

AGENDA
REGULAR MEETING OF THE CITY COUNCIL
480 S. ALLISON PARKWAY
CITY OF LAKEWOOD, COLORADO
HYBRID MEETING
JANUARY 26, 2026
7:00 PM

To watch the Council meeting live, please use either one of the following links:

City of Lakewood Website: [Lakewood.org/CouncilVideos](https://lakewood.org/CouncilVideos)

Lakewood Speaks: Lakewoodspeaks.org

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ITEM 1 – CALL TO ORDER

ITEM 2 – ROLL CALL

ITEM 3 – OPENING ITEMS

ITEM A. – PLEDGE OF ALLEGIANCE

ITEM B. – STATEMENT OF CONFLICT OF INTEREST

ITEM C. – PROCLAMATION - RADON AWARENESS MONTH

ITEM D. – INITIAL PUBLIC COMMENT

**CONSENT AGENDA
ORDINANCES ON FIRST READING**

ITEM 4 – – RESOLUTIONS

**ITEM A. – R-2026-5 – APPROVING CITY COUNCIL APPOINTMENTS TO VARIOUS
BOARDS AND COMMITTEES**

ITEM B. – R-2026-6 – ESTABLISHING AN AD HOC ADVISORY COMMITTEE TO

WORK TOWARD THE ESTABLISHMENT OF A PERMANENT POLICE
COMMUNITY OVERSIGHT COMMITTEE

ITEM C. – R-2026-7 – APPROVING A REFUND PURSUANT TO COLORADO CONSTITUTION ARTICLE X, SECTION 20 OF TAXES COLLECTED PURSUANT TO CITY OF LAKEWOOD ORDINANCES O-1996-43 AND O-2015-3, AUTHORIZING A TAX ON THE BUSINESS AND OCCUPATION OF TELECOMMUNICATIONS SERVICE PROVIDED TO RESIDENTS OF THE CITY OF LAKEWOOD

ITEM 5 – – ORDINANCES ON FIRST READING

ITEM A. – O-2026-7 – DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF STORM AND SANITARY SEWER FACILITIES ALONG YUKON STREET, YARROW STREET, ALLISON STREET, AND ALONG COLFAX AVENUE FROM YARROW STREET TO DOVER STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

ITEM 6 – APPROVING MINUTES OF THE CITY COUNCIL MEETINGS

END OF CONSENT AGENDA

ITEM 7 – ITEMS REMOVED FROM CONSENT AGENDA

**ORDINANCES ON SECOND READING
AND PUBLIC HEARINGS**

ITEM 8 – – ORDINANCES ON SECOND READING

ITEM A. – O-2026-1 – AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2026 ANNUAL BUDGET UP TO AN AMOUNT OF \$42,154,189 FROM THE GENERAL FUND FOR PAYMENT OF A REFUND OF BUSINESS AND OCCUPATION TAX, AND AUTHORIZING A TRANSFER FROM THE TABOR FUND TO THE GENERAL FUND IN THE AMOUNT OF \$29,035,127

ITEM B. – O-2026-2 – VACATING A PORTION OF RIGHT-OF-WAY AT 1456 BENTON ST., LAKEWOOD COLORADO

ITEM C. – O-2026-3 – REPEALING IN ITS ENTIRETY ORDINANCE 2025-27, AS ADOPTED ON AUGUST 25, 2025 REGARDING ARTICLES 6 – 14 OF

TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, AND REPLACING WITH THOSE VERSIONS OF ARTICLES 6 – 14 OF TITLE 17 THAT WERE IN EFFECT ON DECEMBER 31, 2025

- ITEM D. – R-2026-8** – CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-27, AN ORDINANCE THAT AMENDS THE CITY’S ZONING CODE BY REPEALING AND REPLACING ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING PROVISIONS CONCERNING RESIDENTIAL BUILDING AND SITE DESIGN STANDARDS; INSTITUTIONAL, MIXED USE, COMMERCIAL, AND LIGHT INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS; PARKING AND LOADING STANDARDS; SIGN STANDARDS; WIRELESS SERVICES AND COMMUNICATIONS; HISTORIC PRESERVATION; NONCONFORMITIES; SUSTAINABLE DEVELOPMENT; AND DEFINITIONS AND INTERPRETATIONS
- ITEM E. – O-2026-4** – REPEALING IN ITS ENTIRETY ORDINANCE 2025-28, AS ADOPTED ON SEPTEMBER 8, 2025, REGARDING ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, AND REPLACING WITH THOSE VERSIONS OF ARTICLES 1, 2, 4 AND 5 OF TITLE 17 IN EFFECT ON DECEMBER 31, 2025
- ITEM F. – R-2026-9** – CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-28, AN ORDINANCE THAT AMENDS THE CITY’S ZONING CODE BY REPEALING AND REPLACING ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING PROVISIONS CONCERNING THE PURPOSE AND ADMINISTRATION OF THE ZONING CODE; PROCEDURES AND APPEALS; USE AND SUPPLEMENTAL STANDARDS; AND DIMENSIONAL AND DEVELOPMENT STANDARDS
- ITEM G. – O-2026-5** – REPEALING IN ITS ENTIRETY ORDINANCE 2025-29, AS ADOPTED ON SEPTEMBER 22, 2025, REGARDING ARTICLE 3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, AND REPLACING WITH THAT VERSION OF ARTICLE 3 OF TITLE 17 THAT WAS IN EFFECT ON DECEMBER 31, 2025
- ITEM H. – R-2026-10** – CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-29, AN ORDINANCE THAT AMENDS THE CITY’S ZONING CODE BY REPEALING AND REPLACING ARTICLE

3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING
PROVISIONS CONCERNING THE ESTABLISHMENT OF ZONE
DISTRICTS

ITEM I. – O-2026-6 – REPEALING IN ITS ENTIRETY ORDINANCE 2025-30, AS ADOPTED ON OCTOBER 13, 2025, REGARDING ADOPTION OF A NEW ZONING MAP, AND REPLACING WITH THAT ZONING MAP THAT WAS IN EFFECT ON DECEMBER 31, 2025

ITEM J. – R-2026-11 – CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-30, AN ORDINANCE AMENDING THE LAKEWOOD ZONING CODE BY REPEALING THE EXISTING ZONING MAP, REPLACING IT WITH THE NEW ZONING MAP, AND REZONING PROPERTIES THEREBY

ITEM 9 – CLOSING ITEMS

ITEM A. – PUBLIC COMMENT

Anyone who would like to address the Council on any matter other than an agenda item will be given the opportunity. Speakers should limit their comments to three minutes.

ITEM B. – GENERAL BUSINESS

ITEM C. – EXECUTIVE REPORT

ITEM D. – MAYOR AND CITY COUNCIL REPORTS

ITEM E. – ADJOURNMENT

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 3

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 3C

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Lakewood National Radon Action Month_2026

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

PROCLAMATION

IN SUPPORT OF NATIONAL RADON ACTION MONTH IN LAKEWOOD, COLORADO

WHEREAS, radon gas is an invisible, odorless, radioactive gas that threatens the health of our residents and their families; and

WHEREAS, radon gas is a group 1 carcinogen known to cause lung cancer in humans with prolonged exposure; and

WHEREAS, Colorado has been ranked Zone 1, an area with the highest radon potential possible by the U.S. Environmental Protection Agency; and

WHEREAS, Colorado residential radon data has shown 50% of Colorado homes tested as being at or above the U.S. Environmental Protection Agency Radon Action Level of 4.0 pCi/L (picocuries per liter of air); and

WHEREAS, any home in Lakewood may have elevated levels of radon (even if homes in the same neighborhood do not); and

WHEREAS, supporting recommended radon practices and policies to reduce radon exposure is important to protect our community's health and welfare; and

WHEREAS, testing for radon is simple and inexpensive; and

WHEREAS, identified radon problems can be remedied; and

WHEREAS, Jefferson County Public Health, the Colorado Department of Public Health and Environment, the U.S. Environmental Protection Agency and the American Lung Association are supporting efforts to encourage Americans to test their homes for radon, have elevated levels of radon reduced, and have new homes built with radon-resistant features.

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council of Lakewood hereby proclaim January 2026, as **National Radon Action Month** in Jefferson County, Colorado.

ADOPTED this 12th day of January 2026.

GIVEN under my hand and Seal of the City of
Lakewood, this 12th day of January 2026.

Wendi Strom, Mayor

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 3D

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 4

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 4A

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **2026 City Council Board / Committee Appointments**

SUMMARY STATEMENT: The City Council adopted a procedure via their Policies and Procedures Manual for the annual appointment of members of the City Council to various boards and committees.

BACKGROUND INFORMATION: City Council Members, in addition to their responsibilities in representing constituents through policy-making decisions for the City of Lakewood, are asked and expected to serve on City Council committees in a number generally equal to the number of committees served upon by all other members of the City Council. City Council Committee appointments are made annually in the manner set forth in Policy 4.1.

The City Council "committee appointment process" begins when the Mayor sends a memo to all members of the City Council identifying the available committee assignments and asking each Council Member to select those of most interest to them. The Mayor will attempt to match Council Members with their individual interests, when possible, given any restrictions that may be in place.

The Mayor shall make recommendations for City Council committee assignments in January (or earlier) for the duration of the calendar year (or the following calendar year), and re-assignments at the time of need. The Mayor's recommendations are generally ratified by a single formal action of the City Council. Prior to ratification, any Council Member can request a recommendation of appointment be removed from the primary list for separate consideration or may nominate themselves or a fellow councilor to fill a committee assignment in a manner different from that recommended by the Mayor.

BUDGETARY IMPACTS: This item has no associated budget impact.

STAFF RECOMMENDATIONS: Staff recommends that City Council review and approve committee appointments, either from the attached list in Exhibit A or with changes from the Council.

ALTERNATIVES: Change appointments as shown on Exhibit A or violate the Policies and Procedures Manual by not adopting the recommendations.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None.

ATTACHMENTS: 1. Resolution R-2026-5
2. Exhibit A-2026 City Council Committee Appointments

REVIEWED BY: Kathleen E. Hodgson, City Manager

Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

R-2026-5

A RESOLUTION

APPROVING CITY COUNCIL APPOINTMENTS
TO VARIOUS BOARDS AND COMMITTEES

WHEREAS, the City Council Policies and Procedures Manual, Policy 04.1, provides that the Mayor shall make recommendations for City Council member committee assignments to various boards and committees during, or prior to, January of every year;

WHEREAS, the City Council is responsible for approving the committee assignments; and

WHEREAS, Lakewood City Council wishes to approve the appointments to various boards and committees as shown on Exhibit A to this resolution.

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

SECTION 1. The Councilmember appointments to various boards and committees as shown on Exhibit A are hereby adopted for the year 2026.

SECTION 2. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on January 26, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

2026 City Council Committee Appointments	
COMMITTEE	COUNCILMEMBER APPOINTMENT
Budget & Audit Board (3)	<i>Jeslin Shahrezaei</i>
Staff Liaison: Chief Financial Officer	<i>Isabel Cruz</i>
	<i>Roger Low</i>
Jefferson County EDC (Economic Development Corp)	<i>Wendi Strom</i>
	<i>Alternate: Economic Dev. Dept.</i>
CML Policy Committee (2)	<i>Jacob LaBure</i>
Staff Liaison: Deputy City Manager	<i>Alternate: Liz Black</i>
DRCOG - Denver Regional Council of Governments and Jeffco Collaborative Transportation Forum (pursuant to IGA) (2)	<i>Jeslin Shahrezaei</i>
	<i>Alternate: Dave Rein</i>
Sustainability	<i>Isabel Cruz (2)</i>
	<i>Ken Cruz (3)</i>
	<i>Bill Furman (4)</i>
	<i>Paula Nystrom (5)</i>
Housing Advisory Policy Commission (6)	<i>Wendi Strom</i>
Staff Liaison: Director of Economic Development	<i>Glenda Sinks (1)</i>
Made permanent commission on 06-24-2019 with Ordinance O-2019-26	<i>Liz Black (2)</i>
	<i>Roger Low (3)</i>
	<i>Bill Furman (4)</i>
	<i>Jacob LaBure (5)</i>
Jefferson County Criminal Justice Committee (2)	<i>Paula Nystrom</i>
	<i>Glenda Sinks</i>
Jefferson County Community Corrections Board (2)	<i>Jacob LaBure</i>
	<i>Alternate: Liz Black</i>
Judges Salary Committee (5)	<i>Glenda Sinks (1)</i>
Staff Liaison: Deputy City Manager	<i>Liz Black (2)</i>
	<i>Ken Cruz (3)</i>
	<i>Bill Furman (4)</i>
	<i>Paula Nystrom (5)</i>

Lakewood Reinvestment Authority Board (11)	<i>Wendi Strom</i>
Staff Liaison: Economic Development Director	<i>Glenda Sinks</i>
	<i>Jeslin Shahrezaei</i>
	<i>Isabel Cruz</i>
	<i>Liz Black</i>
	<i>Roger Low</i>
	<i>Ken Cruz</i>
	<i>Dave Rein</i>
	<i>Bill Furman</i>
	<i>Jacob LaBure</i>
	<i>Paula Nystrom</i>
Legislative Committee (5)	<i>Glenda Sinks (1)</i>
Staff Liaison: Deputy City Manager	<i>Isabel Cruz (2)</i>
	<i>Roger Low (3)</i>
	<i>Dave Rein (4)</i>
	<i>Jacob LaBure (5)</i>
Police Seizure Fund Committee (1)	<i>Dave Rein</i>
Screening Committee (5)	<i>Jeslin Shahrezaei (1)</i>
Staff Liaison: City Clerk	<i>Isabel Cruz (2)</i>
	<i>Ken Cruz (3)</i>
	<i>Dave Rein (4)</i>
	<i>Paula Nystrom (5)</i>
Sister Cities Program (1)	<i>Bill Furman</i>
Mile High Flood District (By law, Mayor or Mayor Pro Tem)	<i>Wendi Strom</i>

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 4B

To: Mayor and City Council

From:

Subject: **Resolution Establishing an Ad Hoc Advisory Committee**

SUMMARY STATEMENT: The Lakewood City Council has been studying the concept of developing a form of an advisory committee to review and advise law enforcement on matters pertaining to transgender issues and how those issues may intersect with policing.

BACKGROUND INFORMATION: The Lakewood City Council has been studying the concept of developing a form of an advisory committee to review and advise law enforcement on matters pertaining to transgender issues and how those issues may intersect with policing. The precipitating event which led to the City Council's consideration of the creation of such a committee was the tragic death of Jax Gratton, a trans woman, in April of 2025.

Jax Gratton was last seen leaving her apartment on April 15, 2025, via surveillance video. On April 25, 2025, Cherilynne Gratton-Camis reported her daughter, Jax Gratton, missing to the Denver Police Department (DPD). DPD began a missing person investigation the same day, including posting "Missing Person" posters around Denver and on social media. On May 21, 2025, DPD was able to determine that Ms. Gratton's cell phone was last used at an address in Lakewood. DPD obtained a search warrant and conducted a search of interior premises at the identified address on May 29, 2025. Lakewood Police were aware of DPD's search because DPD asked Lakewood PD to standby and be available to provide courtesy assistance in accordance with standard protocol when an outside agency conducts a search in a neighboring jurisdiction. DPD's search did not produce evidence identifying Ms. Gratton's whereabouts.

On June 6, 2025, Lakewood Police received a call concerning the discovery of a deceased human body by a building official associated with the same address in Lakewood where DPD had previously executed a search warrant. Because the deceased individual was found in Lakewood the Lakewood Police Department (Lakewood PD) began an investigation. The Jefferson County Coroner was also called to the scene to take possession of the deceased individual in order to conduct the required forensic evaluation. At this time four criminal justice entities were involved in this investigation: DPD was conducting its investigation into a missing person; Lakewood PD began an investigation into a deceased individual; the Jefferson County Coroner's Office began a forensic evaluation of the deceased individual; and the Jefferson County District Attorney began oversight on determination of any potential criminal prosecution.

On June 6, 2025, Lakewood PD contacted Cherilynne Camis to notify her of the discovery of Jax Gratton's remains. DPD, the Jefferson County Coroner, and members of the media also contacted Ms. Camis on that date in regard to the discovery of Ms. Gratton's body. Ms. Camis was assigned a victim advocate by Lakewood PD on June 7, 2025 as is Lakewood PD's standard protocol for family members in cases involving a suspicious death. The advocate continued having contact with Ms. Camis per her wishes, from that point forward. Additionally, the Detective investigating Ms. Gratton's

death, had weekly, and often more frequent, contact with Ms. Camis from that date forward.

On June 10, 2025, following the coroner's official identification, Lakewood PD issued a press release, in response to numerous inquiries from the media and citizens, confirming that the remains found at 9655 W. Colfax were Jax Gratton. As was official practice at the time, Lakewood PD identified Ms. Gratton by the name which was found on her government issued identification card.

Lakewood PD has continued investigating the death of Ms. Gratton according to the standards set by both state law and municipal code. As per departmental policy during a death investigation, some information is not to be made public to protect the integrity of the investigation. This policy recognizes that while family members have a desire to know everything the investigative officers learn in their investigation, evidence released in the media in advance of the District Attorney's review could easily be misinterpreted or misunderstood, thereby making it more difficult to use such evidence in a prosecution. It is for this reason that the Lakewood PD never shared a copy of the autopsy report created by the Jefferson County Coroner with the media, although the media did receive it and subsequent media reports and public statements suggest that conclusions were drawn from the information contained in that report.

The investigation into Ms. Gratton's death has necessarily been extensive and exhaustive, as any suspicious death investigation is made far more difficult if the body is found fifty-two days after that individual is believed to have died. The work done investigating Ms. Gratton's death has followed the same operating procedures and legal requirements as any investigation into a death in the state of Colorado. Lakewood PD has collected 1,673 pieces of evidence related to this investigation and Lakewood PD agents and detectives have written 147 supplemental reports. Throughout this investigation, Lakewood PD has worked with the First Judicial District Attorney's office to ensure that office is provided with the evidence they need to make a filing determination. While Lakewood PD understands that the time it takes to conduct a proper death investigation is often frustrating to victims and their family, Lakewood PD is attempting to ensure that a thorough and proper investigation is conducted as to provide justice for a grieving family.

In response to concerns that the Lakewood PD intentionally disrespected Ms. Gratton by reporting her death using the name shown on her identification documents, Lakewood PD has updated their policies and procedures regarding interactions with transgender individuals, posted a mandatory training video regarding proper interactions with transgender members of the community, sent numerous members of City staff to LGBTQIA+ trainings and advocacy group meetings, and the Chief of Police has issued two public apologies for any inadvertent offense Lakewood PD may have caused.

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council. All public outreach has been subject to the limitations of an active and ongoing criminal investigation and the desire to keep certain information confidential.

NEXT STEPS: None

ATTACHMENTS: 1. Resolution R-2026-6

2. Draft Selection Committee Process

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

A RESOLUTION

ESTABLISHING AN AD-HOC COMMUNITY OVERSIGHT COMMITTEE TO
WORK TOWARD THE ESTABLISHMENT OF A PERMANENT POLICE
COMMUNITY OVERSIGHT COMMITTEE

WHEREAS, Article IV, Section 4.5 of the Charter for the City of Lakewood provides that “[a]d hoc advisory committees may be created or abolished by resolution or upon motion of the City Council”;

WHEREAS, the City of Lakewood (City) is committed to advancing Lakewood as a vibrant, inclusive, sustainable, informed, and healthy community;

WHEREAS, the City Council is dedicated to supporting and protecting the community through its efforts to make all residents of the City feel safe, valued and affirmed;

WHEREAS, the City of Lakewood recognizes that community members with systemically marginalized identities, particularly transgender community members, seek to address concerns and build a stronger relationship with the law enforcement community;

WHEREAS, an Ad Hoc Committee of well-qualified Lakewood community members is uniquely positioned to encourage meaningful discourse among all stakeholders within a welcoming environment;

WHEREAS, the City Council seeks to establish an Ad Hoc Committee to plan, recommend, and implement a permanent Police Community Oversight Committee that would initiate policies and/or procedures that elevate and support the Lakewood community, with a focus on systemically marginalized community members.

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

SECTION 1. The Ad Hoc Advisory Committee for the establishment of a permanent Police Community Oversight Committee is hereby established.

SECTION 2. The membership of this Ad Hoc Committee shall be established by City Council Resolution. The Ad Hoc Committee shall consist of nine members who live and/or work in Lakewood. Applications for the oversight committee shall be received by the City Clerk’s Office and applicants will be selected through a process of the City Council screening committee. No officer or employee of the City of Lakewood, nor any immediate family members, shall be appointed to the committee. To the greatest extent

possible, the members of the committee shall reflect the diversity of Lakewood, including the ethnic, racial, and geographic constitution of the population as well as the diverse professional backgrounds, experience, and expertise of our residents of Lakewood. Committee members must have lived and/or professional expertise in one or more of the following areas: 1) LGBTQIA+ community issues, particularly related to transgender community members, 2) Law enforcement, 3) Victims' advocacy, 4) Civil legal practice.

SECTION 3. The term of the Ad Hoc Committee shall be through January 31, 2027.

SECTION 4. The Ad Hoc Committee shall establish regular meeting dates and times. Such meetings shall be open to the public. A staff liaison from the City Clerk's Office shall be assigned to assist the Ad Hoc Committee with compliance with the Open Meetings Law, Open Records Act, agenda development, meeting location and all other administrative needs of the Ad Hoc Committee.

SECTION 5. To inform their recommendations and reports, the Ad Hoc Committee shall:

- (a) Have access to criminal justice records, including, but not limited to, records of official action, investigative records, body-worn camera and dashboard camera footage, pursuant to Colorado Open Records Act § 24-72-201 et seq. and/or the Colorado Criminal Justice Records Act § 24-72-301 et seq. A staff liaison from the City Attorney's office shall support the Ad Hoc Committee in accessing applicable records in a timely fashion.
- (b) Have the ability to review complaints received by the Police Department. The Ad-Hoc committee shall, upon request, have access at no cost to records of complaints and completed internal affairs investigations pursuant to Colorado Open Records Act § 24-72-201 et seq. and/or the Colorado Criminal Justice Records Act § 24-72-301 et seq. A staff liaison from the City Attorney's office shall support the Ad Hoc Committee in accessing applicable records in a timely fashion. The committee may review the records and disposition of any completed investigations. The committee may share findings and any materials received with the City Council and the public.

