor is used, the sign area of a ground and/or wall sign may be increased by up to 50% over the maximum permitted within Article 10 for the first 25 linear feet of Colfax *building* frontage and then up to an additional 25% over the permitted maximum area for every 25 linear feet of Colfax *building* frontage thereafter.

In no case shall the total sign area for any one property exceed 1200 square feet for any single lot with two or more businesses except where otherwise permitted by Article 10. In no case shall any one sign exceed more than 200 square feet of sign area.

(d) Maximum Sign Height:

(1) *Ground:*

The height of a ground sign shall not exceed 25 feet.

(2) *Wall/projecting:*

The height of the wall/projecting sign shall be permitted to extend above the edge of the wall no more than 20 percent of the total height of the wall to which it is attached. In no instance shall the sign exceed a height greater than 12 feet above the total wall height or parapet. Special design consideration should be given to sign attachment that reduces visual clutter.

(e) **Setback:**

(1) *Ground:*

Ground signs shall be setback, as measured from back of curb, a minimum of five feet in the urban segment and ten feet in the suburban segment. Sign placement in the urban segment shall require approval by the City Traffic Engineer. Insurance for liability acceptable to the City shall be required. In no case shall any sign be permitted closer than two feet from the public right-of-way.

(2) *Wall/projecting:*

Wall/projecting signs may project up to seven feet into the required setback space. A minimum of ten feet of clearance from the sidewalk grade shall be required for all signs. In no case shall the sign project into the public right-of-way. Insurance for liability acceptable to the City shall be required.

(f) **Permitted Illumination:**

Signs may be illuminated by indirect lighting, neon, incandescent bulbs, fiber optics, and/or other similar lighting technology. All direct illumination shall not exceed twenty-five watts per bulb. Illumination may flash, blink, or fluctuate at a rate not to exceed 15 cycles per minute. Electronic message center signs are permitted. All animated signs shall be reviewed for safety and sight issues by the City Traffic Engineer.

(g) **Miscellaneous signs:**

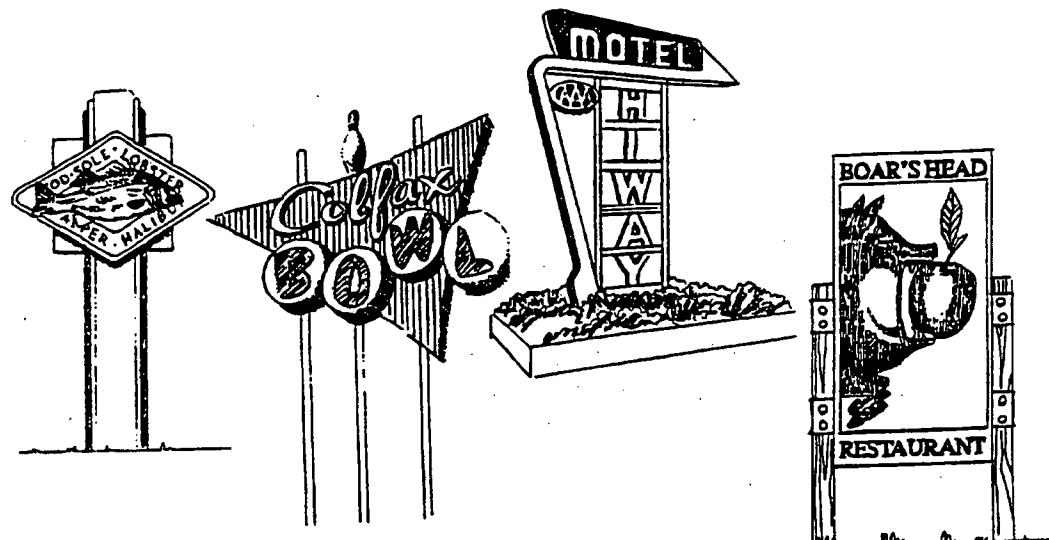
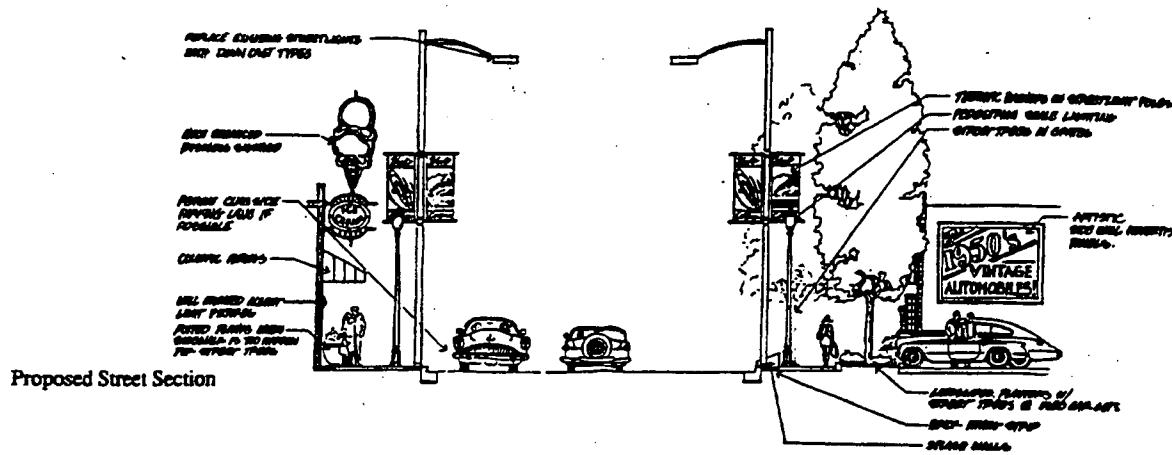
(1) *Banner/flag signs:*