SECTION 6. The Ad Hoc Committee shall provide a written report to the City Council on or before December 31, 2026, regarding:

- a) the concerns identified by the LGBTQIA community, with a focus on issues facing trans community members;
- b) additional issues facing the broader Lakewood community identified by the Ad Hoc Committee, with a focus on systemically marginalized communities such as Black,

Indigenous and People of Color (BIPOC), people with disabilities, people experiencing homelessness, and people who have experienced incarceration;

c) policy-level recommendations regarding community relations, training, and other policies and procedures;

d) the mission and scope of a permanent Police Community Oversight Committee, how it will be staffed and the projected costs of staffing, and how that committee will meet the City Council's goals of improving police relations across the community, and;

e) any additional recommendations as identified by the committee.

SECTION 7. The Ad Hoc Committee shall bring a recommendation forward to the City Council for consideration on or before January 31, 2027, regarding the Committee's proposed next steps.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on January 26, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

Draft Selection Committee Process

Guiding Principles for Applicant Selection

1. Active Participation: Consistent meeting attendance, active participation and an understanding of the roles and expectations are required for all Ad Hoc Committee members.
2. Collaboration: Committee members will commit to respectful dialogue, active listening and collaborative problem-solving.
3. Interests, Knowledge and Experience: The Committee will be comprised of members with expertise in one or more of the following areas: 1) LGBTQIA+ community issues, particularly related to transgender community members, 2) Law enforcement, 3) Victims' advocacy, 4) Civil legal practice. This can include professional training, work experience, lived experience, volunteer work or advocacy.
4. Unique Perspectives: The committee shall reflect the diversity of Lakewood, including the ethnic, racial, and geographic constitution of the population as well as the diverse professional backgrounds, experience, and expertise of our residents of Lakewood.

Questions (for application and interview):

Application:

1. Demographic and personal information included across boards and commissions applications
2. Resume and option to attach electronic materials
3. Do you have a background in community outreach and completing research, presentations, and reports?
4. Please describe your experience in community outreach and completing research, presentations, and reports
5. Do you presently serve on any City of Lakewood Boards and/or Commissions?
6. If yes please list
 1. Have you recently been appointed to a board or commission of any other governmental entity?
 2. If yes, please list
 3. Work History—Occupation, Employer, Years Served
 4. Please list all civic and professional organizations and activities in which you have participated in the last five years
 5. Please briefly state why you want to be a member of the Ad Hoc Police Community Oversight Committee?

6. The Committee must be comprised of members with expertise in one or more of the following areas: 1) LGBTQIA+ community issues, particularly related to transgender community members, 2) Law enforcement, 3) Victims' advocacy, 4) Civil legal practice. This can include professional training, work experience, lived experience, volunteer work or advocacy. Please check all that apply and briefly describe your expertise in any selected subject areas.

Interview Questions:

- What experience and expertise do you have that you think will be an asset to this committee?
- What do you believe the purpose and mission of this committee is?
- What kind of work are you expecting to do as a Committee Member?
- Please describe your concept/idea of what community policing should look like.
- What do diversity, equity and inclusion mean to you and why are they important?
- What is your approach to understanding the perspectives of community members from different backgrounds?
- What are ways you think you can contribute to the committee supporting the police department in responding to the needs of diverse communities?
- This ad-hoc committee must present findings and recommendations to City Council by December 31, 2026. Are you prepared for regular participation in committee meetings and completing assignments to meet this goal? Do you have any concerns about your availability and capacity?

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 4C

To: Mayor and City Council
From: Holly Bjorklund, Chief of the Finance Branch
Subject: **City Business and Occupation Tax Resolution**

SUMMARY STATEMENT: Staff is requesting that City Council adopt the resolution stopping the collection of Business and Occupation tax and approve the methodology for refunding Business and Occupation Tax revenues collected in violation of the Taxpayer's Bill of Rights, as required by a Colorado Supreme Court decision.

BACKGROUND INFORMATION: In MetroPCS v. City of Lakewood, the Colorado Supreme Court determined that City ordinances adopted in 1996 and 2015 expanding the Business and Occupation Tax on telecommunications services required voter approval that did not occur. TABOR requires a refund of taxes collected in violation of the voter approval requirement for the applicable refund period. TABOR provides municipalities discretion to determine a reasonable refund method. The resolution ends the collection of Business and Occupation Tax, documents the legal basis for the refund obligation, and formalizes the city's approach to meeting this requirement.

BUDGETARY IMPACTS: The total refund amount is subject to verification of claims submitted by eligible businesses that paid the Business and Occupation Tax between January 2018 and December 2025. Funding for refunds will be provided through a combination of TABOR Fund resources and General Fund resources, as authorized through a separate supplemental appropriation ordinance. The resolution ends the collection of Business and Occupation Tax, which impacts revenue forecasts for the city beginning in 2026.

STAFF RECOMMENDATIONS: Staff recommend adoption of the resolution to end the collection of Business and Occupation tax and approve the refund methodology. Approval provides clear policy direction, supports compliance with TABOR, and establishes a transparent and verifiable process for issuing refunds to eligible businesses.

ALTERNATIVES: This resolution is required in response to the Colorado Supreme Court ruling. There is no alternative to the resolution.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If the resolution is approved, staff will continue to cease collection of Business and Occupation Tax revenue, begin outreach to eligible businesses, review and verify refund requests, execute settlement agreements, and issue refunds in accordance with the approved methodology. Staff will coordinate implementation with the supplemental budget ordinance and report progress to City Council as appropriate.

ATTACHMENTS: 1. Resolution R-2026-7

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

R-2026-7

A RESOLUTION

APPROVING A REFUND PURSUANT TO COLORADO CONSTITUTION ARTICLE X,
SECTION 20 OF TAXES COLLECTED PURSUANT TO CITY OF LAKEWOOD
ORDINANCES O-1996-43 and O-2015-3, AUTHORIZING A TAX ON THE BUSINESS
AND OCCUPATION OF TELECOMMUNICATIONS SERVICE PROVIDED TO
RESIDENTS OF THE CITY OF LAKEWOOD

WHEREAS, in 1969 the City of Lakewood implemented a Business and Occupation Tax (“B&O Tax”) for providing telecommunications service to residents of the City of Lakewood;

WHEREAS, in 1992 Colorado Voters approved the Taxpayer’s Bill of Rights (“TABOR”), Colo. Const. Art. X, Section 20, which requires a refund of taxes collected in violation TABOR’s election requirement;

WHEREAS, in 1996 the State of Colorado required local governments to extend any existing charge on telecommunications to apply neutrally to comparable providers of the service. Ch. 75, sec. 1, C.R.S. § 38-5.5-107(2)(a), 1996 Colo. Sess. Laws 298, 301–02;

WHEREAS, in 1996 and 2015 the City of Lakewood amended its B&O Tax to clarify that the tax applied to new forms of telecommunications to effectuate the neutrality requirement;

WHEREAS, in the case of MetroPCS v. City of Lakewood, 2025 CO 53, originally filed in the Jefferson County District Court in 2022, the Colorado Supreme Court determined that City of Lakewood Ordinances O-1996-43 and O-2015-3 required voter approval, which did not occur prior to the adoption of such ordinances;

WHEREAS, the City of Lakewood (the “City”) has been ordered to refund taxes collected pursuant O-1996-43 and O-2015-3;

WHEREAS, TABOR requires a refund of taxes collected in the four full fiscal years preceding a legal challenge that results in a refund;

WHEREAS, TABOR allows a municipal government discretion to determine an appropriate method of refunding taxes collected in violation of the voter requirement;

WHEREAS, the Lakewood City Council is authorized to act pursuant to resolution [fill in];

WHEREAS, City staff have identified businesses that paid the B&O Tax in the refund period between January 2018 and December 2025 and calculated the estimated impact of the refund;

WHEREAS, the maximum estimated amount has been identified for allocation to payments made to refund B&O Taxes to businesses;

WHEREAS, the refund requirement shall be fulfilled through reallocation of funds in the TABOR fund and general fund;

WHEREAS, each business has been notified via certified mail sent to the business's registered agent that they may be entitled to a refund;

WHEREAS, each business has been notified through the City of Lakewood tax collection software that they may be entitled to a refund;

WHEREAS, an interactive form has been created for businesses to request a refund and upload documents demonstrating payment of the B&O Tax during the refund period;

WHEREAS, businesses that paid the B&O Tax during the refund period shall receive refunds after a request for refund is reviewed and verified by a member of the City of Lakewood's finance department;

WHEREAS, the City of Lakewood has made reasonable efforts to ensure all entities that paid the B&O Tax and may be entitled to a refund are notified and given an opportunity to claim such refund with supporting documentation;

WHEREAS, upon verification of the business's request for a refund the City will execute a settlement agreement with the business prior to payment of the refund;

WHEREAS, the City will separately approve an Ordinance making a supplemental appropriation of funds from the 2026 Budget and TABOR fund;

WHEREAS, City Council finds that the method of effectuating the refund constitutes a reasonable method consistent with the intent of TABOR;

WHEREAS, City Council desires to approve the method herein to fulfill its obligation to refund B&O Taxes pursuant to the Colorado Supreme Court mandate in MetroPCS v. City of Lakewood;

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

Section 1. The City Council hereby determines that the refund obligation of Colo. Const. Art. X, Section 6 is satisfied through the methodology articulated herein, including changes to the stated methodology necessary and appropriate to carry out the intent of this resolution.

Section 2. The City Council further determines that reasonable efforts have been made pursuant to Colo. Const. Art. X, Section 6 to identify all payers of the B&O Tax during the refund period.

Section 3. The City Council further determines that fulfilling the refund obligation through an allocation of TABOR funds and the general fund constitutes a reasonable exercise of the City of Lakewood's discretion to determine an appropriate refund method.

Section 4. The recitals are incorporated by reference as if fully stated herein.

Section 5. The City Council hereby approves the methodology for refunding B&O Taxes for the required refund period.

Section 6. Effective Date. This Resolution shall become effective immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on January 12, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 5

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 5A

To: Mayor and City Council
From: Maria D'Andrea, Director of Public Works
Subject: **Property Acquisition for North Dry Gulch Drainage Project-Phase 4**

SUMMARY STATEMENT: This ordinance would authorize steps necessary to acquire property interests to construct portions of the North Dry Gulch Phase 4 Project, including properties adjacent to Yukon Street, Yarrow Street, Allison Street, and Colfax Avenue from Yarrow Street to Dover Street.

BACKGROUND INFORMATION: The North Dry Gulch 100-year floodplain is generally situated within one block of Colfax Avenue from Dover Street to Newland Street. There are approximately 150 properties, including 130 buildings and 36 residences, in the North Dry Gulch 100-year floodplain. The primary goal of the overall project is to mitigate the flooding that has occurred along North Dry Gulch and remove properties and structures from a revised 100-year floodplain.

The project is being constructed in multiple phases, in conjunction with the Mile High Flood District. The area shown in blue on the attached map is the existing 100-year floodplain. A 100-year flood is defined as a storm with a one percent chance of occurring in any given year. Existing properties and structures in the floodplain are vulnerable to flooding and are limited in their potential for use. Storm sewer facilities in this area are inadequate and aging, which also prevents improvements upstream of this area.

The North Dry Gulch Project is divided into four major phases:

- Phase 1 is located along West 14th Avenue from Wadsworth Boulevard to Newland Street. Construction of this phase is complete.
- Phase 2 is located along West Colfax Avenue from the detention pond at Newland Street west to Pierce Street. Construction of Phase 2 was completed in August 2025.
- Phase 3 is located north of West Colfax Avenue along Pierce Street to Lakewood Place, along Lakewood Place from Pierce Street to Reed Street, then along West 16th Avenue to Teller Street. Construction is in progress.
- Phase 4 spans across Wadsworth Boulevard, along West Colfax Avenue to Dover Street. Construction is anticipated to begin in 2026.

Work within a particular phase may be divided into smaller projects, also referred to as construction packages, due to construction timing and coordination. At this time, staff is pursuing work within Phase 4 that extends up Yukon Street, Yarrow Street, and Allison Street, and along Colfax Avenue from Yarrow Street to Dover Street. The attached conceptual illustration depicts Phase 4 in relation to all project phases.

This ordinance declares the City's intent to acquire property interests necessary for areas of the project along Yukon Street, Yarrow Street, and Allison Street, and along Colfax Ave from Yarrow

Street to Dover Street. It also initiates the negotiation process between the City and property owners to acquire the necessary property rights. It authorizes acceptance of conveyance instruments and, if needed, condemnation of property interests. However, condemnation would not occur until additional City Council approval is sought, at a future date, via resolution. Separate acquisition ordinances will be presented to the City Council for future areas of the North Dry Gulch project.

The attached map conceptually illustrates the property rights that are needed for this phase of the project. Property interests consisting of 18 permanent easements, 19 temporary easements, and 8 right-of-way acquisitions on 19 total properties are required. These easements allow for the construction and maintenance of storm sewer infrastructure, including inlets, curb and gutters, and pipes.

BUDGETARY IMPACTS: Design and construction of the North Dry Gulch Project is funded by combined funds from the Mile High Flood District and Lakewood's Stormwater Utility Enterprise Fund. The costs to obtain property rights will be paid for by the Stormwater Enterprise Utility fund. Adequate funds for this project were approved in the 2026 budget.

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, the City and the Mile High Flood District cannot proceed with this phase of the project. Without these storm sewer improvements, flooding will continue and properties and structures will remain in the 100-year floodplain.

PUBLIC OUTREACH: City staff have contacted the affected property owners seeking to discuss the project. Notification of the City Council's consideration of this ordinance has been mailed to each affected property owner. The notification includes clear language that there will be no discussion of land value at the public hearing, as this action authorizes staff to initiate the acquisition process, and no land values have yet been determined. In addition, this item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If this ordinance is adopted, staff will begin the acquisition process and complete the preparation of construction documents.

ATTACHMENTS:

1. Ordinance O-2026-7
2. NDG Conceptual Illustration
3. NDG Phase 4 Property Acquisition Maps

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

DECLARING THE INTENT OF THE CITY OF LAKEWOOD TO ACQUIRE INTEREST IN PROPERTY FOR PUBLIC PURPOSES FOR THE CONSTRUCTION OF STORM AND SANITARY SEWER FACILITIES ALONG YUKON STREET, YARROW STREET, ALLISON STREET, AND ALONG COLFAX AVENUE FROM YARROW STREET TO DOVER STREET AND AUTHORIZING NEGOTIATIONS WITH PROPERTY OWNERS, ACCEPTANCE OF CONVEYANCE INSTRUMENTS AND CONDEMNATION OF REAL PROPERTY INTERESTS (SUBJECT TO FURTHER COUNCIL APPROVAL)

WHEREAS, to enhance safety of nearby residents and motorists and to reduce property damage, the City of Lakewood (the "City") desires to continue the implementation of the North Dry Gulch Improvements Project, Phase 4 (the "Project"), which was previously the subject of Ordinances O-2025-23 and O-2025-36, and which will install storm sewer improvements that will, in part, collect and convey storm flows that have caused flooding from Wadsworth Boulevard to Dover Street along Colfax Avenue (the "Improvements");

WHEREAS, in order to install the Improvements, the City must acquire certain property interests from the owners of property adjacent to the Project (the "Property Interests") in addition to those property interests identified in Ordinances O-2025-23, and O-2025-36;

WHEREAS, in order to acquire the Property Interests in compliance with State law, the City Council desires to:

- a. Declare the City's intent to acquire the Property Interests for public purposes in fulfillment of the requirements of Section 38-1-121, C.R.S.;
- b. Authorize negotiations for, and acquisitions of, the Property Interests;
- c. Accept the instruments of conveyance for the Property Interests; and
- d. Authorize the City Attorney to initiate condemnation proceedings (subject to further Council approval) to acquire the Property Interests in the event the City is unable to acquire the Property Interests despite good faith efforts to do so;

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

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

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

SECTION 1. The North Dry Gulch Improvements Project, Phase Number 4 (the "Project") will serve a public purpose by enhancing resident and motorist safety and reducing property damage through collection and conveyance of stormwater flows that have historically caused flooding from Wadsworth Boulevard to Dover Street along Colfax Avenue, and it is necessary to acquire certain Property Interests from adjacent property owners further described in Section 2 herein, to advance such public purpose.

SECTION 2. It is the intent of the City of Lakewood to acquire the Property Interests in the form of (i) permanent easements; (ii) temporary construction easements; or (iii) any other interests as may be warranted for the Project, with any improvements contained herein. The property from which the Property Interests are currently anticipated to be acquired is identified in Exhibit A, attached hereto and incorporated herein by this reference. At such time as the City Manager or designee (the "City Manager") confirms that any or all of those parcels identified on Exhibit A are necessary for the Project, the City Manager shall give notice of intent to acquire such Property Interests in conformance with Section 38-1-121, C.R.S.

SECTION 3. The City Manager is hereby authorized to negotiate in good faith to acquire the Property Interests. Negotiations shall be based upon appraisal reports acquired in conformance with Section 38-1-121, C.R.S. or valuations approved by the City Manager. The City Manager is hereby authorized to make offers to any property owner based upon such appraisal reports or valuations to execute agreements for the acquisition of the Property Interests.

SECTION 4. The City Council hereby accepts on behalf of the City, upon recordation, the instruments of conveyance of the Property Interests acquired pursuant to Section 3 above.

SECTION 5. The City's Chief Financial Officer is hereby authorized and directed to pay, upon receipt of appropriate documentation, the amounts set forth in the contracts and agreements provided for herein.

SECTION 6. In the event the City Manager is unable to negotiate an agreement for the acquisition of any necessary Property Interest, despite good faith efforts to do so, the City Manager shall bring to the City Council a resolution identifying the Property Interests to be acquired by condemnation, and the City Council shall thereby authorize or deny the exercise of the City's eminent domain power over such Property Interests pursuant to Section 14.4 of the City of Lakewood home rule charter.

SECTION 7. All interested parties are hereby advised that, in the event the City Council approves the exercise of the City's eminent domain power over one or more Property Interests identified in such resolution, the City Attorney, on behalf of the City, shall commence condemnation proceedings with respect to such Property Interests and shall be authorized to apply to the proper court for immediate possession of the Property

Interests to be acquired by condemnation, and the City's Chief Financial Officer and all other officers and agents of the City shall cooperate with the City Attorney in the condemnation action, make any deposits and payments as may be necessary for acquisition of the Property Interests, and pay the costs thereof and any condemnation award as it may be finally determined. The City Attorney shall additionally be authorized to employ such expert witnesses, including appraisers, as the City Attorney determines necessary for the purposes of the condemnation authorized by this Ordinance and the aforesaid resolution, and the City's Chief Financial Officer is directed to pay the costs and expenses of employing such expert witnesses and appraisers.

SECTION 8. Nothing herein is intended to authorize the expenditure of monies in excess of the funds appropriated for the Project.

SECTION 9. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 10. This Ordinance shall take effect thirty (30) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 26th day of January, 2026; published by title in the Denver Post and in full on the City of Lakewood's website at www.lakewood.org on the 26th day of January, 2026; set for public hearing to be held on the 9th day of February, 2026; read, finally passed and adopted by the City Council on the 9th day of February, 2026; and signed by the Mayor on the ___ day of February, 2026.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A

Property Interests for the following addresses:

39-353-18-032 1565 WADSWORTH BLVD LAKEWOOD, CO 80214	49-022-05-001 8200 W COLFAX AVE LAKEWOOD, CO 80214
39-353-10-011 1601 YUKON ST LAKEWOOD, CO 80214	49-022-06-001 8300 W COLFAX AVE LAKEWOOD, CO 80214
39-353-10-012 1606 YARROW ST LAKEWOOD, CO 80214	49-022-06-002 8390 W COLFAX AVE LAKEWOOD, CO 80214
39-353-17-002 7833 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-095 8405 W COLFAX AVE LAKEWOOD, CO 80215
39-353-17-004 7800 W 16TH AVE LAKEWOOD, CO 80214	39-344-18-001 8425 W COLFAX AVE LAKEWOOD, CO 80215
39-353-11-013 1655 YARROW ST LAKEWOOD, CO 80214	39-344-18-002 8437 W COLFAX AVE LAKEWOOD, CO 80215
49-022-01-006 7800 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-003 8465 W COLFAX AVE LAKEWOOD, CO 80215
49-022-02-007 7950 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-004 8485 W COLFAX AVE LAKEWOOD, CO 80215
39-353-17-001 7999 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-005 8525 W COLFAX AVE LAKEWOOD, CO 80215
39-353-11-022 1660 ALLISON ST LAKEWOOD, CO 80214	39-344-18-096 8555 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-028 8001 W COLFAX AVE LAKEWOOD, CO 80214	39-344-18-097 8591 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-026 1575 ALLISON ST LAKEWOOD, CO 80214	49-031-00-001 8400 W COLFAX AVE LAKEWOOD, CO 80214
39-353-00-029	49-031-00-002

1585 ALLISON ST LAKEWOOD, CO 80215	8410 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-016 1613 ALLISON ST LAKEWOOD, CO 80214	49-031-00-003 8420 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-012 1679 ALLISON ST LAKEWOOD, CO 80214	49-031-00-004 8460 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-007 1651 ALLISON ST LAKEWOOD, CO 80214	49-031-00-005 8490 W COLFAX AVE LAKEWOOD, CO 80215
39-353-12-020 1661 ALLISON ST LAKEWOOD, CO 80214	49-031-00-006 8500 W COLFAX AVE LAKEWOOD, CO 80215
39-353-19-002 8101 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-007 8550 W COLFAX AVE LAKEWOOD, CO 80215
39-353-19-001 8125 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-008 8560 W COLFAX AVE LAKEWOOD, CO 80215
39-353-00-020 8195 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-009 8580 W COLFAX AVE LAKEWOOD, CO 80215
49-022-04-012 8100 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-010 8590 W COLFAX AVE LAKEWOOD, CO 80215
49-022-04-011 8190 W COLFAX AVE LAKEWOOD, CO 80214	39-353-12-019 8035 W 16TH PL LAKEWOOD, CO 80214
39-353-15-007 8275 W COLFAX AVE LAKEWOOD, CO 80214	49-031-00-001 8600 W COLFAX AVE LAKEWOOD, CO 80215

NORTH DRY GULCH IMPROVEMENTS PROJECT

MAY 2025

MAY 202

PHASE 4

CONSTRUCTION PACKAGE #4

REACH 2

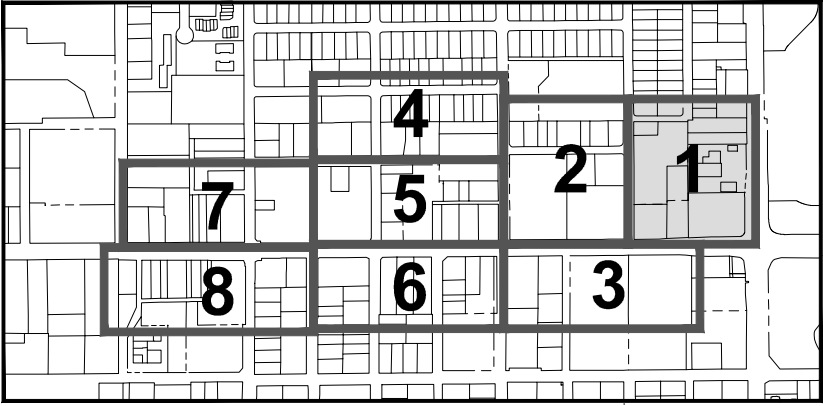
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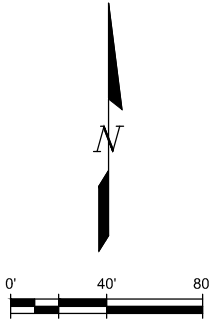
**W. 14TH AVENUE
CONSTRUCTION PACKAGE #**

LEGEND

REGULATORY 100-YEAR FLOODPLAIN



KEYMAP

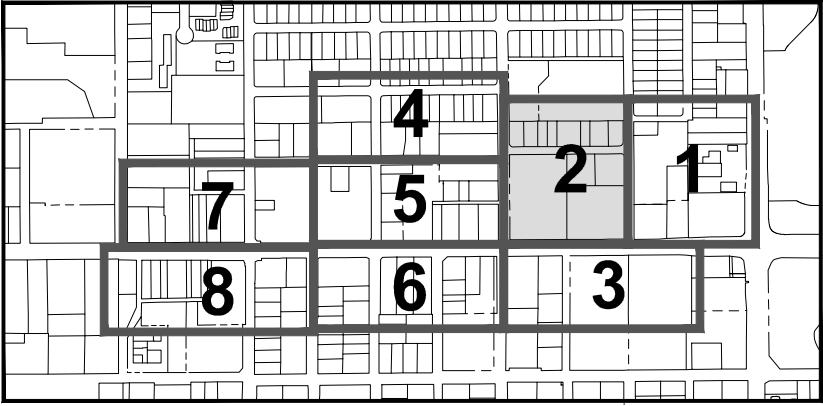


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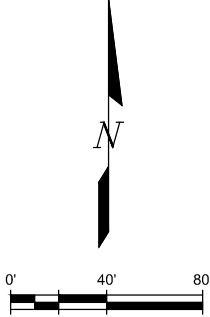
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- PE = PERMANENT EASEMENT
- RW = RIGHT OF WAY



CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025

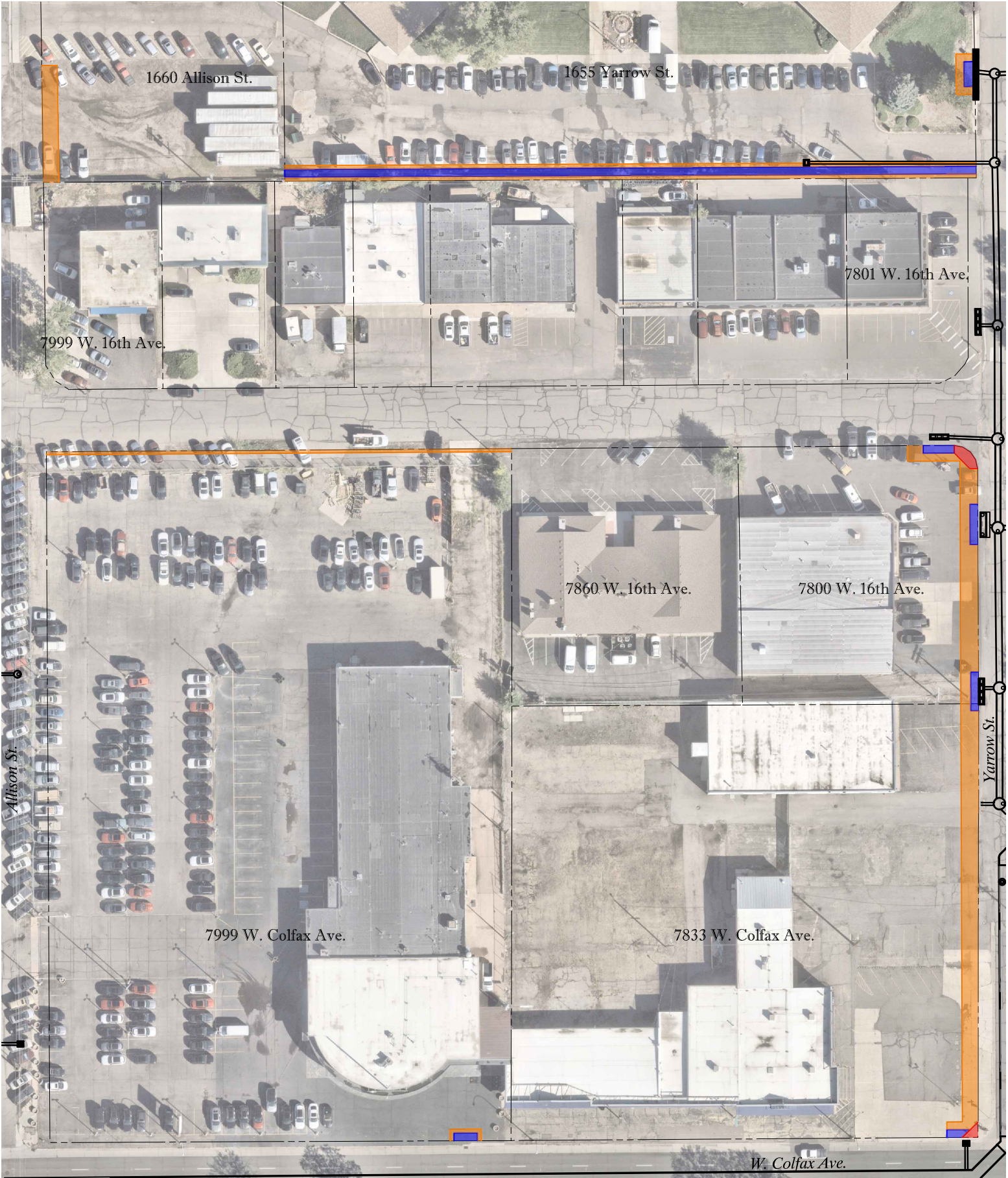
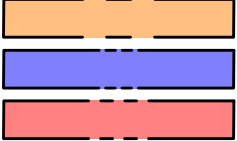


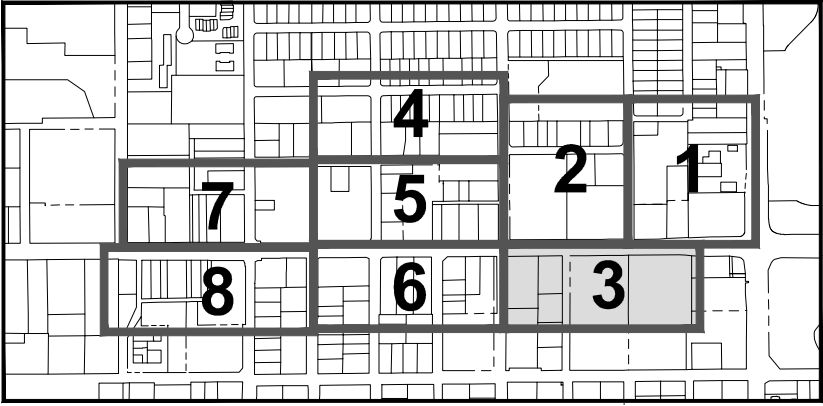
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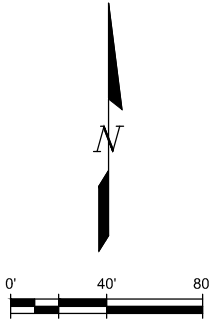
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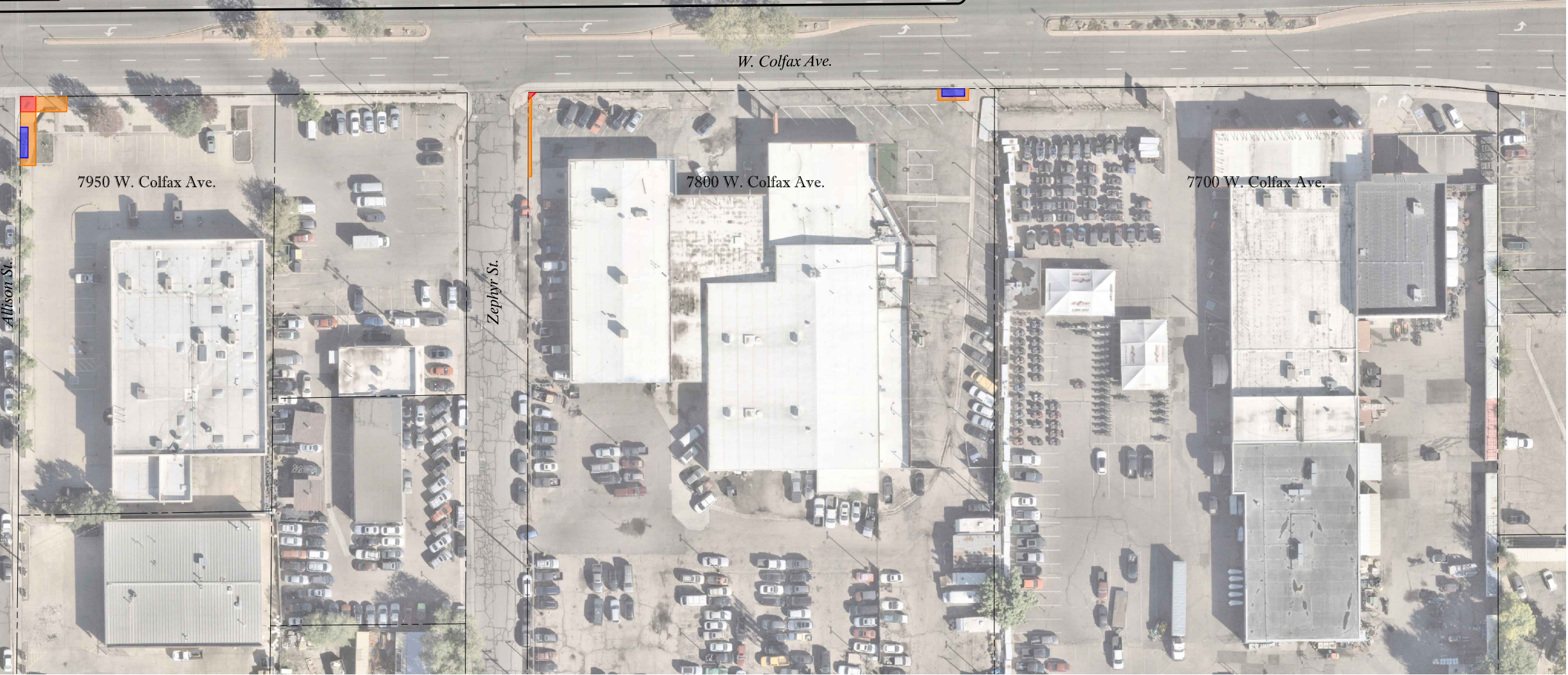


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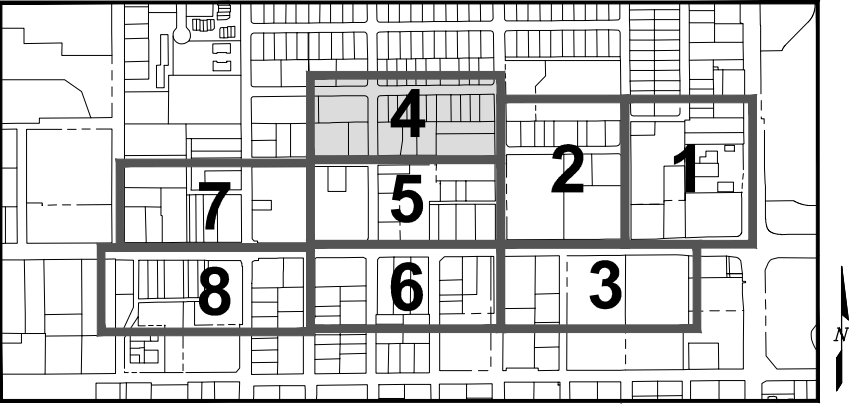


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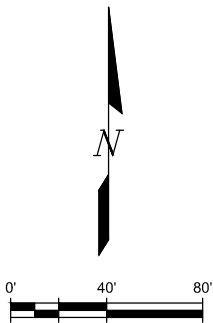
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CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025

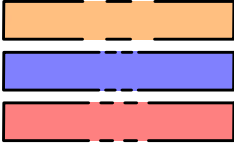


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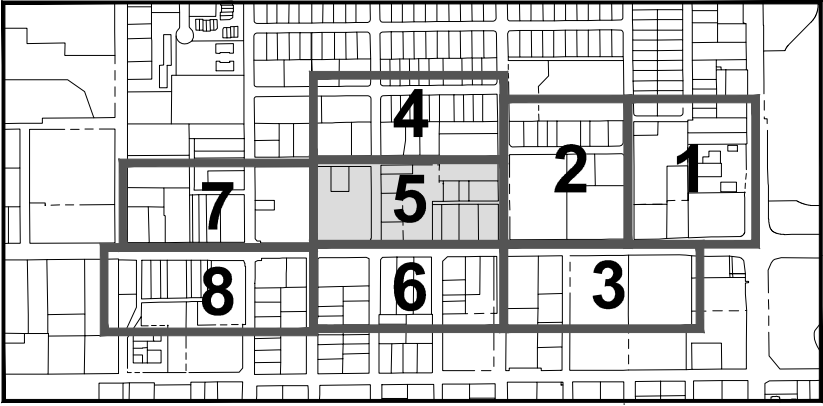


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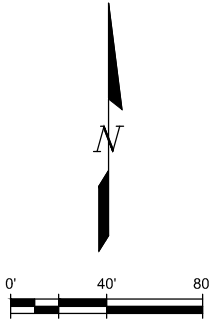
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CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025

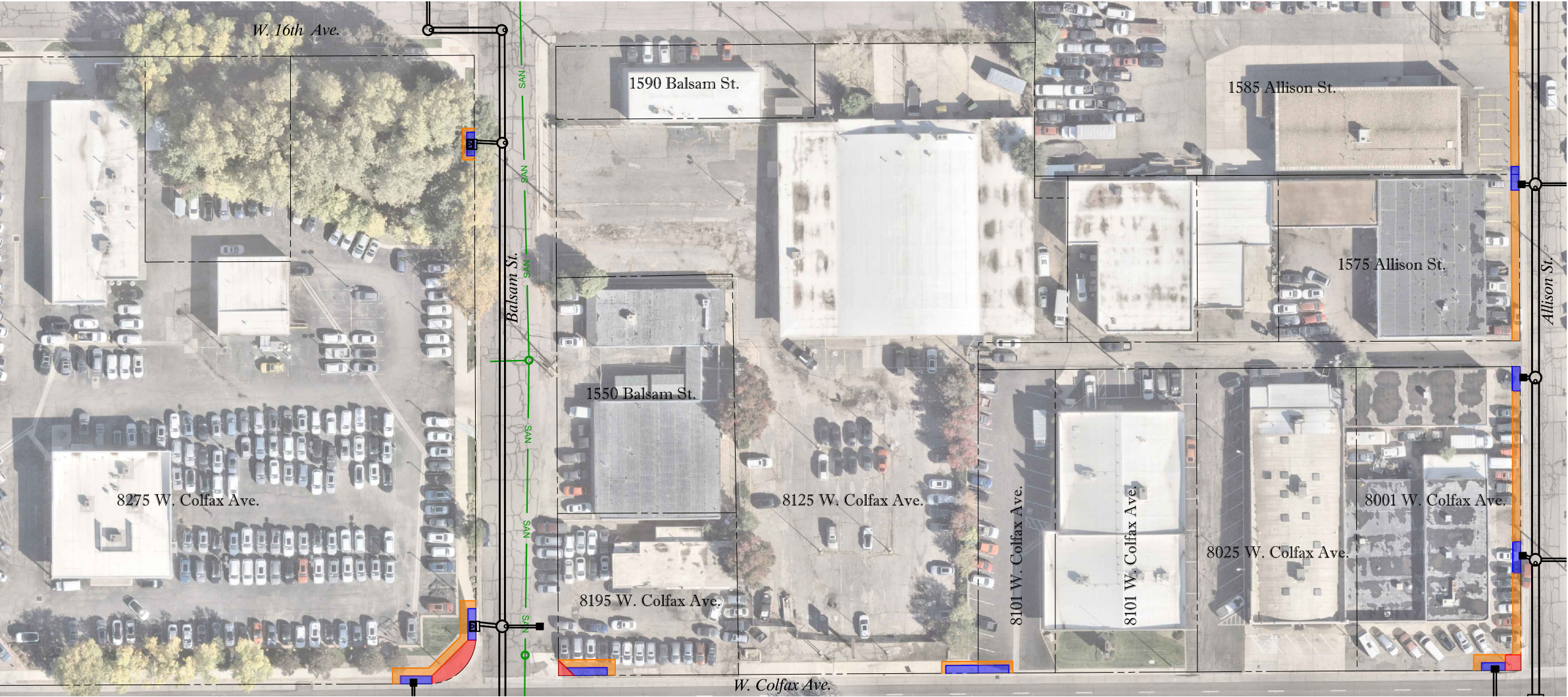
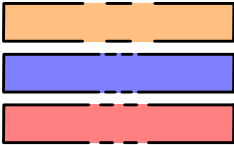


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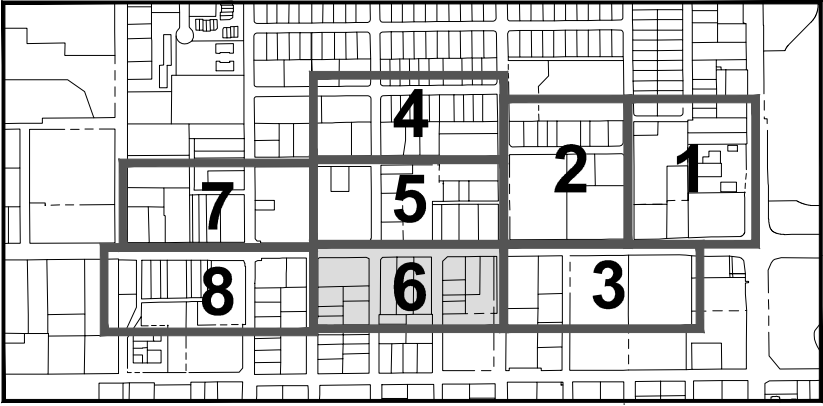


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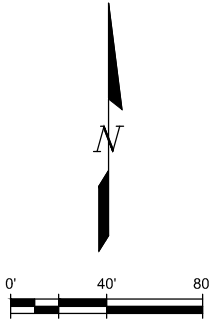
- TE = TEMPORARY EASEMENT
- PE = PERMANENT EASEMENT
- RW = RIGHT OF WAY



CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025

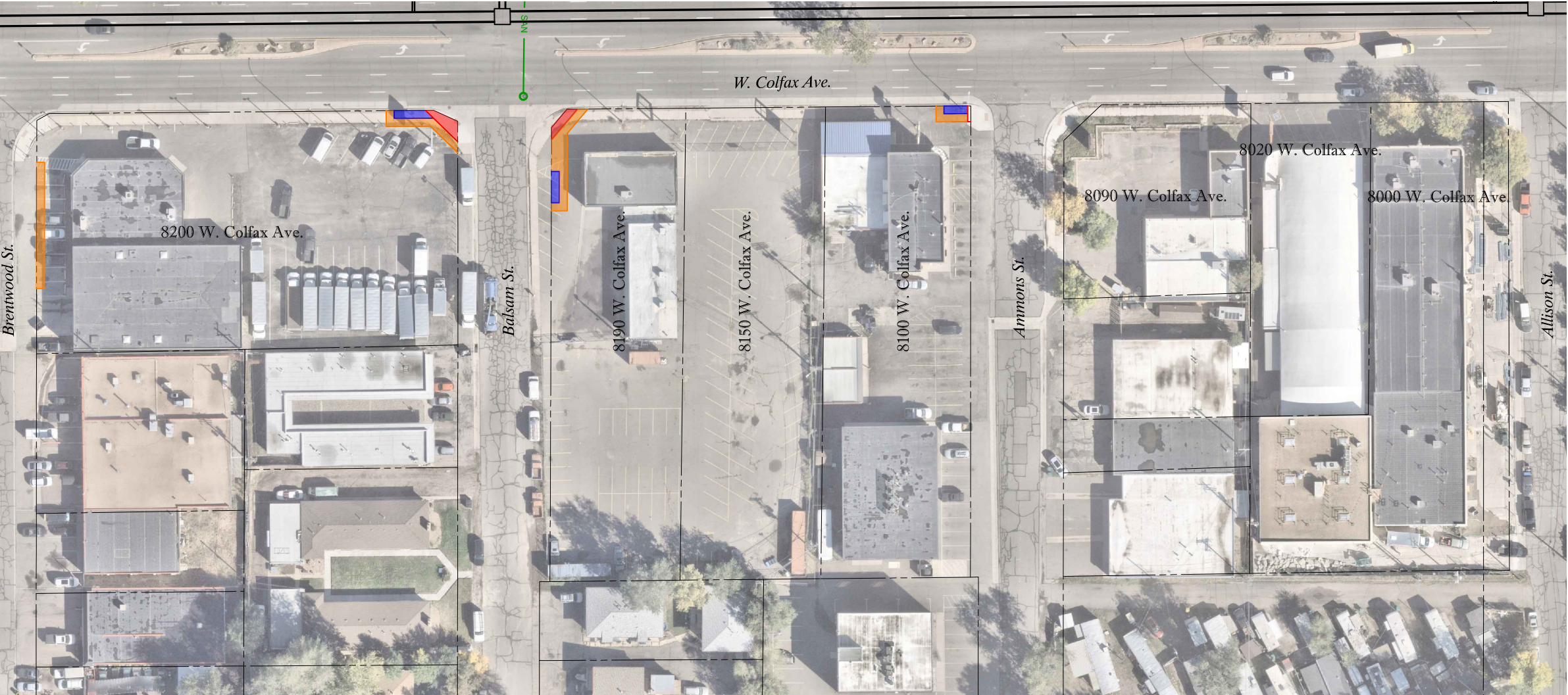
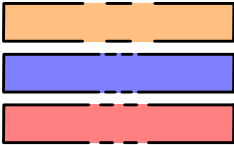