Banner or flag signs shall be permitted up to a maximum of 90 consecutive days per calendar year and shall be limited to two, 100 square feet banner signs per business.

(2) *Wall murals:*

Wall murals shall be permitted at all times and shall be limited to one per business and shall be limited in size by the building wall. Additional restrictions shall include: non-illuminated only, painted directly on the building wall, and shall face a side or rear setback only.

## EXAMPLES OF ACCEPTABLE SIGNS



(9) Exempt Signs:

(a) General:

The signs listed below in Table 19-5 are exempt from Article 10 standards and continued display is permitted based upon the finding by the Director that each designated sign complies with the following criteria:

- (1) The sign is of a design representative of the Colfax corridor, such that the style is characterized by the use of exaggerated geometry, streamlined curves, and fanciful literal elements and lighting.
- (2) A major portion of the sign is illuminated by neon or incandescent bulb lighting.

(b) Historical signs:

Signs of a historical nature or significance that can prove or demonstrate that the sign was erected and in place prior to January 1, 1969, that characterize the business, and support the intent of this section, may be permitted to exceed or vary the numerical requirements set forth within this section. Signs must be good condition or be capable of being restored to historical appearance. In no instance shall roof signs be permitted. Submittal and review requirements set forth in sections (5) and (6) above shall be required for approval by Director.

(c) Designated signs in Table 19-5 are:

**TABLE 19-5  
DESIGNATED COLFAX SIGNS**

ADDRESS	BUSINESS	SIGN TYPE
6060 W Colfax	White Swan Motel	Ground
5601 W Colfax	Lakewood Lodge	Ground
5799 W Colfax	Westway Motel	Ground
6001 W Colfax	Rocky Mountain Motel	Ground
6218 W Colfax	Bugs Bunny Motel	Ground
6993 W Colfax	Original Mexican Cafe	Ground
8025 W Colfax	Lakewood Lanes	Wall
8100 W Colfax	Lakewood Grill	Ground
8837 W Colfax	Homestead Motel	Ground
9025 W Colfax	Trails End Motel	Ground

ADDRESS	BUSINESS	SIGN TYPE
6060 W Colfax	White Swan Motel	Ground
9495 W Colfax	Davies Chuck Wagon	Ground
9501 W Colfax	Veldkamps Flowers	Ground
9895 W Colfax	Guitar City	Ground
11891 W Colfax	A Bar D Motel	Ground

(d) Removal or Alteration:

Signs designated pursuant to this section may be removed at any time. Any new sign shall comply with the requirements of Article 10, as amended. Any alteration of a designated sign shall be in the same style, color, and materials as the original sign.