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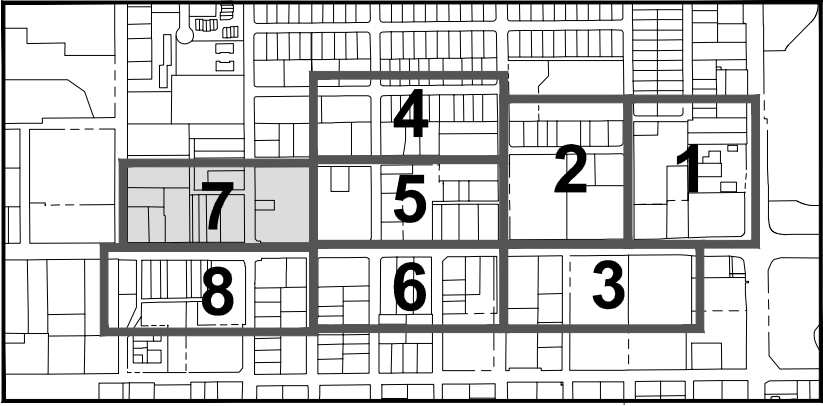


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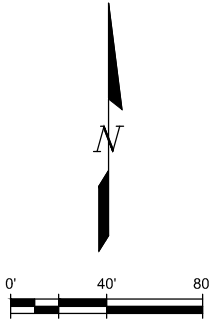
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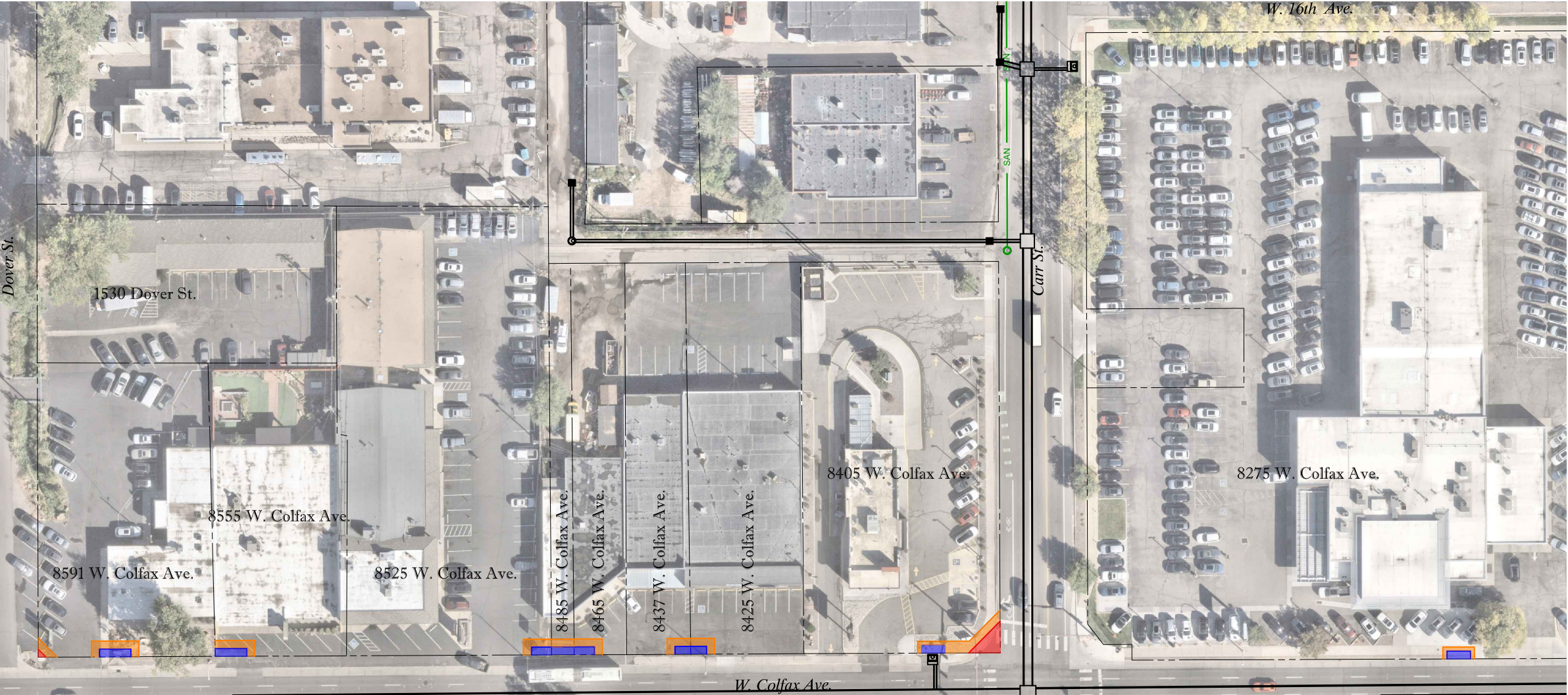
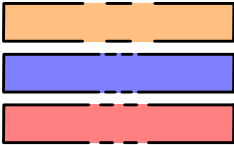


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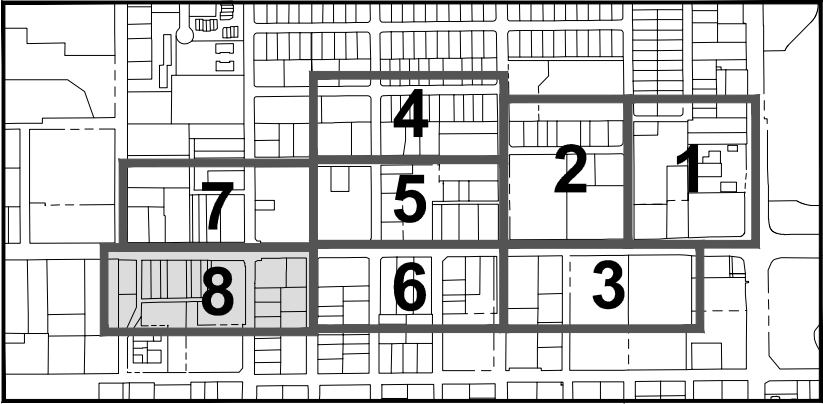


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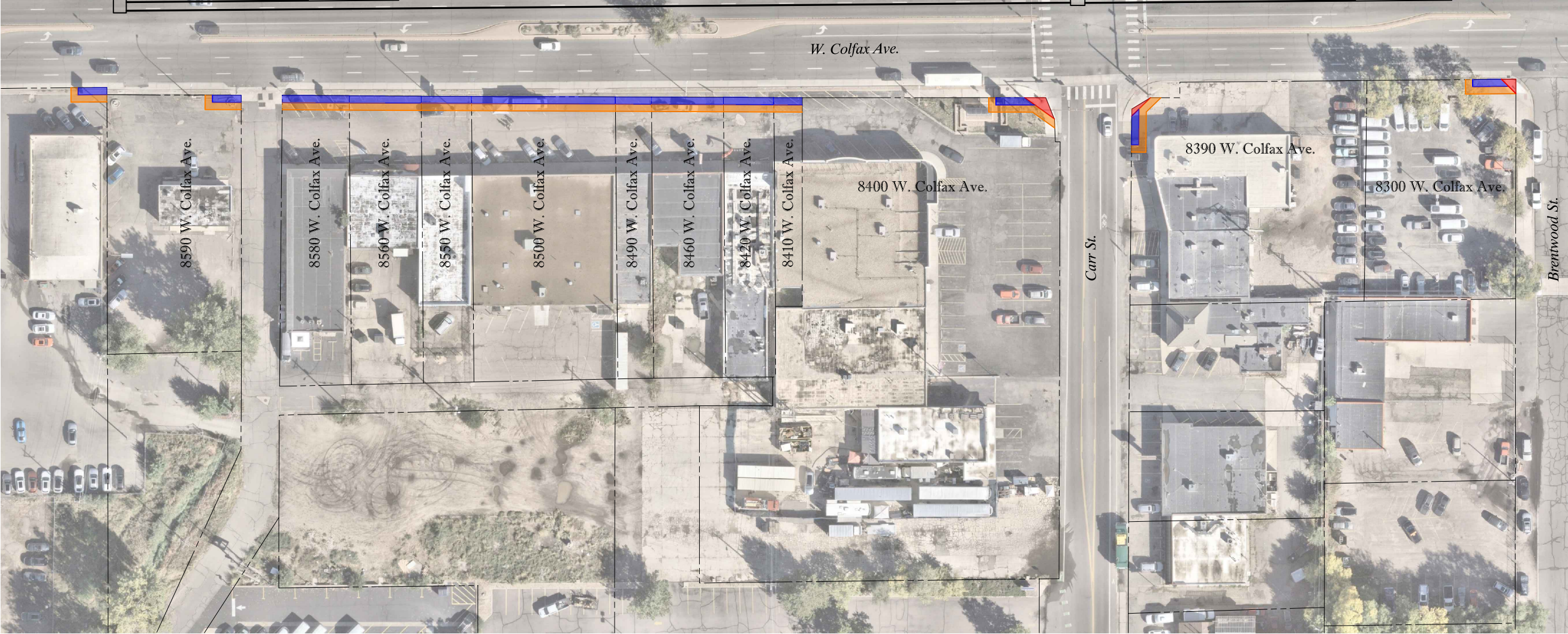
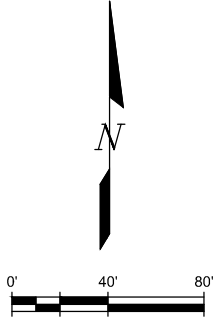
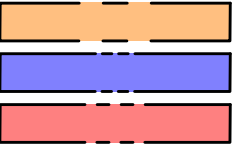
CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025



KEYMAP

KEY:

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**CITY OF LAKEWOOD ORDINANCE MAP
PROPERTY INTERESTS FOR THE NORTH DRY GULCH IMPROVEMENTS - PHASE 4 - WADSWORTH TO DOVER PROJECT
DECEMBER 2025**

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 7

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8A

To: Mayor and City Council
From: Holly Bjorklund, Chief of the Finance Branch
Subject: **Supplemental Appropriation**

SUMMARY STATEMENT: Staff is requesting that City Council authorize a supplemental appropriation to the 2026 Annual Budget to fund a required refund of Business and Occupation Tax revenues following a Colorado Supreme Court decision.

BACKGROUND INFORMATION: In *MetroPCS v. City of Lakewood*, the Colorado Supreme Court determined that amendments made to the City's Business and Occupation Tax in 1996 and 2015 related to complying with changes to federal and State telecommunications law required voter approval that did not occur. As a result, the City is obligated to refund taxes to entities that collected the tax from their consumers and remitted the tax to the City under those ordinances. The total potential refund amount was not known at the time of adoption of the 2026 Annual Budget. The ordinance authorizes a supplemental appropriation to allow timely payment of the settlement.

Because of the number of variants in this calculation, City staff have worked diligently since the *MetroPCS* decision to identify a reliable range of costs arising out of this decision to present to the City Council. Staff has determined that a supplemental appropriation of up to \$42,154,189 is anticipated to be the maximum amount needed to address this cost.

BUDGETARY IMPACTS: The ordinance authorizes a supplemental appropriation of up to \$42,154,189 from the General Fund. \$29,035,127 would be funded through a transfer from the TABOR Fund, which will equally impact the Public Safety, Infrastructure, and Parks, Recreation, and Open Space programs. City staff will identify proposed project cuts or program reductions within these TABOR Fund programs to offset the impacts of this transfer and will report back to City Council once such reductions have been identified. The remaining \$13,119,062 would be addressed through additional General Fund program reductions to be identified and implemented as part of the 2026 Revised Budget.

STAFF RECOMMENDATIONS: Staff recommends moving the ordinance forward for second reading at the January 26, 2026, Council Meeting.

ALTERNATIVES: The supplemental budget appropriation is necessary to comply with a Colorado Supreme Court ruling. There is no alternative to this council item.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If the ordinance is approved, staff will proceed with payment of the settlement. Staff will also identify proposed project cuts or program reductions within the TABOR Fund programs and the General Fund to offset the impacts of the authorized transfer and supplemental appropriation, and

staff will report back to City Council once such reductions have been identified.

ATTACHMENTS: 1. Ordinance O-2026-1
 2. Business Occupation (BO) Tax Presentation

REVIEWED BY: Kathleen E. Hodgson, City Manager
 Benjamin B. Goldstein, Deputy City Manager
 Alison McKenney Brown, City Attorney

O-2026-1

AN ORDINANCE

AUTHORIZING A SUPPLEMENTAL APPROPRIATION TO THE 2026 ANNUAL BUDGET UP TO AN AMOUNT OF \$42,154,189 FROM THE GENERAL FUND FOR PAYMENT OF A REFUND OF BUSINESS AND OCCUPATION TAX, AND AUTHORIZING A TRANSFER FROM THE TABOR FUND TO THE GENERAL FUND IN THE AMOUNT OF \$29,035,127

WHEREAS, Article XII, Section 8 of the City Charter authorizes the City Council to make supplemental appropriations by ordinance during the fiscal year for unanticipated expenditures required for the operation of the City of Lakewood ("City") using monies not anticipated in the adopted budget;

WHEREAS, Section 3.04.060 of the Lakewood Municipal Code ("LMC") requires approval by the City Council for any unbudgeted purchase or any purchase of more than seventy-five thousand dollars (\$75,000.00) that has a change in funding source;

WHEREAS, Colo. Const. Art. X, Section 20 ("TABOR") requires a refund of taxes collected in violation TABOR's election requirement;

WHEREAS, in 1969 the City of Lakewood implemented a Business and Occupation Tax ("B&O Tax") for providing telecommunications service to residents of the City of Lakewood;

WHEREAS, in 1996 the State of Colorado required local governments to extend any existing charge on telecommunications to apply neutrally to comparable providers of the service. Ch. 75, sec. 1, C.R.S. § 38-5.5-107(2)(a), 1996 Colo. Sess. Laws 298, 301–02;

WHEREAS, in 1996 and 2015 the City of Lakewood amended its B&O Tax to clarify that the tax applied to new forms of telecommunications that were not available in 1969;

WHEREAS, in the case of MetroPCS v. City of Lakewood, 2025 CO 53, the Colorado Supreme Court determined that City of Lakewood Ordinances O-1996-43 and O-2015-3 required voter approval (see case for further information), which did not occur prior to the adoption of such ordinances;

WHEREAS, the City of Lakewood (the "City") has been ordered to refund taxes collected pursuant O-1996-43 and O-2015-3 authorizing the collection of Business and Occupation ("B&O") Tax for providing telecommunications service to residents of the City of Lakewood;

WHEREAS, the total amount required to satisfy the settlement obligation is up to forty-two million one hundred fifty-four thousand one hundred eighty-nine dollars (\$42,154,189), which was not known when Council adopted the 2026 Annual Budget;

WHEREAS, the final amount of refunded taxes shall be determined after all businesses are given a reasonable opportunity to request a refund and demonstrate entitlement to a refund;

WHEREAS, the final amount of refunded taxes may be finally stated through the City of Lakewood's 2026 revised budget;

WHEREAS, City staff recommends a supplemental appropriation in the General Fund to allow for the timely payment of the settlement;

WHEREAS, a portion of this supplemental appropriation will be funded through a transfer of twenty-nine million thirty-five thousand one hundred and twenty-seven dollars (\$29,035,127) from the TABOR Fund to the General Fund;

WHEREAS, the use of TABOR Fund resources for this purpose will equally impact the three programs supported by the TABOR Fund: Public Safety, Infrastructure, and Parks, Recreation, and Open Space;

WHEREAS, up to the remaining thirteen million one hundred nineteen thousand sixty-two dollars (\$13,119,062) of the supplemental appropriation from the General Fund will be offset through additional program reductions to be identified and implemented in the 2026 Revised Budget;

WHEREAS, approval of this Ordinance on first reading is intended solely to set a public hearing and provide an opportunity for City staff and the public to present information and testimony regarding the proposed supplemental appropriation, and does not constitute final approval of the expenditure.

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

SECTION 1. Supplemental Appropriation. The City Council hereby appropriates up to forty-two million one hundred fifty-four thousand one hundred eighty-nine dollars (\$42,154,189) to the General Fund for fiscal year 2026 for the purpose of paying a settlement related to Business and Occupation Tax collection.

SECTION 2. Transfer Authorization. The City Council hereby authorizes a transfer in the amount of twenty-nine million thirty-five thousand one hundred and twenty-seven dollars (\$29,035,127) from the TABOR Fund to the General Fund to partially fund the supplemental appropriation authorized in Section 1 of this Ordinance.

SECTION 3. Budget Offsets. City staff is directed to identify and implement project cuts or reductions within the TABOR Fund programs (Public Safety, Infrastructure, and Parks, Recreation, and Open Space) to offset the impacts of the authorized transfer, and to identify additional General Fund program reductions totaling thirteen million one hundred nineteen thousand sixty-two dollars (\$13,119,062) as part of the 2026 Revised Budget process.

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

SECTION 5. Effective Date. This Ordinance shall take effect thirty (30) days after final publication.

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

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



Lakewood
Full of Possibilities

Business & Occupation (B&O) Tax: Legal Ruling & Next Steps

January 2026



History

- **1969: Established B&O tax on telecommunications**
 - Utility companies
 - Supplying local exchange telephone service
 - Maintaining physical lines
- **1990: The tax was amended to increase annually with CPI**
- **1992: TABOR prohibits new taxes without voter approval**
- **1996: Lakewood amended tax**
 - Applied a lower rate to new entrants, included new entrants in the reach of tax
- **2015: Lakewood amended tax**
 - Reduced rate for all payers, including all forms of telecommunications



Federal and State Regulation

➤ Federal

- State and local governments may not tax in a way that acts as a barrier to entry for new telecom providers

➤ State

- Any existing telecom charge must be “extended” to all comparable forms of telecommunications

➤ TABOR

- Cannot implement “new tax”, “tax rate increase”, or “tax policy change directly causing net revenue increase” without voter approval



1996 Amendments

- **Tax applied to new entrants providing telecommunications service**
 - New entrants' tax based on the derivative of the incumbent provider
 - A per-line rate was calculated based on the incumbent provider's tax divided by the incumbent provider's number of users
 - The per-line rate was then applied to new providers

- **The City anticipated new entrants**
- **State and federal laws prohibited discriminatory taxation**
- **Existing tax was amended to try to avoid violation of state and federal law**
- **No new revenue for 3 years**



2015 Amendments

- **By 2015, the telecommunications market changed significantly**
- **The B&O tax formula from 1996 was no longer suitable**
- **The Amendment aimed to comply with state and federal requirements**
- **Amendment:**
 - (1) Applied the tax rate equally to all providers
 - (2) Clarified that cellular was subject to tax
 - (3) Kept the rate from increasing rapidly (decreased by ~38%)



MetroPCS Case

- **MetroPCS was audited and served with a deficiency letter**
- **MetroPCS sued, alleging violations of TABOR**

Court Findings

- District and Supreme Courts ruled in favor of MetroPCS
- 1996 and 2015 ordinances are invalid
- Expansion of businesses subject to tax = “new tax”
- No voter approval = violation of TABOR



Actions Required by Court Ruling

- **Refund B&O taxes + 10% interest (four full years before initiation of lawsuit until collection ends)**
 - City to refund businesses
 - Businesses may be required to refund customers
- **Cease collection of illegally imposed B&O tax**
- **Reimburse attorney fees and court costs**
- **177 companies paid B&O during the period**



Staff Actions

- Through Lakewood's tax system, companies remitting B&O tax were notified to stop.
- As of November 2025, companies are no longer able to file B&O tax.
- Attorney's Fees paid through the claims budget.
- Identified each company's registered agents or principal representatives.
- Mailed a letter to representatives requesting a response within 60 days.



Staff Actions

- **Company information is being gathered, and data confirmed through an interactive form.**
- **Information and data for each company will be reviewed. Additional information may be requested.**
- **Each refund will be issued once information is verified.**
- **The public and businesses will be informed by posting updates on the website as new information becomes available, responding to phone calls, emails, and in-person visits.**
- **If necessary, involve court for finalization of refund**



Next Steps

- **Fund sources**
 - TABOR and General Fund
- **Finance is evaluating the impact on current budget, fund balances, and future revenues.**
- **Finance working with departments to determine budget changes to adjust for impact.**
- **Assuming no future B&O tax revenue**



City Council Request for Action

1. Resolution

- Acknowledge refund obligation
- Identify the scope of the refund
- Approve plan for refund
- Identity source of funds
- Stop collection of B&O tax

2. Ordinance

- Approve budget appropriation



Lakewood
Full of Possibilities

Thank you

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8B

To: Mayor and City Council
From: Paul Rice Jr, Development Assistance Manager
Subject: **Vacating ROW at 1456 Benton Street**

SUMMARY STATEMENT: The owner of the property located at 1456 Benton St. is asking City Council to vacate an excess ROW tract that had been previously dedicated to the City in 2020 with the West Colfax Subdivision Block 3 Lot Line Adjustment Number 1 final plat. In 2022, the scope of the land development proposal changed to include the replatting and merging of the 1456 and 1452 Benton St. properties. The proposed site plan no longer necessitates widening of the alley.

BACKGROUND INFORMATION: The dedication of the Tract A as ROW was intended for widening of the existing alley adjacent to 1456 Benton St. under a previous site plan application that was eventually withdrawn. Although the property was platted, including dedication of Tract A as ROW, the project was not developed and the four feet of alleyway widening was not constructed. The property was sold, and a new site plan application is currently under review. The new development proposes merging the properties located at 1456 and 1452 Benton St into one lot. Based upon the determination of public improvements by the City Engineer for the new development application, the four feet of ROW adjacent to the alley is no longer needed.

BUDGETARY IMPACTS: N/A

STAFF RECOMMENDATIONS: Approval of the ordinance.

ALTERNATIVES: If this Ordinance is not approved, Tract A would remain City ROW, and maintenance responsibility would remain with the City. Additionally, the applicant would not be able to own and use a portion of their property in a manner consistent with other property owners in the area.

PUBLIC OUTREACH: This item was advertised via regular communication channels. A presentation on this topic has been made publicly available on LakewoodSpeaks.org.

NEXT STEPS: If approved on first reading, the public hearing will be scheduled for January 26, 2026.

ATTACHMENTS:

1. Ordinance O-2026-2
2. ROW Vacation Exhibit - 1456 Benton Street

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2026-2

AN ORDINANCE

VACATING A PORTION OF RIGHT-OF-WAY AT
1456 BENTON ST., LAKEWOOD COLORADO

WHEREAS, the owner of property at 1456 Benton St. ("Applicant") requests vacation of Tract A of the WEST COLFAX SUBDIVISION BLOCK 3 LOT LINE ADJUSTMENT NO. 1 PLAT ("Tract A");

WHEREAS, when originally platted in 2020, Tract A was intended to be a widening of the existing alley adjacent to Applicant's property;

WHEREAS, Applicant desires to use Tract A as part of their rear yard, consistent with the other properties along this portion of this alley;

WHEREAS, Tract A is within the jurisdiction of the City and has never been used as a roadway, right-of-way or for any public purpose;

WHEREAS, the City has no plan to use Tract A for right-of-way and requests vacation of Tract A;

WHEREAS, the City Council finds and determines that Tract A is no longer needed for any public purpose and that the vacation of Tract A is in the public interest;

WHEREAS, the City Council finds that no land adjoining Tract A would be left without an established connection to a public road;

WHEREAS, approval of this Ordinance on first reading is intended only to confirm that the City Council desires to comply with the City's Charter by setting a public hearing to provide City staff and the public the opportunity to present evidence and testimony regarding this proposal; and

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

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

SECTION 1. Pursuant to Title 43, Article 2, of the Colorado Revised Statutes, and City of Lakewood Case VA24-0005, and upon a finding that Tract A, as is no longer necessary for use by the public and that no land would, by this vacation, be left without a connection to an established public road, Tract A described in Exhibit A, incorporated herein and made a part hereof, is vacated.

SECTION 2. This ordinance shall take effect thirty (30) days after final publication.

SECTION 3. After the effective date of this Ordinance, the Lakewood City Clerk shall record a certified copy of this Ordinance, including Exhibit A, at the Jefferson County Clerk and Recorder's office.

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

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

Wendi Strom, Mayor

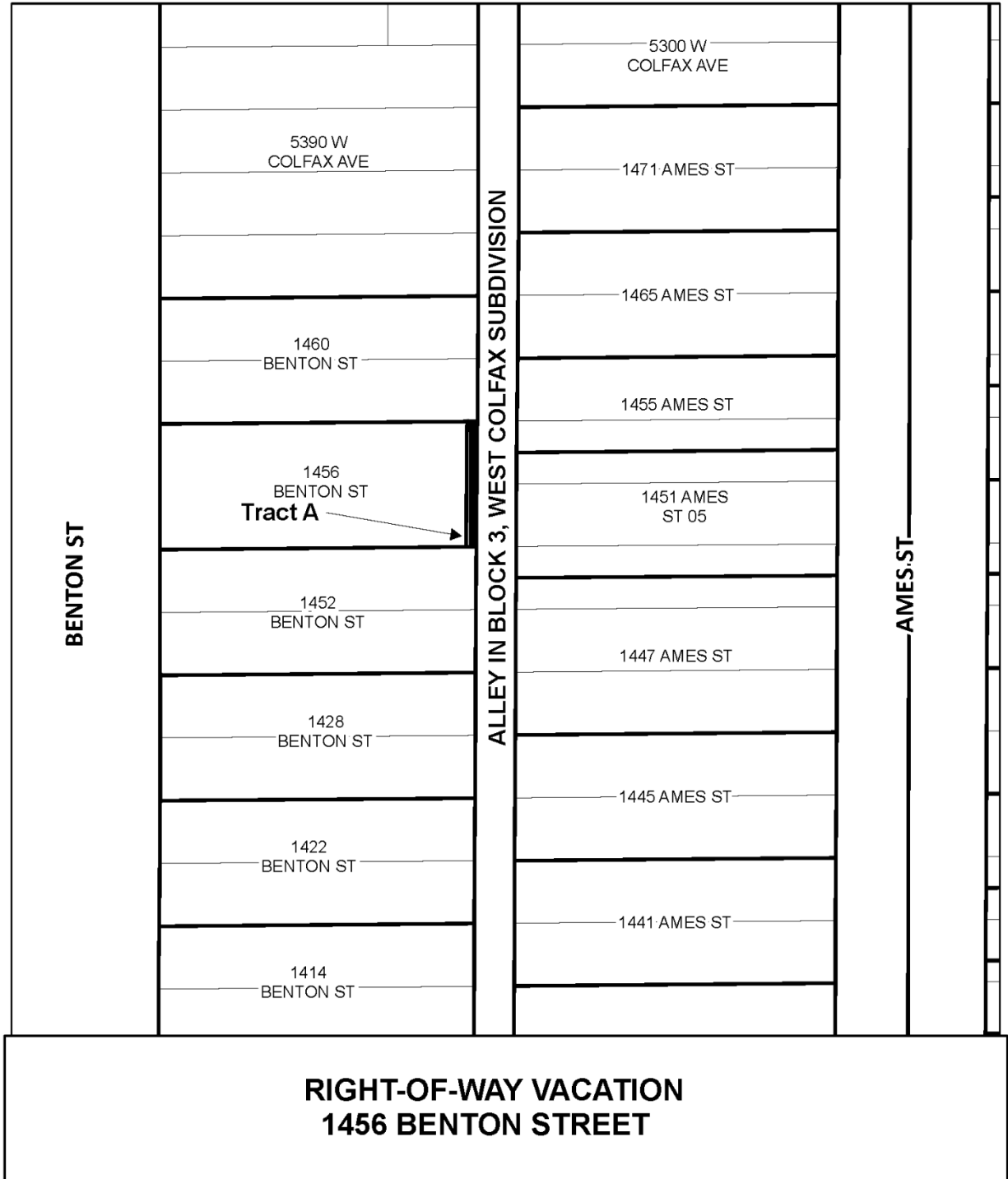
ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

EXHIBIT A





RIGHT-OF-WAY VACATION

1456 BENTON STREET

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8C

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Repealing O-2025-27**

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

BACKGROUND INFORMATION: In conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-27 regarding Articles 6-14 of Title 17 of the Lakewood Municipal Code was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 11th day of August 2025; published by title in The Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of August 2025; set for public hearing to be held on the 25th day of August 2025; read, finally passed and adopted by the City Council on the 25th day of August 2025; and signed by the Mayor on the 15th day of September 2025, and published as amended upon the City's website on the 15th day of September 2025.

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

A petition calling for a referendum of Ordinance 2025-27 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on October 31, 2025, such petition asking to hold a referendum on Ordinance 2025-27 (referendum).

A protest of the sufficiency of the referendum petition was filed against such referendum on November 24, 2025. A hearing was held on December 19, 2025, to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3).

In accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first

regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026. Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council.

A resolution calling for a special municipal election to submit this referendum petition to the registered electors of the City of Lakewood will be provided as an alternative to this ordinance on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: Please review Ordinance 2025-27 to review the processes associated with the year-long effort to establish a zoning code to meet the current and future needs of residents to gauge anticipated costs.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: Hold a special municipal election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-27 or whether to support the legislative determination of the City Council and uphold 2025-27.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If this ordinance is approved the City Council will begin the process to revise the City's zoning code to continue to seek to expand affordable housing, expand housing types to meet the needs of current and future residents of Lakewood.

If this ordinance is not approved the City Council will begin the process of calling for a special election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-27 or whether to support the legislative determination of the City Council and uphold Ordinance 2025-27.

ATTACHMENTS:

1. Ordinance O-2026-3
2. Ordinance O-2025-27_as amended

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

REPEALING IN ITS ENTIRETY ORDINANCE 2025-27, AS ADOPTED ON AUGUST 25, 2025, REGARDING ARTICLES 6 – 14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, AND REPLACING WITH THOSE VERSIONS OF ARTICLES 6 – 14 OF TITLE 17 THAT WERE IN EFFECT ON DECEMBER 31, 2025

WHEREAS, in conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-27 regarding Articles 6-14 of Title 17 of the Lakewood Municipal Code was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 11th day of August, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of August, 2025; set for public hearing to be held on the 25th day of August, 2025; read, finally passed and adopted by the City Council on the 25th day of August, 2025; and signed by the Mayor on the 15th day of September, 2025, and published as amended upon the City's website on the 15th day of September, 2025;

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

WHEREAS, a petition calling for a referendum of Ordinance 2025-27 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended;

WHEREAS, the Lakewood City Clerk's Office received the signed petition on October 31, 2025, such petition asking to hold a referendum on Ordinance 2025-27 (referendum);

WHEREAS, a protest was filed against such referendum on November 24, 2025, a hearing was held on December 19, 2025 to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025 finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3);

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

WHEREAS, Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the

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

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

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

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

SECTION 1. Ordinance 2025-27, as adopted on August 25, 2025, regarding Articles 6 – 14 of Title 17 of the Lakewood Municipal Code is repealed in its entirety, and shall be replaced by those versions of Articles 6 – 14 of Title 17 that were in effect on December 31, 2025.

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

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

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

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

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

O-2025-27

AN ORDINANCE

AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING
ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE

WHEREAS, the City of Lakewood (the “City”) is a home rule city of the state of Colorado with full authority to legislate in matters of local concern such as zoning and land use matters;

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

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

WHEREAS, the City Council finds and determines that amending Articles 6-14 of Title 17 of the Lakewood Municipal Code (the “Zoning Code”) is a legislative function as recognized by Colorado law and such amendments are therefore not subject to any requirement for individualized notice to specific property owners;

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

- A. The creation of a digital engagement platform on Lakewood Together to track all Zoning Code updates, touchpoints, polling, discussions, questions, and more;
- B. Articles, news stories, reports, and/or write-ups in Looking@Lakewood, Friday Reports, Lakewood Together newsletters, the Jeffco Transcript, registered organizations’ newsletters, Nextdoor.com, and the “YourHub” section of the Denver Post;
- C. At least twenty (20) posts on social media (Facebook, Instagram, X, LinkedIn, YouTube);
- D. Numerous neighborhood and business association meetings, and other in-person community events;
- E. A Planning Commission study session on February 19, 2025;
- F. A City Council study session on March 17, 2025;
- G. An open house on April 3, 2025; and

H. Three City Council in-person workshops on May 5, 2025, May 19, 2025, and June 2, 2025;

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

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

WHEREAS, it is necessary to repeal and replace Articles 6-14 of the Zoning Code to incorporate updates throughout each Article; and

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

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

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

SECTION 2. The Zoning Code is amended by repealing Articles 6-14 of the existing Zoning Code and replacing them with Articles 6-14 of the new Zoning Code which are attached hereto and made part hereof.

SECTION 3. The proposed legislative amendments to Articles 6-14 promote the purposes of this Zoning Code.

SECTION 4. The proposed legislative amendments to Articles 6-14 promote implementation of the City's new Comprehensive Plan *Envision Lakewood 2040*.

SECTION 5. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

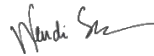
SECTION 6. This Ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 11th day of August, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of August, 2025; set for public hearing to be held on the 25th day of August, 2025; read, finally passed and adopted by the City Council on the 25th day of August, 2025; and signed by the Mayor on the 15th day of September, 2025.

ATTEST:



Jay Robb, City Clerk



Wendi Strom, Mayor

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney

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ARTICLE 6: RESIDENTIAL BUILDING AND SITE DESIGN STANDARDS

17.6.1: General

17.6.1.1: Purpose and Intent

This Article establishes site and building design standards for residential development in the City of Lakewood (the “City”). The purpose of these design standards is to ensure that development implements the principles and goals articulated in the City’s Comprehensive Plan for quality and sustainable development that interacts and functions well with the surrounding community. The purpose of the design standards in this Article is to:

- A. Provide opportunities for residential infill development that interacts well with the character of adjoining neighborhoods;
- B. Provide for a diverse mix of land uses, densities, and housing types for infill projects;
- C. Provide a well-designed site circulation system that is conducive to pedestrian use; and
- D. Provide sustainable development through the preservation and adaptive reuse of existing housing stock.

The manner in which a particular land use functions and interacts with adjacent and surrounding land uses is integral in creating a successful development. The design of a new development or redevelopment should embrace the intent of the zone district and the purpose of the design standards in this Article.

17.6.1.2: Applicability

This Article establishes building and site design standards for a development that contains only a residential use. The design standards shall be applied to any addition or new construction except where explicitly superseded by an approved Official Development Plan (ODP) or as identified in this Article.

17.6.1.3: Design and Development Criteria

In addition to the design standards established in this Article, the City has adopted design and development criteria to further articulate the intended design for specific areas of the City. Any new development or redevelopment of a site located in an area governed by design and development criteria shall adhere to such criteria.

17.6.2: Building Design Standards

17.6.2.1: Architecture

The following design standards are intended to provide for the architectural interest of buildings throughout the City:

- A. Building Elevations: All residential building elevations shall have a similar level of architectural treatment and detail. Residential elevations shall be designed to include at least seven (7) of the following:
1. The incorporation of a porch or balcony;
 2. The incorporation of canopies, awnings, or overhangs at primary entryways;
 3. The incorporation of windows and doors;
 4. The use of window and doorway surrounds (sills, lintels, pilasters, mullions), through a change in plane of at least two (2) inches on average;
 5. A change in material types or textures;
 6. The use of offsets or insets, such as bays;
 7. A vertical or horizontal change to a wall plane;
 8. Vertical breaks or changes to roof lines;
 9. The inclusion of roof eaves with a minimum depth of eighteen (18) inches; and/or
 10. The use of masonry or stone on thirty (30) percent or more of the building façade.
- B. Building Transparency: Primary residential structures of three (3) or more units in the R-M or mixed-use zone districts shall be designed to increase pedestrian interest through the following:
1. Building façades oriented towards a public or private street within twenty (20) feet of existing or required right-of-way improvements shall include clear glass windows and/or doors on the ground floor.
 2. Ground floor window and door openings shall be arranged so the building uses are visible from the street on at least thirty (30) percent of the street facing façades, located within two (2) and ten (10) feet above finished grade.

C. Structure Variation:

1. Primary residential structures shall not have the same color, model or building footprint on more than three (3) consecutive lots or buildings along a street frontage.
2. Development projects that include more than three (3) primary structures shall introduce a change in the building façade, façade material, model or color pallet. A new structure variation shall be introduced for every three (3) primary structures, or fraction thereof, included within the development.

D. Bird Safety: Bird-safe glass, or certified bird safety compliant film or etching, specially designed to prevent bird collisions, is required for all glass surfaces on exterior building facades as follows:

1. Buildings taller than forty-five (45) feet in height and located on a property adjacent to a public park that is one (1) acre in size or greater.
2. Primary residential structures with less than three (3) dwelling units are exempt from this provision.

E. Façades and Entry Ways: All residential structures that are adjacent to a public or private street shall contribute to the streetscape. The street-facing elevation shall have windows and at least one (1) of the following: a porch, stoop, balcony, or dormer.

1. The following standards shall apply to primary residential structures of three (3) or more units in the R-M and mixed-use zone districts:
 - a. Residential dwellings that are adjacent to a public or private street shall provide a primary entrance that faces the street; and
 - b. Residential dwellings shall have articulated façades to differentiate individual buildings.

F. Garages:

1. Garage door openings for single car garages shall be a minimum width of eight (8) feet and a minimum height of seven (7) feet. Interior dimensions for single car garages shall be a minimum width of twelve (12) feet wide and a minimum depth of twenty (20).
2. Garage door openings for two-car garages shall be a minimum width of sixteen (16) feet and a minimum height of seven (7) feet. Interior dimensions for two-car garages shall be a minimum width and depth of twenty (20) feet.

3. Detached garages for all residential structures shall be setback behind the front edge of the primary residential building along the primary lot frontage.
4. The following standards are for unit garages attached to a primary structure and only apply to the front facade clearly visible from the street. Refer to [17.6.2.3](#) for residential parking structure standards.
 - a. Front-loaded garages facing a street must have windows covering at least fifty (50) percent of the door's vertical or horizontal dimension, matching the residence's architecture. Alternative designs, including solid doors, may be approved at the Director's discretion.
 - b. Front-loaded garages and carports shall not project more than eight (8) feet in front of the habitable portion of the structure and must meet the required front setback.
 - c. The garage door opening shall not comprise more than fifty (50) percent of the linear residential building façade width.
 - d. The street-facing façade of a side-loaded garage shall include at least one (1) window and a similar architectural treatment to the remainder of the residential building (See [Figure 24](#)).

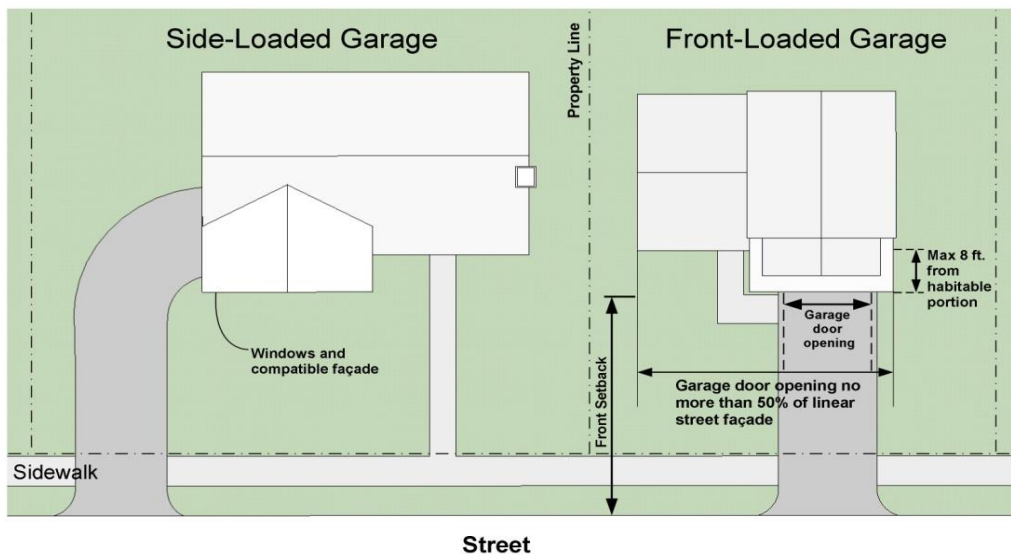


Figure 24: Attached Garages - Front and Side Loaded; 17.6.2.1:F.4.d

17.6.2.2: Attached Dwelling Design Standards

- A. Where possible, primary residential structures adjacent to a public or private street and comprised of attached dwelling units shall be oriented with the longer side of the building and primary unit entries along the street. When the size, shape or configuration of a development site cannot accommodate the desired building and unit orientation, additional design standards shall be required.
- B. Developments with three (3) or more individual dwelling structures that are attached at common vertical side walls and include units where the primary dwelling entrance faces a side or rear property line shall be subject to the following:
 - 1. The project site, which may be comprised of one (1) or more existing parcels or lots, shall have a minimum width along the street frontage of one hundred and twenty-five (125) feet.
 - 2. Residential dwelling units adjacent to a public or private street shall be oriented to face the street.
 - 3. Exterior walls for attached unit garages may not be located along the street frontage. A minimum ten (10) foot habitable space separation is required between a street facing façade and the unit garage.

17.6.2.3: Residential Parking Structure Standards

The following shall apply to parking structures in an R-M or M zone district:

- A. The first-floor façade of a parking structure located adjacent to a public street shall be designed to encourage and complement pedestrian-scale interest and activity through the inclusion of at least three architectural elements such as arcades, windows, awnings, overhangs, screens, grills, louvers or other similar non-opaque features.
- B. Façade openings that face a public street or open space shall be vertically and horizontally aligned and all floors fronting onto those facades shall be level, not inclined.
- C. Parking structures shall be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of forty-two (42) inches.
- D. Within the Urban and Transit contexts, the ground floor façade of a structured parking facility that abuts a public sidewalk, street, or open space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed with a minimum unfinished floor to ceiling height of fourteen (14) feet in order to

allow occupancy by uses other than parking that are allowed in the underlying zone district.

- E. Within the Transit context, structured parking facilities located adjacent to a public street shall contain non-residential uses on the first floor along the street frontage or be wrapped with development of equal or greater height than the parking structure. At least fifty (50) percent of a street-level facing a public sidewalk, street, or open space area shall be designed and constructed to accommodate non-residential uses to a minimum depth of forty (40) feet.

17.6.2.4: Exterior Building Elements

- A. Utility meters shall be screened from view along a public street to the greatest extent possible and shall be painted a color to blend with the building façade.
- B. All external rooftop mechanical equipment shall be screened from view along a public street by parapets or enclosures that are equal to, or greater than, the height of the equipment to be screened. The parapet or enclosure shall use one of the predominant materials or colors used on the primary building façade.
- C. On all structures exceeding thirty-five (35) feet in height, roofs shall have drainage systems that are architecturally integrated into the building design.
- D. Any external stairwells, corridors and circulation components of a building shall be architecturally compatible with the overall structure, using similar materials, colors, and other building elements.