(e) Compliance:

Signs designated by the City are granted exceptions to the provisions of this article regulating sign height, area, design, and setbacks. All other provisions, including permitted maximum number, shall apply. Nothing in this section shall exempt any sign not designated herein from compliance with the Lakewood Sign Code Article 10, as amended, including designated signs on the same premises.

**CITY OF LAKWOOD  
ZONING ORDINANCE**

**TABLE 19-4  
COLFAX SIGN INCENTIVES**

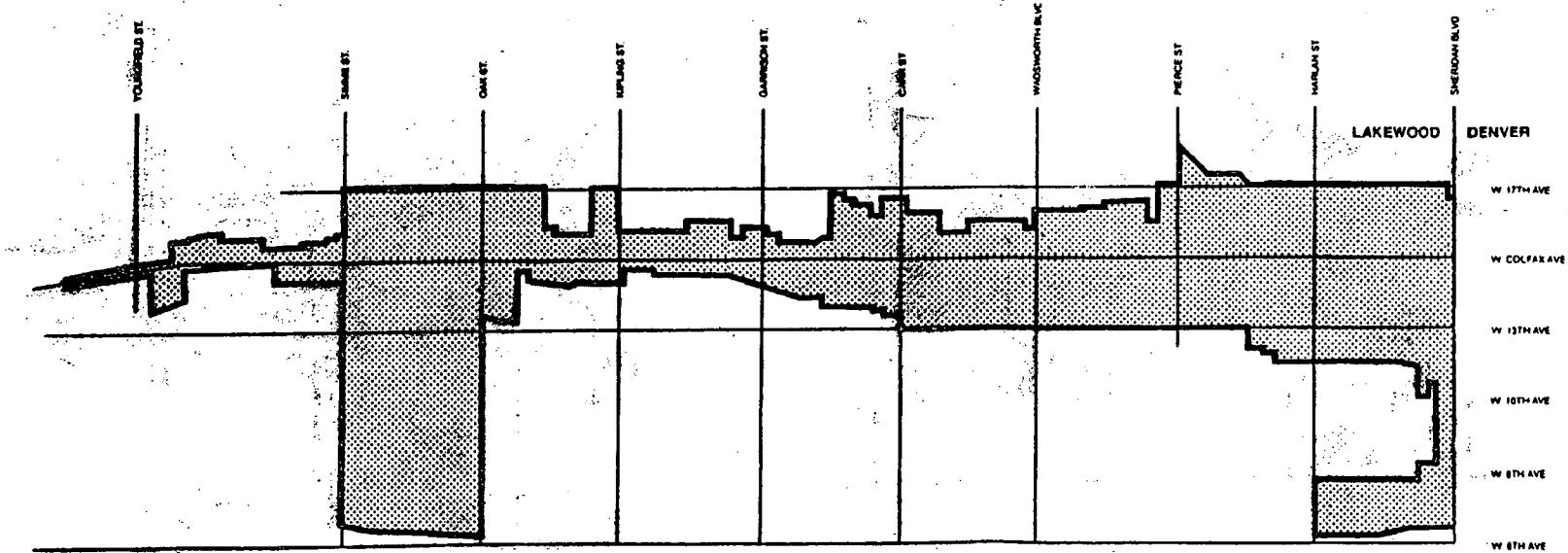
**SUPPLEMENTAL TO ARTICLE 10 SIGN CODE STANDARDS**

Table 19-4 is a **SUMMARY ONLY**. Please refer to text for complete standards.