17.6.3: Screening of Utility Structures, Outdoor Storage and Service Areas

17.6.3.1: General Standards

The following standards are intended to reduce the visual impact of certain site elements for developments with three (3) or more dwelling units, or common areas within residential developments.

- A. Utility boxes or equipment on private property shall not be located along a public street frontage.
- B. Landscape and structural elements shall be used to screen utility structures, service areas, loading docks, outdoor storage, recycling facilities, and trash containers.

- C. Screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a solid gate or door shall be required.
- D. Required screening shall result in an opaque barrier to a minimum height of six (6) feet and be provided in the form of new or existing plantings, walls, fences, topographic changes, buildings, horizontal separation, or a combination of these techniques.
- E. Where structural forms of screening are utilized, the materials shall match the primary building materials and colors or provide a comparable level of quality.
- F. Waste enclosures shall be covered with a roof, or they shall be self-contained. Waste enclosures shall be sized to fit recycling, trash, organics, and additional waste streams. Enclosures shall follow design standards outlined in *Lakewood's Zero Waste Design Guidelines*.

17.6.4: On-Site Pedestrian Circulation Standards

17.6.4.1: Sidewalk Design Standards

The on-site circulation system shall be designed to provide safe pedestrian paths throughout residential dwelling sites or common areas within residential developments and shall integrate with adjacent properties and neighborhoods.

- A. Internal sidewalk connections shall be required as follows:
 - 1. Between the front doors of residential buildings;
 - 2. From residential building entrances to all on-site facilities, such as parking areas, bicycle facilities, and open space;
 - 3. To connect to any accessible transit, stop that is adjacent to a site; and
 - 4. To provide direct access from all residential buildings to existing or planned public sidewalks, multi-use trails, parks, and greenways when accessible.
- B. Internal sidewalks shall be barrier-free and unblocked at all times.
- C. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.
- D. In order to create a safe pedestrian environment residential dwelling units shall be placed and sited so that internal sidewalks are visible by at least one (1) dwelling unit from a living area window.

- E. Internal sidewalks parallel and adjacent to a street or drive aisle shall use a raised walk or be separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps
- F. Internal sidewalks must be hard surfaced, and a minimum of five (5) feet in width. When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of seven (7) feet when parking is located on one side, and a minimum of nine (9) feet when parking is located on both sides.
- G. Where a sidewalk is provided between two (2) or more parallel buildings, the minimum distance between the buildings shall be twenty (20) feet from building wall to building wall. Where a sidewalk is located between a property line and a building that is parallel to a property line, the minimum distance from the property line to the building shall be ten (10) feet. The sidewalk shall have a minimum width of five (5) feet.

17.6.5: Landscape Design Standards

17.6.5.1: General Standards

The following standards shall apply to all new residential construction and additions to existing structures greater than or equal to twenty (20) percent of the gross floor area (GFA) of the existing principal structure:

- A. Any portion of a site not utilized for buildings, structures, parking, driveways, service areas or storage areas shall be considered a landscape area.
- B. Plantings shall be arranged to promote energy and water conservation to the greatest extent possible. Where practicable:
 - 1. Deciduous trees which are sun tolerant shall be placed on the south and west sides of buildings to provide shade and allow passive heating; and
 - 2. Evergreens and other plant materials which are shade tolerant shall be concentrated on the north side of buildings to dissipate the effect of winds.
- C. Drought tolerant landscaping design shall be incorporated into the overall landscape theme. Drought tolerant landscape design includes, but is not limited to, utilizing native and/or low-water plant species, employing water-conserving irrigation techniques and systems, and reducing the percentage of turf coverage.
- D. Evergreen trees shall not be used in the tree lawn or within eight (8) feet of a public walk.

- E. Artificial trees, shrubs, turf or plants shall not be used to fulfill the minimum requirements for landscaping as required by this Article.

17.6.5.2: Street Tree Placement

The following standards shall apply to all new residential construction and additions to existing structures greater than or equal to twenty (20) percent of the GFA of the existing principal structure:

- A. One (1) deciduous street tree shall be provided for every thirty-five (35) linear feet of street frontage. Street trees shall be evenly spaced along the street frontage.
 - 1. Where a detached sidewalk exists, the tree shall be placed between the edge of asphalt or curb and sidewalk.
 - 2. In R-L or R-MH zones, where the sidewalk is attached to the street, canopy shade trees shall be established in an area ranging from four (4) feet to eight (8) feet behind the sidewalk.
 - 3. In all other zone districts, wherever the sidewalk is attached to the street and is nine (9) feet or more in width, shade trees shall be established in planting cutout areas that are sized to provide a minimum twenty-five (25) square foot planting area.
 - 4. Where no sidewalk exists, trees shall be placed twenty (20) feet from the edge of asphalt.
- B. The Director shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved shade trees that may be used as street trees.
- C. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. A tree canopy may project over a right-of-way or easement.
- D. The presence of overhead or underground utility lines does not exempt a project from the requirements of this Section. The following alternatives may be considered if utility lines conflict with the placement of required street trees and the Director determines it is not feasible to relocate or underground said utility lines.

1. Required street trees may be substituted for ornamental trees where overhead lines and fixtures prevent normal tree growth and maturity; and/or
2. Where adequate spaces is available, required street trees may be planted elsewhere on site subject to Director approval.

When the street tree requirements cannot be satisfied through the above options, the Director may require the applicant to pay a tree replacement fee.

- E. Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of eight (8) feet at maturity.

17.6.5.3: Front Yard Landscape Standards

In addition to the general landscape standards, this Section establishes standards for a residential lot within the residential and mixed-use zone districts with less than three (3) dwelling units. The following standards apply to new residential construction and additions to existing structures greater than fifty (50) percent for landscape areas located behind the sidewalk along a public street.

All front yard landscape areas shall meet the following minimum requirements:

- A. Each dwelling unit along a street frontage shall provide at least one (1) tree in the front yard in addition to any street tree(s) required per [17.6.5.2.](#)
- B. The front yard shall be landscaped with a minimum of fifty (50) percent living ground cover or living drought tolerant landscaping approved by the Director.
- C. Artificial turf, used as a landscape material, is prohibited in the front yard. See [17.6.5.5:](#) Landscape Materials for additional requirements.
- D. Existing trees, shrubs, turf, or plants shall count toward fulfilling the minimum requirements for landscaping in the front yard.

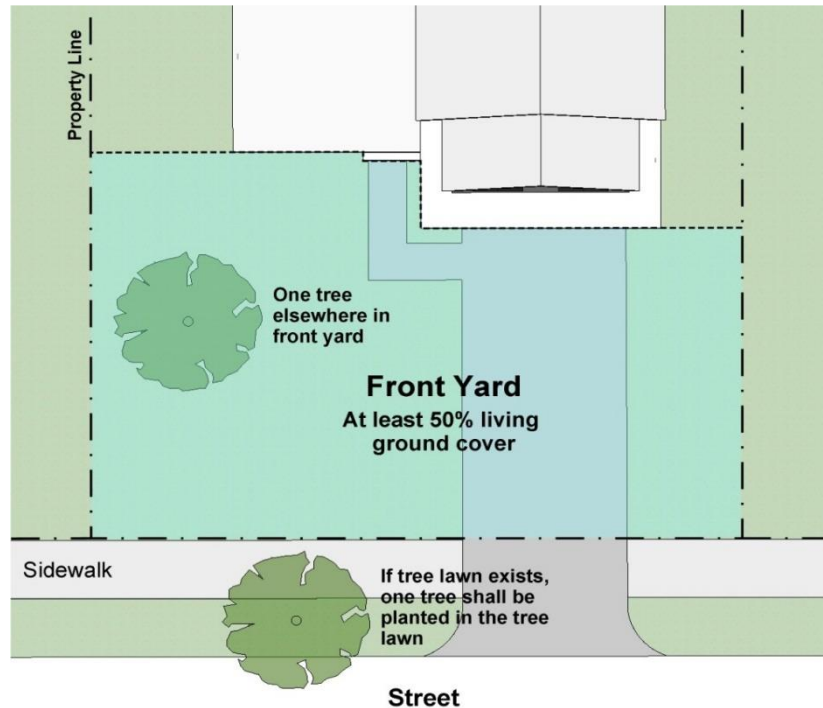


Figure 25: Front Yard Landscaping; 17.6.5.3

17.6.5.4: Residential Landscape Standards

In addition to the general landscape standards, this Section establishes the standards for a residential lot within the residential and mixed-use zone districts with three (3) or more dwelling units.

All landscape areas shall meet the following minimum requirements:

- A. One (1) tree and three (3) shrubs shall be provided for every five hundred and fifty (550) square feet of landscape area. Tree lawn areas, parking lot landscape areas and landscape buffer areas are counted separately and independently from this requirement.
- B. In situations where it is not practical to plant a tree on site, trees may be replaced at a ratio of ten (10) shrubs or twenty (20) ornamental grasses to one (1) tree. Tree substitutions are at the discretion of the Director.
- C. Landscape areas shall have a minimum of fifty (50) percent living ground cover or drought-tolerant landscaping approved by the Director and shall grow to the required coverage within five (5) years of installation.

- D. Whenever a residential site includes three (3) or more dwelling units within the R-M and mixed-use zone district that directly abuts a residential dwelling in a R-L district, one of the following transition options shall be installed in lieu of these landscaping requirements (See [Figure 26](#)):
1. Option A: A landscaped area with a width of thirty (30) feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per one hundred (100) linear feet of the adjacent property:
 - a. Three (3) trees; and
 - b. Twenty (20) shrubs.
 2. Option B: A landscaped area with a width of twenty (20) feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per one hundred (100) linear feet of the adjacent property:
 - a. Four (4) trees; and
 - b. Twenty-four (24) shrubs.
 3. Option C: A solid fence or wall, six (6) feet in height, shall be provided along the property line. Brick or stone columns must be incorporated into the fence or wall design and spaced at least every thirty-two (32) feet. A landscaped area with a width of ten (10) feet shall be provided adjacent to the fence. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per one hundred (100) linear feet of the adjacent property:
 - a. Three (3) trees; and
 - b. Ten (10) shrubs
 4. Option D: A wall six (6) feet in height made of brick or stone or other comparable material shall be provided along the property line with brick or stone columns spaced at least every thirty-two (32) feet may be installed in-lieu of landscaping for sites containing twenty-five (25) or fewer parking spaces.

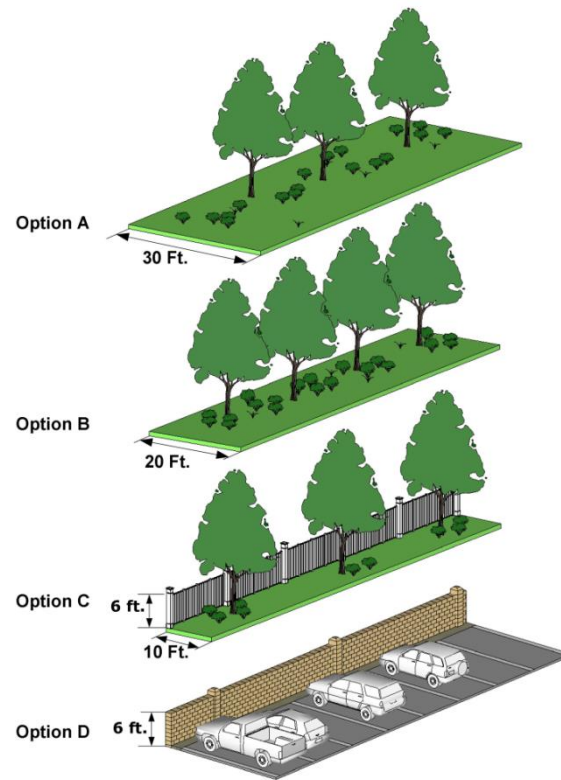


Figure 26: Side and Rear Transition Areas; 17.6.5.4:D

17.6.5.5: Landscape Materials

- A. The selection of plant materials shall be based on the City's climate, site conditions and recommended plant material list approved by the Director.
- B. All plants shall be free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Nursery and Landscape Association standards.
- C. To prevent uniform insect or disease susceptibility and eventual uniform maturity and agedness on a development site or in the adjacent area or the district, species diversity is required, and monocultures are prohibited. The requirements identified in [Table 9](#) shall apply to site development plans.

Table 9: Tree Species	
Number of required trees	Maximum percentage of any tree species
10 - 19	75%
20 - 39	60%
40 or more	50%

Table 9: Tree Species; 17.6.5.5:C

- D. The following minimum tree and shrub sizes identified in [Table 10](#) shall be required for planting.

Table 10: Tree and Shrub Size	
Type	Minimum Size
Canopy Shade (Deciduous) Tree	2.5" caliper, Balled and Burlapped (B & B) or equivalent
Evergreen Tree	6.0' height, B & B or equivalent
Ornamental Tree	1.5" caliper, B & B or equivalent
Shrubs	5 gallon or a size consistent with design intent
Note: Any tree or shrub plantings that are in addition to the minimum required by this Article are exempt from the foregoing size requirements.	

Table 10: Tree and Shrub Size; 17.6.5.5:D

17.6.5.6: Landscape Installation

- A. To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use in areas requiring revegetation and landscaping.
- B. All landscaping shall be installed according to the American Nursery and Landscape Association horticultural practices in a manner designed to encourage quick establishment and healthy growth.
- C. Whenever the installation of required landscaping is not possible by the time construction on the primary structure has been completed, the City may authorize a delay in installation until no later than May 31st of the next calendar year.

- D. All landscaping in each development or development phase shall be installed before a certificate of occupancy is issued. As a condition of authorizing a delay in installation, the City may:
1. Require that a surety or other guarantee, in a form acceptable to the City, is provided in the amount of one hundred and fifty (150) percent of the value of the landscaping; or
 2. Issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping.

17.6.5.7: Landscape Maintenance

The following standards shall apply to all residential development:

- A. Trees and vegetation, irrigation systems, and other landscape elements shall be considered elements of the project in the same manner as parking, building materials, and other site details. The landowner shall be responsible for the regular and proper maintenance of all landscaping elements.
- B. All landscaping shall be maintained free from disease, pests, weeds, litter, and all landscape structures shall be repaired and replaced as necessary to ensure they are structurally sound.
- C. Any required landscape element that fails, dies, or is otherwise damaged or removed, shall be replaced within thirty (30) days or by May 31st of the next calendar year if the landscape element is found dead during the winter months.
- D. Landscape and utility plans shall be coordinated to provide ease of future maintenance and to prevent conflicts between tree and shrub plantings and utilities. Tree/utility separations shall not be used as a means of avoiding the planting of required street trees.

17.6.5.8: Existing Tree Preservation

- A. Existing trees with trunks greater than eight (8) inches in diameter, measured one (1) foot above grade, shall be preserved to the extent reasonably feasible and will help satisfy the landscaping requirements of this Section. Such trees shall be considered "protected" trees within the meaning of this Section. Overall site design, including the placement of new streets, buildings and parking lots, shall minimize disturbance to protected trees.
- B. The Director shall determine through consultation with the City Forester when it is not feasible to preserve and retain protected tree(s). When it is not feasible to preserve or transplant protected tree(s), the applicant shall replace such tree(s)

according to this Section. Replacement trees shall be used to satisfy the tree planting standards of this Section.

- C. Trees that meet one (1) or more of the following criteria are exempt from the requirements of this subsection.
 - 1. Dead, dying or naturally fallen trees, or trees determined by the City to be a threat to public health, safety, or welfare;
 - 2. Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
 - 3. Tree species that the City determines to be a nuisance to the public, including Ash, Cottonwoods, Siberian Elms, Russian Olives, Tree of Heaven and Female Box Elders. However, trees, no matter the species, are not considered nuisance trees when they are located near a property line and are used to create a buffer between any land uses; or
 - 4. Trees that are determined by the Director to prohibit reasonable use or development of a site may be replaced following the standards in [17.6.5.9](#).
- D. The applicant shall identify all existing street trees that are located on City rights of way or easements adjacent to a development and all trees located on private property by species, size, location, and condition on required landscape plans.
- E. The following tree protection standards shall be followed for all projects with protected trees:
 - 1. No one shall add or remove over four (4) inches of soil within the drip line of any protected tree unless the City Forester has evaluated and approved the disturbance.
 - 2. Prior to and during construction, a fenced tree protection zone, formed by barriers, shall be erected and maintained around all protected trees at the drip line.
 - 3. The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches.

17.6.5.9: Tree Replacement

- A. If the Director determines that certain trees prohibit reasonable use or development of a site and such trees are removed, the applicant shall replace

those trees at a rate of one hundred (100) percent of the total caliper of trees removed from the site.

- B. Replacement trees shall be a minimum size of two (2) caliper inches for deciduous trees or six (6) feet in height for evergreen trees.
- C. In lieu of replacing the total caliper inches on-site, an owner may pay two thousand (2,000) dollars, or the present value as determined by the Director, for each two (2) caliper inch replacement tree that is not planted on-site. The payment shall be deposited into a designated fund that shall be used by the City to plant trees on public property within the same Ward as the development or redevelopment.
- D. When development causes any disturbance within any natural area on a property, replacement shall occur as required in this Section.

17.6.6: Residential Fence and Wall Standards

17.6.6.1: General Standards

The following standards shall apply to all residential development:

- A. No fence, wall, trellis, pergola, or arbor shall be erected, including replacement and repair, without a fence and/or building permit unless these structures are less than eight (8) feet long and six (6) feet high.
- B. Retaining walls greater than three (3) feet in height require a building permit and must satisfy all engineering design requirements.
- C. A temporary fence permit may be issued in conjunction with an active building permit. A temporary fence permit may be granted for a one (1) year renewable period. All temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy
- D. Fences and walls shall be installed so that a finished side faces a public street or public space.
- E. Fences and walls shall follow the contour of the ground as far as practicable. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- F. Permanent fencing and walls shall not be erected if they restrict emergency access to any building.
- G. Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of

placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing or protruding pickets, missing sections of fence, sagging or leaning pickets and supports, extending into a traveled sidewalk or creating a hazard for a pedestrian or motor vehicle.

- H. Solid fencing or wall sections along a street totaling more than two hundred (200) linear feet shall include architectural features, such as masonry, brick or wood-framed columns for every fifty (50) feet of length. The minimum separation between those features shall be no less than ten (10) feet.
- I. Approved columns or posts may exceed the height of the fence by one (1) foot and must meet all permit and setback requirements.

17.6.6.2: Fence and Wall Height

The following standards shall apply to all residential development:

- A. All fence, wall and structure heights shall be measured from the lowest finished grade at the location of the fence, wall or structure.
- B. If a minimum linear distance of ten (10) feet separates a fence and retaining wall, a fence may be erected to a height of six (6) feet above the highest finished grade.
- C. All fences in the primary front yard of residential uses shall not exceed four (4) feet in height and a minimum fifty (50) percent open (See [Figure 27](#) and [Figure 29](#)).
- D. All fences in the rear yard, side yard, non-primary front of residential uses may be solid and shall not exceed six (6) feet in height (See [Figure 27](#)) except that recreational facility fences may be ten (10) feet in height when placed in a side or rear yard.
- E. Perimeter fencing for public and private utilities and solar gardens shall not exceed six (6) feet in height and shall be at least fifty (50) percent open along a street frontage.
- F. A combination four (4) foot-tall, fifty (50) percent open fence may be erected on top of an existing two (2) foot-tall retaining wall in the primary front yard.
- G. Solid fences and walls may be erected to a height of eight (8) feet to separate a property from an arterial street or a frontage road adjacent to U.S. 6 and U.S. 285 highways. The Director shall consider the aesthetic, visual, and noise reduction characteristics of the fence or wall.

- H. A combination fence and retaining wall may be erected in rear, side and non-primary front yards to a height of six (6) feet above the highest finished grade or eight (8) feet above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed six (6) feet above the highest finished grade at any point (See [Figure 28](#)).
- I. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed by [17.6.6.2](#).
- J. An entry feature or trellis may exceed the six (6) foot height standard indicated in [17.6.6.2:D](#) so long as it is no more than a maximum height of ten (10) feet and a maximum width of ten (10) feet.