<b>SIGN TYPE</b>	<b>Maximum Number of Additional Signs</b>		<b>Maximum Additional Sign Area</b>		<b>Required Setback (as measured from back of curb)</b>	<b>Permitted Illumination</b>	<b>Maximum Sign Height</b>
	<b>One Business</b>	<b>Two + Businesses</b>	<b>One Business</b>	<b>Two + Businesses</b>			
<b>All Standard Signs (Reference Article 10)</b>	NA	NA	NA	NA	NA	NA	NA
<b>Ground Signs using Design Factors A and/or B with Colfax Avenue frontage only. See Factors below.</b>	<ul style="list-style-type: none"> <li>• 1 sign/first 25 ft. frontage;</li> <li>• Then 1 sign/50 ft. frontage thereafter;</li> <li>• Max. 4 total additional signs/property</li> </ul>	<ul style="list-style-type: none"> <li>• 1 sign/first 25 ft. frontage;</li> <li>• Then 1 sign/25 ft. frontage thereafter;</li> <li>• Max. 6 additional signs/property</li> </ul>	<ul style="list-style-type: none"> <li>• 50%/first 25 ft. frontage;</li> <li>• Then 25%/50 ft. frontage thereafter;</li> <li>• Max. 800 sq. ft./property</li> </ul>	<ul style="list-style-type: none"> <li>• 50%/first 25 ft. frontage;</li> <li>• Then 25%/25 ft. frontage thereafter;</li> <li>• Max. 1200 sq. ft./property</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Urban Segment:</i> 5 ft.</li> <li>• <i>Suburban Segment:</i> 10 ft.</li> </ul>	<ul style="list-style-type: none"> <li>• Indirect/direct (Max. 25 W/bulb)</li> <li>• Animation permitted (Max. 15 cycles/ min)</li> <li>• Electronic message centers permitted.</li> </ul>	<ul style="list-style-type: none"> <li>• <i>Ground Sign:</i> 25% increase to Max. 25 ft.</li> </ul>

**TABLE 19-4**  
**COLFAX SIGN INCENTIVES**  
**(Continued)**

SIGN TYPE	Maximum Number of Additional Signs		Maximum Additional Sign Area		Required Setback (as measured from back of curb)	Permitted Illumination	Maximum Sign Height
	One Business	Two + Businesses	One Business	Two + Businesses			
<i>Wall/Projecting Signs using Design Factors A and/or B with Colfax Avenue frontage only. See Factors below.</i>	<ul style="list-style-type: none"> <li>• 1 sign/first 25 ft. frontage;</li> <li>• Then 1 sign/50 ft. frontage thereafter;</li> <li>• Max. 4 total additional signs/ property</li> </ul>	<ul style="list-style-type: none"> <li>• 1 sign/first 25 ft. frontage;</li> <li>• Then 1 sign/25 ft. frontage thereafter;</li> <li>• Max. 6 additional signs/ property</li> </ul>	<ul style="list-style-type: none"> <li>• 50%/first 25 ft. frontage;</li> <li>• Then 25%/50 ft. frontage thereafter;</li> <li>• Max. 800 sq. ft./ property</li> </ul>	<ul style="list-style-type: none"> <li>• 50%/first 25 ft. frontage;</li> <li>• Then 25%/25 ft. frontage thereafter;</li> <li>• Max. 1200 sq. ft./property</li> </ul>	<ul style="list-style-type: none"> <li>3 ft.; Insurance for liability shall be required. In no instance shall the sign project into the ROW.</li> </ul>	<ul style="list-style-type: none"> <li>• Indirect/direct (Max. 25 W /bulb)</li> <li>• Animation permitted (Max. 15 cycles/ min)</li> <li>• Reader boards permitted.</li> </ul>	<ul style="list-style-type: none"> <li>Sign may extend 20% above the total height of the wall or parapet. No more than a max. 12 ft above edge of wall or parapet</li> </ul>
<i>Banners/flags (permitted for a maximum of 90 consecutive days per year)</i>	Two/business		100 sq.ft.		<ul style="list-style-type: none"> <li>• Urban Seg: 5'</li> <li>• Sub. Seg: 10'</li> </ul>	No illumination	Roof line
<i>Wall murals only if non-illuminated, painted directly on the building, and face a side or rear setback</i>	One		Limited by size of building wall	NA		No illumination	NA
<b>Factor A Signs:</b>	Significant portion or design element using of neon, fiber optic, incandescent bulb, or similar lighting technology in the sign face area.						
<b>Factor B Signs:</b>	Literal or figurative and/or three dimensional sign forms, profiles, or representations.						



**WEST COLFAX OVERLAY DISTRICT BOUNDARY  
CITY OF LAKWOOD, COLORADO**