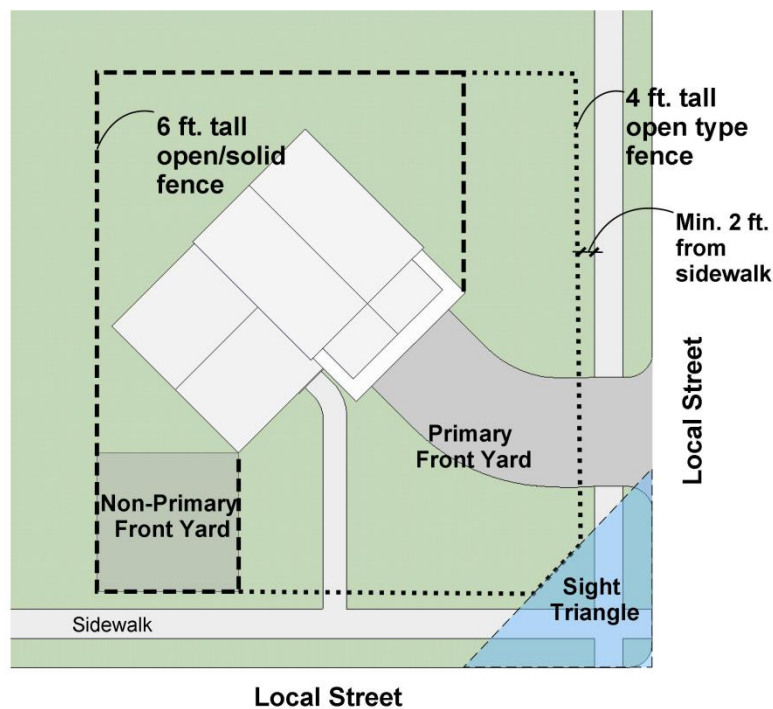


Figure 27: Residential Fence Location; 17.6.6.2

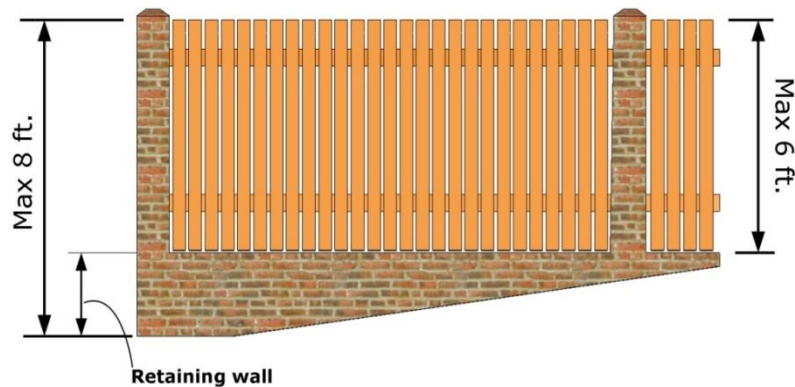


Figure 28: Fence and Retaining Wall Combination; 17.6.6.2:H

17.6.6.3: Fence and Wall Placement

The following standards shall apply to all residential development:

- A. No portion of a fence shall extend beyond the property line of the fenced property into the public right-of-way without approval of the Director. It may also be necessary to obtain an agreement prior to erecting a fence in the public right-of-way.
- B. All fences and walls including fence support systems such as posts, pillars, and columns shall be set back at least to the property line and a minimum of two (2) feet from the back edge of the sidewalk to allow for safe passage by persons on a sidewalk or traveled walkway or where no sidewalk exists then two (2) feet behind the edge of asphalt.
- C. Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
- D. Where a legally permitted fence exists along the shared property line of an adjacent lot, the subject property may align its fence with the furthest extent of the adjacent fence. The subject property's fence may not exceed the height of the existing adjacent fence and may only be solid if the adjacent fence is solid.
- E. All fence locations on through-lots shall be reviewed on a case-by-case basis by the Director following the waiver criteria specified in 17.2.6.
- F. A four (4) foot fence that is a minimum of fifty (50) percent open may be permitted within a vision clearance triangle with review and approval of the City's Traffic Engineering Division (See [Figure 29](#)).

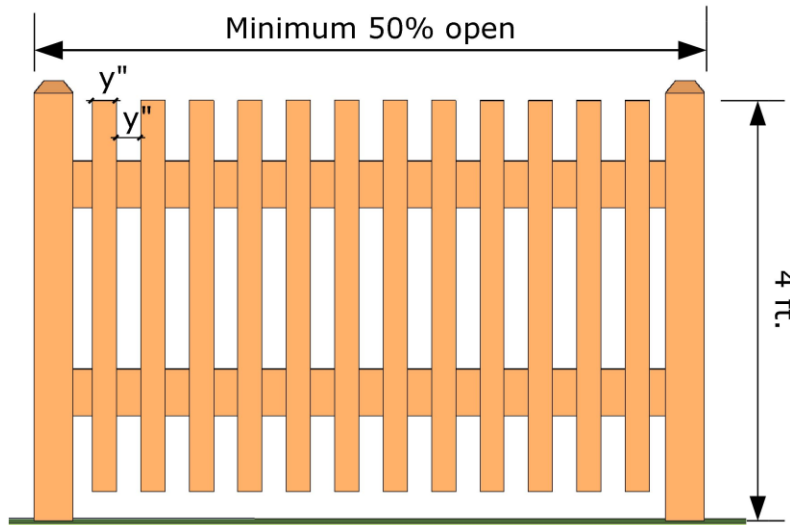


Figure 29: Fifty-percent Open Fence: 17.6.6.3:F

- G. Where a corner lot is permitted to have a solid fence along a non-primary front property line that coincides with an adjacent property's primary front yard, no fence will be permitted that creates a site distance hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walkway.

17.6.6.4: Fence and Wall Materials

The following standards shall apply to all residential development:

- A. Approved materials for fence construction include, but are not limited to, commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl or PVC fence material or any other material approved by the Director following the waiver criteria specified in 17.2.6.
- B. Barbed wire shall be allowed to a height of twelve (12) inches above a seventy-two (72) inch tall fence on non-primary front, side and rear property lines in the R-L-A zone district lots that are one (1) acre in size or larger.
- C. Combination fences of lattice and other decorative materials may be used in conjunction; however, at no time shall the combination exceed the fence height limitation for that zone district.
- D. All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance.

- E. Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicle parts, smooth face concrete masonry units/blocks, cloth or plastic tarps, scrap wood or any other material not customarily sold for fencing.
- F. Plastic or temporary construction fencing may not be used as a permanent fence material.
- G. Approved materials for wall construction include, but are not limited to: commercial quality brick, decorative masonry units, or decorative concrete or any other material approved by the Director following the waiver criteria specified in 17.2.6.
- H. Prohibited wall materials shall include, but are not limited to, landscape timbers, smooth face concrete masonry units/blocks, and other materials not customarily sold for retaining walls.

17.6.7: Exterior Lighting Standards

17.6.7.1: General Standards

The following lighting standards shall apply to all residential development:

- A. Unless specifically excluded by this Zoning Code, any building or structure, including any accessory building or structure, shall conform to the lighting requirements for the applicable use as set forth in this Zoning Code.
- B. Lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way.
- C. Lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way.
- D. No direct rays of light shall extend beyond the boundaries of the property from where the light originates.
- E. Excluding R-L residential dwelling sites and associated accessory structures, light fixtures on structures, walls, canopies, poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.
- F. Lighting fixtures shall comply with the DarkSky and Illuminating Engineering Society principles for minimal light pollution and shall utilize light emitting diodes (LED) unless the Director approves an industry equivalent.
- G. Light meter readings for a residential lot within the R-M and mixed-use zone districts with three (3) or more dwelling units shall not exceed:

1. One-half (1/2) foot-candles at a residential dwelling property line in R-L zones.
2. One (1) foot-candle at a residential dwelling property line in all other zone districts.
3. Two (2) foot-candles at all other non-residential property lines.
4. Two (2) foot-candles at the public right-of-way.

17.6.7.2: Exceptions

Exceptions to the lighting standards include, but may not be limited to:

- A. Hazard warning lighting required by Federal and State regulatory agencies;
- B. Temporary emergency lighting required by local law enforcement, emergency service and utility department(s);
- C. Traffic control and directional lighting;
- D. Underwater lighting used for the illumination of swimming pools and water features;
- E. Lighting for temporary festivals and carnivals;
- F. Lighting for recreational facilities. No private recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.;
- G. Low wattage residential accent and landscape lighting fixtures having a maximum output of 1600 lumens (equal to one 100-watt incandescent light) per fixture; or
- H. Other exceptions as approved by the Director.

17.6.7.3: Prohibitions

The following lighting sources are prohibited:

- A. Laser lights or other high intensity outdoor lights;
- B. Searchlights and floodlights used for advertising purposes; and
- C. Lighting sources used on towers except as required by the Federal Aviation Administration.

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ARTICLE 7: INSTITUTIONAL, MIXED USE, COMMERCIAL, AND LIGHT INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS

17.7.1: General

17.7.1.1: Purpose and Intent

This Article establishes site and building design standards for development in the City of Lakewood (the “City”). The purpose of these design standards is to ensure that development implements the principles and goals articulated in the City’s Comprehensive Plan for quality and sustainable development that interacts and functions well with the surrounding community. The purpose of the design standards in this Article are to:

- A. Provide high quality design in new development and redevelopment that promotes a sense of community identity;
- B. Provide a well-designed site circulation system with a strongly defined pedestrian and vehicular network, good connections to adjacent land uses and efficient connections to transit stops;
- C. Provide an overall landscape treatment of exterior spaces which enhances the quality of the project, creates usable open space, establishes an urban tree canopy, and creates transitions between land uses; and
- D. Provide sustainable development through the adaptive reuse of existing buildings, the design of energy efficient buildings, the use of renewable and low-energy use materials and the installation of water-wise landscaping.

The manner in which a particular land use functions and interacts with adjacent and surrounding land uses is integral in creating a successful development. The design of a new development or redevelopment should embrace the intent of the zone district and the purpose of the design standards in this Article.

17.7.1.2: Applicability

This Article establishes building and site design standards for all buildings and sites with uses other than residential development in the City. The design standards shall be

applied to any addition or new construction except where explicitly superseded by an approved ODP or as identified in this Article.

17.7.1.3: Design and Development Criteria

In addition to the design standards established in this Article, the City has adopted design and development criteria to further articulate the intended design for specific areas of the City. Any new development or redevelopment of a site located in an area governed by design and development criteria shall adhere to such criteria.

17.7.2: Building Design Standards

17.7.2.1: Architecture

The following design standards are intended to provide for the architectural interest of buildings throughout the City:

- A. The first-floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity through the use of elements such as windows, awnings, and other similar features.
- B. Architectural features and treatments shall not be limited to a single façade. All visible sides of a building, whether viewed from public or private property, shall display a similar level of quality and architectural interest, with elements such as windows, awnings, a variety of exterior materials, reveals, and other similar features.
- C. All buildings shall be designed to have at least five (5) of the following (See [Figure 30](#)):
 - 1. Visual breaks in the façade such as horizontal articulation in the plane of the façade by at least two (2) feet;
 - 2. Change in height of the façade by at least two (2) feet;
 - 3. Change in materials, color, texture or pattern;
 - 4. Columns or pilasters with a minimum four (4) inch horizontal depth from the plane of the façade and spaced at a maximum interval of fifty (50) feet;
 - 5. Recessed entries;

6. Articulation of windows and doorway surrounds (lintels, sills, pilasters, and mullions) through a change in plane of at least two (2) inches on average; and/or
7. Canopies, awnings, or overhang at entries and/or windows.



Figure 30: Facade Design; 17.7.2.1

17.7.2.2: Materials and Colors

- A. A variety of materials and colors shall be used on each building to avoid uniform façades. Contrast on a building may be accomplished by providing the appearance of various depths to the façade, overhangs, shadow lines on a façade of a building, or a variety of materials and texture.
- B. Color shades shall be used to unify a building or development where there is more than one (1) tenant. Color combinations shall be complementary to the building and overall site development.

17.7.2.3: Exterior Building Elements

The following design standards are intended to minimize the impact of mechanical and service elements of buildings:

- A. Utility meters shall be screened from view from a public street to the greatest extent possible and shall be painted a color to blend with the building façade.
- B. All exterior rooftop mechanical equipment shall be setback a distance at least equal to their height above the roof or be screened from public right-of-way through the use of parapets or enclosures that are equal to, or greater than, the height of the equipment to be screened. The parapet or enclosure shall use one of the predominant materials or colors used on the primary façade of the building.
- C. On all structures exceeding thirty-five (35) feet in height, roofs shall have drainage systems that are architecturally integrated into the building design.
- D. Any external stairwells, corridors and circulation components of a building shall be architecturally compatible with the overall structure, through the use of similar materials, colors, and other building elements.

17.7.2.4: Additional Standards for Mixed Use Zone Districts

A. Building Transparency:

Any building located in an institutional, mixed-use, commercial, or light industrial zone district that is oriented towards a public or private street, and located within the front setback, shall be designed so that the ground-floor façade includes clear glass windows and/or doors to increase pedestrian interest.

These clear glass windows and/or doors shall occupy fifty (50) percent or more of that portion of the façade located between two (2) feet and ten (10) feet above grade (See [Figure 31](#)).

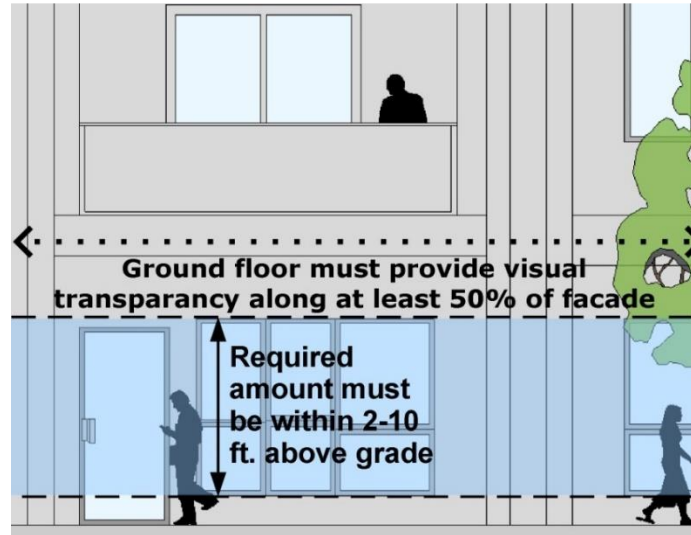


Figure 31: Ground Floor Transparency; 17.7.2.4:A

B. Building Transparency Alternatives:

1. Up to forty (40) percent of the Building Transparency requirement may be satisfied with windows on the ground floor located outside of the transparency zone.
2. Up to forty (40) percent of the Building Transparency requirement may be satisfied with display cases.
3. Up to twenty (20) percent of the Building Transparency requirement may be satisfied with permanent art displays.
4. In no instance shall more than forty (40) percent of the Building Transparency requirement be satisfied through a combination of windows outside the transparency zone, display cases, or permanent art displays.

C. Bird Safety: Bird-safe glass, specially designed to prevent bird collisions, is required for all glass surfaces on exterior building facades as follows:

1. Buildings taller than forty-five (45) feet in height and located on a property adjacent to a public park that is ten (10) acres in size or greater.

2. Primary residential structures with less than three (3) dwelling units are exempt from this provision.

D. Building Entrances:

1. Within the Suburban context, all institutional, mixed-use, commercial, or light industrial buildings and ground floor users shall have a primary entrance either facing an adjacent street, placed at an angle not more than forty-five (45) degrees from an adjacent street, or within one hundred (100) feet of the adjacent street on a perpendicular façade as measured from the back of sidewalk along the adjacent street.
2. Within the Urban context, except the M-C-U zone district, all institutional, mixed-use, commercial, or light industrial buildings and ground floor users shall have a primary entrance either facing an adjacent street, placed at an angle not more than forty-five (45) degrees from an adjacent street, or within fifty (50) feet of the adjacent street on a perpendicular façade as measured from the back of sidewalk along the adjacent street.
3. Within the Transit context and the M-C-U zone district, all institutional, mixed-use, commercial, or light industrial buildings and ground floor users shall provide a primary entrance facing an adjacent street or placed at an angle up to forty-five (45) degrees from an adjacent street.
4. Within all zoning district contexts, courtyards, plazas and similar entry features may be utilized to satisfy the building entrance requirement when these features are within fifty (50) feet of the back of sidewalk along the adjacent street and designed to connect the adjacent street edge to the main building entrance.

17.7.3: Screening of Utility Structures, Outdoor Storage and Service Areas

17.7.3.1: General Standards

The following standards are intended to reduce the visual impact of certain site elements:

- A. Utility boxes or equipment on private property shall not be located along a public street frontage.

- B. Landscape and structural elements shall be used to screen utility structures, service areas, loading docks, outdoor storage, recycling facilities, and trash containers.
- C. Screening shall be established on all sides of such elements except where an opening is required for access. If access is possible only on a side that is visible from a public street, a solid gate or door shall be required.
- D. Required screening shall result in an opaque barrier to a minimum height of six (6) feet and be provided in the form of new or existing plantings, walls, fences, topographic changes, buildings, horizontal separation, or a combination of these techniques.
- E. Where structural forms of screening are utilized, the materials shall match the primary building materials and colors or provide a comparable level of quality.
- F. Waste enclosures shall be covered with a roof, or they shall be self-contained. Waste enclosures shall be sized to fit recycling, trash and additional waste streams. Enclosures shall follow design standards outlined in *Lakewood's Zero Waste Design Guidelines*.

17.7.4: On-Site Circulation Standards

17.7.4.1: Sidewalk Design Standards

The on-site circulation system shall be designed to provide safe pedestrian paths throughout the site and shall integrate with adjacent properties and neighborhoods.

- A. Internal sidewalk connections shall be required:
 - 1. Between the front doors of primary buildings;
 - 2. From buildings to all on-site facilities, such as parking areas, bicycle facilities, and open space;
 - 3. To connect to any accessible transit stop that is adjacent to a site; and
 - 4. To provide direct access from all buildings on the site to existing or planned public sidewalks, adjacent multi-use trails, parks, and greenways.
- B. Internal sidewalks shall be barrier-free and unblocked at all times.

- C. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.
- D. In order to create a safe pedestrian environment, multifamily residential buildings shall be placed and sited so that all required internal sidewalks are visible by at least one (1) dwelling unit from a living area window.
- E. Internal sidewalks parallel and adjacent to a street or drive aisle shall use a raised walk or be separated from the street or drive aisle by a raised curb, landscaping or other physical barrier. If a raised internal sidewalk is used, the ends of the raised portions must be equipped with curb ramps.
- F. Internal sidewalks must be hard surfaced, and a minimum of five (5) feet in width. When adjacent to perpendicular, head-in, or diagonal parking, a pedestrian walk must be increased in width to a minimum of seven (7) feet when parking is located on one side, and a minimum of nine (9) feet when parking is located on both sides.
- G. Where a sidewalk is provided between two (2) or more parallel buildings, the minimum distance between the buildings shall be twenty (20) feet from building wall to building wall. Where a sidewalk is located between a property line and a building that is parallel to a property line, the minimum distance from the property line to the building shall be ten (10) feet. The sidewalk shall have a minimum width of five (5) feet.

17.7.4.2: Internal Street Connectivity for Mixed-Use Zone Districts

In the Urban and Transit contexts, any development five (5) acres or greater in size shall provide for public and private street connections into and through the site at a maximum of every six hundred (600) feet to increase pedestrian and vehicular connectivity and all spacing standards shall be met (See [Figure 32](#)). New streets shall connect to the existing street network, unless one or more of the following factors applies:

- A. Grade changes within the site make it impossible to connect with adjacent streets; and/or
- B. The area surrounding the site already has patterns of through streets allowing circulation and the Director determines that additional street connections through the site would not significantly improve circulation or reduce congestion on surrounding streets.

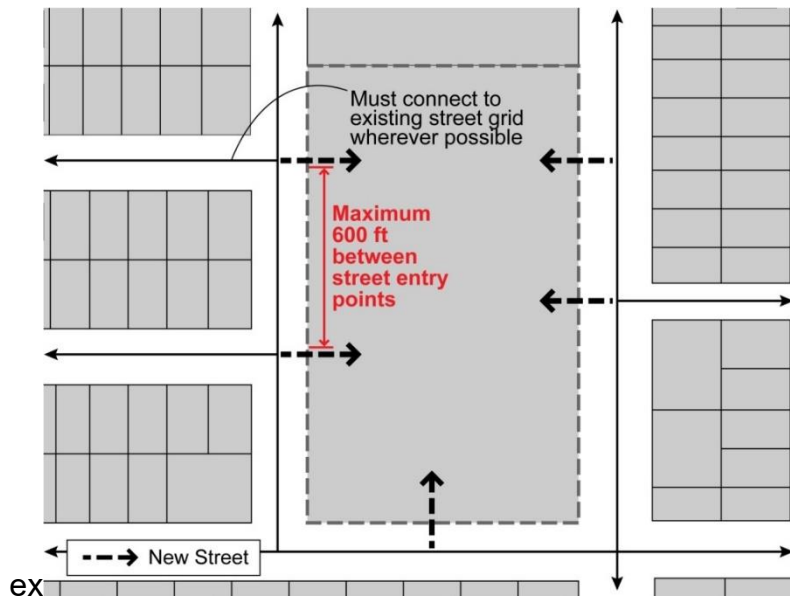


Figure 32: Street Connectivity; 17.7.4.2

17.7.5: Open Space and On-Site Amenities

17.7.5.1: General Standards

The following open space design standards are intended to enhance the overall site layout and ensure that open space is designed as an accessible amenity. The open space design shall comply with the following standards:

- A. All development or redevelopment requiring a site plan per Article 2 of this Zoning Code must meet the open space requirements set forth in Article 5.
- B. Open space areas should be visible from adjacent streets or pedestrian areas to the greatest extent possible.
- C. Stormwater detention areas should be integrated into the site design and used as an amenity to the greatest extent possible.

17.7.5.2: Additional Requirement for Mixed-Use and Commercial Zone Districts

In order to provide enhanced pedestrian amenities on larger sites, plaza space shall be required when a residential dwelling with three (3) or more units, commercial, or mixed-use development or redevelopment involves a gross site area greater than two (2) acres. In such cases, the site(s) shall comply with the following standards:

- A. The plaza space shall consist of the following minimum percentage of the overall open space requirement as identified in Article 5:

Table 11: Plaza Space Requirement	
Zone District or Context	Minimum Percentage of Overall Open Space Requirement
Suburban	35%
Urban	45%
Transit	55%

Table 11: Plaza Space Requirement; 17.7.5.2:A

- B. When a plaza is required as a percentage of the overall required open space, the plaza space shall incorporate one (1) linear foot of seating for every thirty (30) square feet of plaza area and/or public space.

The seating requirement may be met by providing benches, chairs, and/or seat-walls. Benches and seat-walls accessible from both sides of the plaza space and thirty-three (33) inches or greater in depth may count toward the seating requirement.

- C. Plaza spaces shall include at least two (2) of the following elements:
 - 1. Shade structures such as pergolas, canopies, awnings, arcades, or other similar elements;

2. In addition to trees required to satisfy the open space requirement, trees shall be provided at a rate of one (1) tree per eight hundred (800) square feet of plaza or public space area;
3. Water features or public art;
4. Activity areas, including but not limited to, outdoor cafes, retail spaces, and/or programmed spaces that accommodate entertainment, meetings, educational activities, and play areas; and/or
5. Pedestrian-scale information kiosk.

17.7.6: Standards for Motor Vehicle Design Elements

17.7.6.1: General Standards

This Section establishes design standards for the construction of drive-through facilities, car wash facilities, fueling stations and parking structures.

17.7.6.2: Drive-Through Facility

- A. Uses with drive-through facilities shall be located only on properties with frontage on an arterial or collector street.
- B. Speakers shall not be oriented towards an adjacent residential zone district unless an intervening building exists. Where an intervening building does not exist, the following shall also apply to minimize the speaker noise impact on an adjacent residential property:
 1. If the speaker is located within fifteen (15) feet of the property line, a solid wall with a minimum height of six (6) feet shall be installed on the property line.
 2. If the speaker is located fifteen (15) feet or more from the property line, a solid fence with a minimum height of six (6) feet shall be installed on the property line.
- C. In a mixed-use district, a drive-through facility shall be subject to the following:
 1. In the Suburban context, a drive-through lane may be located in the area between a building and a public street. The drive-through lane shall be screened from the public street by landscaping or a low decorative wall to a minimum height of forty-two (42) inches and a maximum height of forty-eight

(48) inches. If a low screen wall is installed, the construction material shall match the first-floor exterior color and materials used on the primary building or provide a comparable level of quality (See [Figure 33](#)).

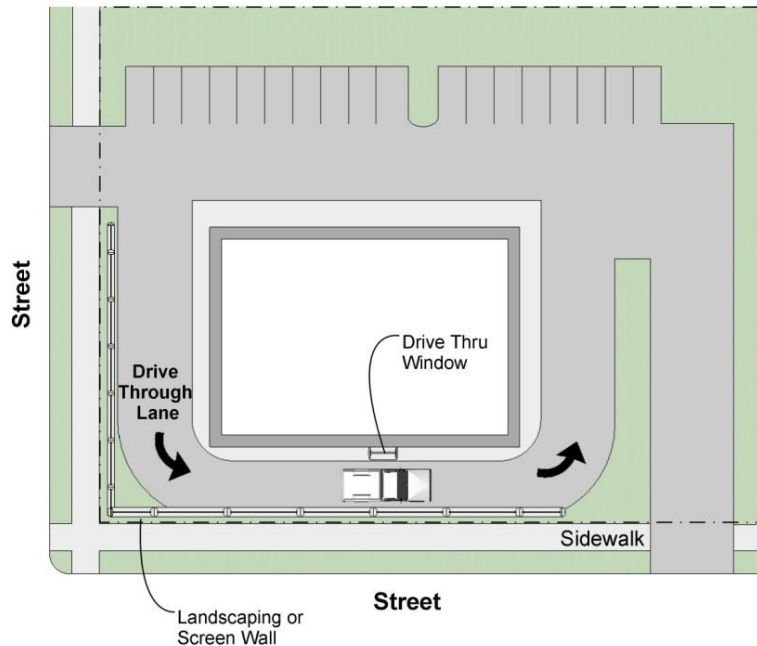


Figure 33: Suburban Context - Landscaping or Screen Wall and Drive-Through Location; 17.7.6.2:C.1

2. In the Urban context, a drive-through lane shall not be located in the area between a building and a public street, and the drive-through windows shall not face a public street (See [Figure 34](#)).

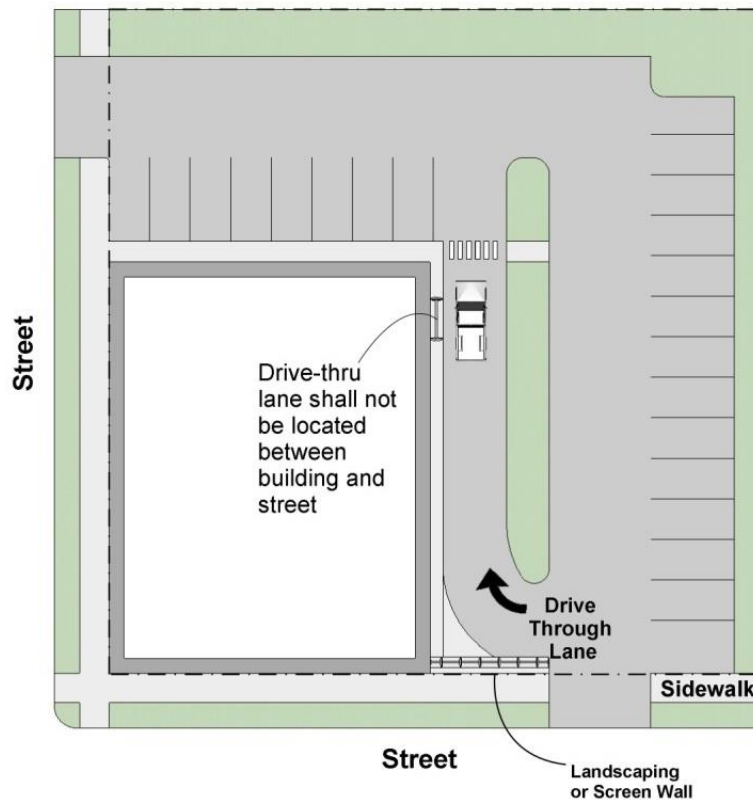
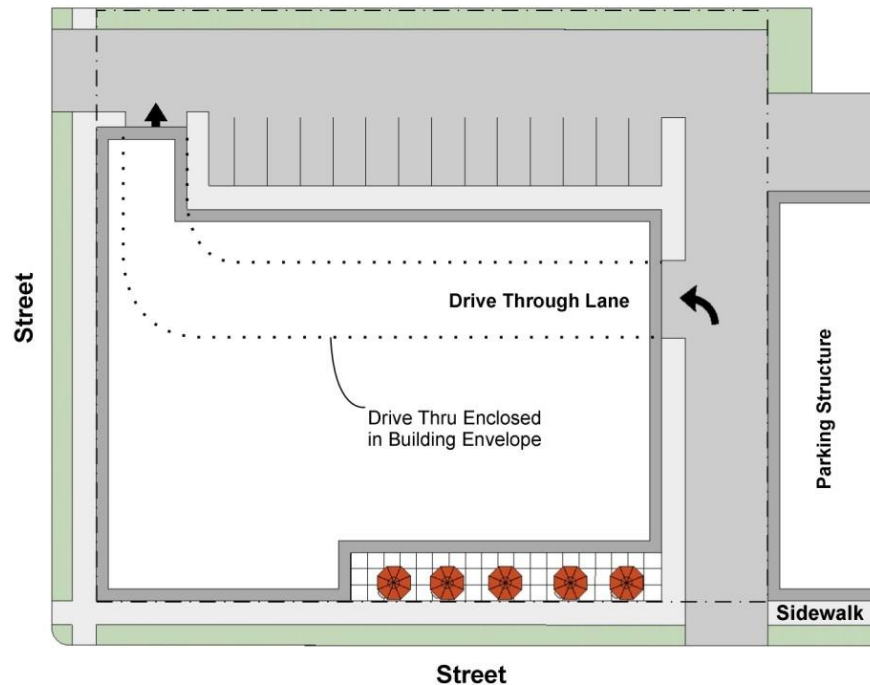


Figure 34: Urban Context - Landscaping or Screen Wall and Drive - Through Location; 17.7.6.2:C.2

3. In the Transit context, a drive-through lane shall be designed so that it is enclosed within the envelope of the building, the drive-through windows are not visible from adjacent public streets and the drive-through lane shall not be located in the area between a building and a public street (See [Figure 35](#)).



**Figure 35: Transit Context - Drive-Through Enclosed in Building Envelope;
17.7.6.2:C.3**

17.7.6.3: Motor Vehicle Service Facility

A. Car Wash Facility:

1. Openings to wash bays or wash tunnels shall not face an adjacent residential zone district (See [Figure 36](#)).
2. Openings to wash bays or wash tunnels shall not face a public right-of-way or shall be adequately screened through landscaping from a public right-of-way.
3. Landscaping or a low screen wall at a minimum height of forty-two (42) inches and a maximum height of forty-eight (48) inches shall be provided on the property adjacent to all public streets in front of the wash bay or tunnel, except at access drive locations.
4. Vacuuming equipment associated with the car wash shall not be placed adjacent to or face a residential zone district, unless an intervening building exists between the vacuum equipment and residential zone district.

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Figure 36: Car Wash Bay Location; 17.7.6.3:A

5. A car wash facility associated with a motor vehicle fueling station shall be constructed of materials that match the first-floor exterior material used on the primary building.
 6. In the Transit context, a car wash shall not be an allowed use.
- B. Fueling Station:
1. In mixed-use zone districts, a fueling station shall be subject to the following:
 - a. In the Suburban context, the canopy shall meet the primary structure Build-to-Zone standards identified in Table 5. The retail building or convenience kiosk associated with the fueling station may be located behind the pump canopy (See [Figure 37](#)).

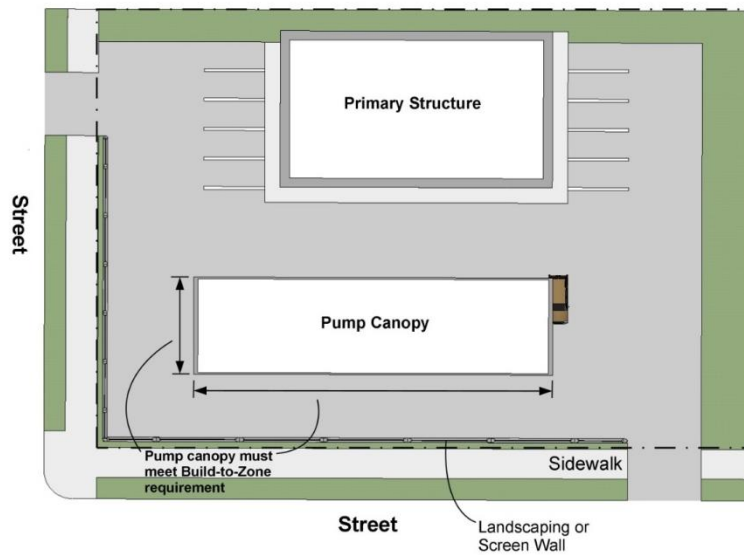


Figure 37: Fueling Stations in Suburban Context; 17.7.6.3:B.1.a

- b. In the Urban context, the retail building or convenience kiosk associated with the fueling station shall meet the primary structure Build-to-Zone standards identified in Table 5, except that the building or kiosk shall only be required to meet fifty percent (50%) of the Build-to-Zone requirement. The pump canopy may be located behind or to the side of the building or kiosk (See [Figure 38](#)).

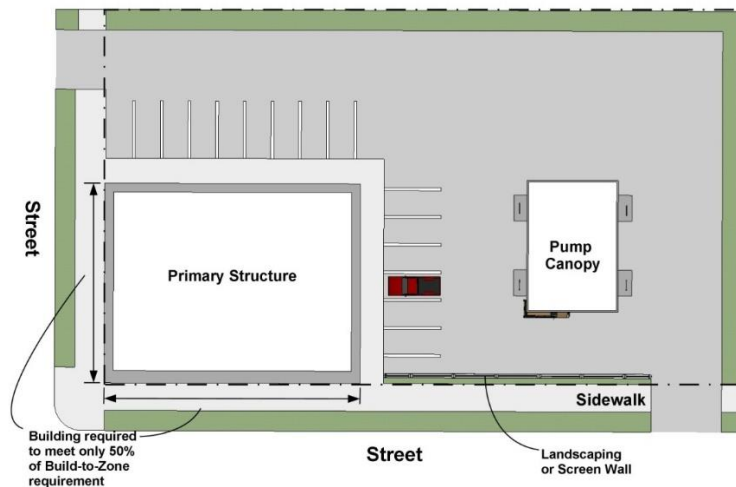


Figure 38: Fueling Stations in Urban Context; 17.7.6.3:B.1.b

- c. In the Transit context, the retail building or convenience kiosk associated with the fueling station shall meet the primary structure Build-to-Zone standards identified in Table 5. The canopy shall only be located behind the building or kiosk (See [Figure 39](#)).

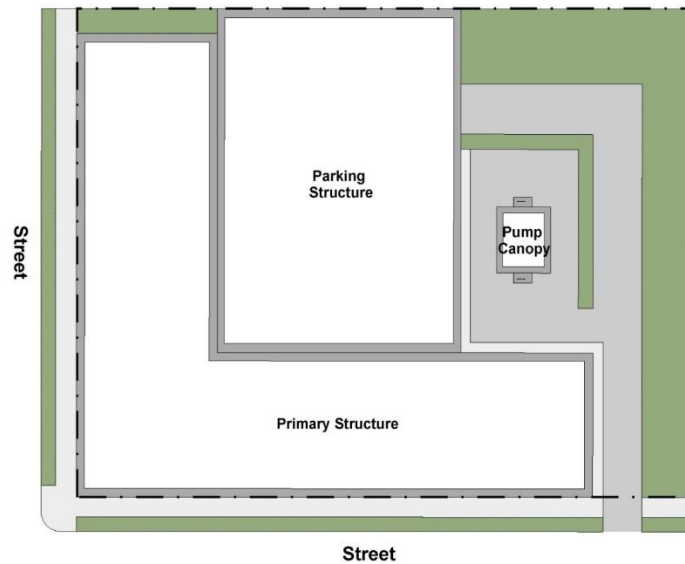


Figure 39: Fueling Stations in Transit Context; 17.7.6.3:B.1.c

2. The canopy shall match the architectural style of the convenience store or service kiosk associated with the facility in terms of color, facing materials, and roof pitch.
3. A canopy shall not exceed twenty (20) feet in height for a parapet roof. A pitched roof element may extend above the height limit.
4. Landscaping or a low screen wall at a minimum height of forty-two (42) inches and a maximum height of forty-eight (48) inches shall be provided on the property adjacent to all public streets in front of the canopy, except at access drive locations.
5. Service bay doors shall not face an adjacent residential zone district unless there is a building between the service bay doors and the residential zone district. Within the Urban and Transit contexts, service bay doors shall not face public streets.

17.7.6.4: Parking within a Building or Structure

- A. Façade openings that face a public street or open space shall be vertically and horizontally aligned and all floors fronting onto those façades shall be level, not inclined.
- B. The first-floor façade of a parking structure located adjacent to a public street shall be designed to encourage and complement pedestrian-scale interest and activity through the inclusion of at least three (3) architectural elements such as arcades, windows, awnings, overhangs, screens, grills, louvers or other similar non-opaque features.
- C. Parking structures shall be designed so that motorized vehicles parked on all levels of the structure are screened to a minimum height of forty-two (42) inches.
- D. Within the Urban context, the ground floor façade of a structured parking facility that abuts a public sidewalk, street, or open space and that is not occupied by entrances, exits, or waiting areas shall be designed and constructed with a minimum unfinished floor to ceiling height of fourteen (14) feet in order to allow occupancy by uses other than parking that are allowed in the underlying zone district
- E. Within the Transit context, structured parking facilities located adjacent to a public street shall contain non-residential uses on the first floor fronting the street or be wrapped with development of equal or greater height than the parking structure. At least fifty (50) percent of a street-level facing a public sidewalk, street, or open space area shall contain non-residential uses to a minimum depth of forty (40) feet.

17.7.7: Landscape Design Standards

17.7.7.1: General Standards

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial zone district building additions or new construction:

- A. Any portion of a site not utilized for buildings, structures, parking, driveways, service areas or storage areas shall be considered a landscape area.
- B. Plantings shall be arranged to promote energy and water conservation to the greatest extent possible. Where practicable:
 - 1. Deciduous trees which are sun tolerant shall be placed on the south and west sides of buildings to provide shade and allow passive heating; and

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2. Evergreens and other plant materials which are shade tolerant shall be concentrated on the north side of buildings to dissipate the effect of winds.
- C. Drought tolerant landscaping design shall be incorporated into the overall landscape theme. Drought tolerant landscape design includes, but is not limited to, utilizing native and/or low-water plant species, employing water-conserving irrigation techniques and systems, and reducing the percentage of turf coverage.
- D. Evergreen trees shall not be used in the tree lawn or within eight (8) feet of a public walk.
- E. Nonfunctional turf, artificial turf, and/or invasive plant species shall not be planted on nonresidential properties unless exempt pursuant to C.R.S. § 37-99-101 et seq. The Director may approve an exception to allow artificial turf to be installed on an athletic field of play if the Director determines the use is appropriate, the use does not add pollutants that could cause environmental impairment, and alternatives are not reasonable.
- F. No invasive species shall be planted or placed on any non-residential property.

17.7.7.2: Street Tree Placement

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial zone district building additions or new construction.

- A. One (1) deciduous street tree shall be provided for every thirty-five (35) linear feet of street frontage. Street trees shall be evenly spaced along the street frontage.
 1. Where a detached sidewalk exists, the tree shall be placed between the edge of asphalt or curb and sidewalk.
 2. Where the sidewalk is attached to the street and not required to meet current sidewalk standards, canopy shade trees shall be established in an area ranging from four (4) feet to eight (8) feet behind the sidewalk.
 3. Wherever the sidewalk is attached to the street and is nine (9) feet or more in width, canopy shade trees shall be established in planting cutout areas that are a minimum of twenty-five (25) square feet of planting area.

- B. The Director shall provide a recommended list of trees which shall be acceptable to satisfy the requirements for landscape plans, including approved canopy shade trees that may be used as street trees.
- C. Trees shall be located to avoid significant interference with overhead or underground utilities, including lateral connections. A tree canopy may project over a right-of-way or easement.
- D. The presence of overhead or underground utility lines does not exempt a project from the requirements of this Section. The following alternatives may be considered if utility lines conflict with the placement of required street trees and the Director determines it is not feasible to relocate or underground said utility lines.
 - 1. Required street trees may be substituted for ornamental trees where overhead lines and fixtures prevent normal tree growth and maturity; and/or
 - 2. Where adequate spaces is available, required street trees may be planted elsewhere on site subject to Director approval.

When the street tree requirements cannot be satisfied through the above options, the Director may require the applicant to pay a tree replacement fee.

- E. Plant materials shall be located to avoid interference with vehicular and pedestrian movement. Plant materials shall not project over sidewalks, paths, or trails below a height of eight (8) feet at maturity.

17.7.7.3: Institutional, Mixed-Use, Commercial, and Light Industrial Landscape Standards

In addition to the general landscape standards, this Section establishes the standards for landscaping for institutional, mixed-use, commercial, and light industrial development. All landscape areas shall meet the following minimum requirements:

- A. One (1) tree and three (3) shrubs shall be provided for every five hundred and fifty (550) square feet of landscape area. Tree lawn areas, parking lot landscape areas and landscape buffer areas are counted separately and independently from this requirement.
- B. In situations where it is not possible to plant a tree, trees may be replaced at a ratio of ten (10) shrubs or twenty (20) ornamental grasses to one tree. Tree substitution is at the discretion of the Director.

- C. Landscape areas shall have a minimum of fifty (50) percent living ground or drought-tolerant landscaping approved by the Director and shall grow to the required landscape coverage within five (5) years of installation.
- D. Artificial turf, used as a landscape material, is prohibited in any institutional, mixed-use, commercial, or light industrial zone district (See [17.7.7.4: Landscape Materials](#) for additional requirements).
- E. Whenever an mixed-use, commercial, or light industrial zone district directly abuts a property in a R-L zone district with a residential dwelling, one of the following transition options shall be installed in lieu of these landscaping requirements (See [Figure 40](#)):
 - 1. Option A: A landscaped area with a width of thirty (30) feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per one hundred (100) linear feet:
 - a. Three (3) trees; and
 - b. Twenty (20) shrubs.
 - 2. Option B: A landscaped area with a width of twenty (20) feet shall be provided along the property line. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per one hundred (100) linear feet:
 - a. Four (4) trees; and
 - b. Twenty-four (24) shrubs.
 - 3. Option C: A solid fence or wall, six (6) feet in height, shall be provided along the property line. Brick or stone columns must be incorporated into the fence or wall design and spaced at least every thirty-two (32) feet. A landscaped area with a width of ten (10) feet shall be provided adjacent to the fence. Canopy shade trees, evergreen trees, and shrubs shall be provided in the following numbers per one hundred (100) linear feet of the adjacent property:
 - a. Three (3) trees; and
 - b. Ten (10) shrubs.
 - 4. Option D: A wall six (6) feet in height made of brick or stone or other comparable material shall be provided along the property line with brick or

stone columns spaced at least every thirty-two (32) feet may be installed in-lieu of landscaping for sites containing twenty-five (25) or fewer parking spaces.

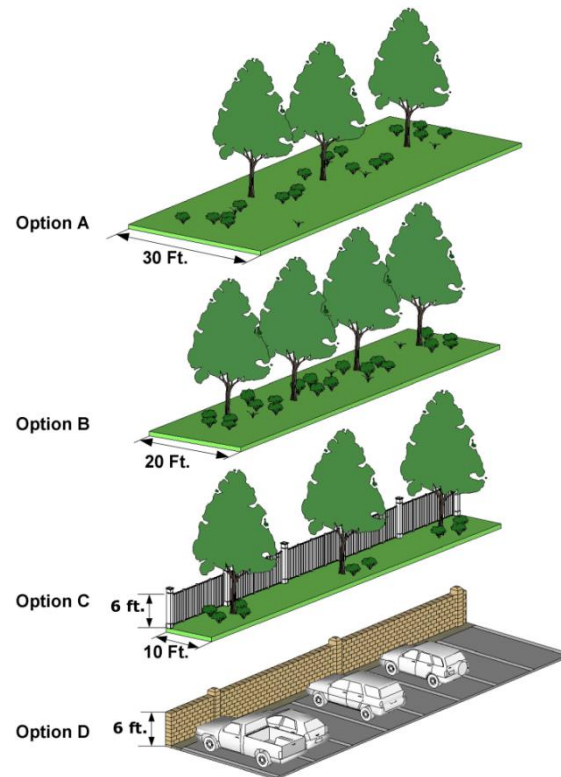


Figure 40: Side and Rear Transition Areas; 17.7.7.3:E

17.7.7.4: Landscape Materials

The following standards shall apply to all institutional, mixed-use, commercial, or light industrial zone district building additions or new construction.

- A. The selection of plant materials shall be based on the City's climate, site conditions and recommended plant material list approved by the Director.
- B. All plants shall be free of any defects, of normal health, height, leaf density, and spread appropriate to the species as defined by American Nursery and Landscape Association standards.

- C. To prevent uniform insect or disease susceptibility and eventual uniform maturity and agedness on a development site or in the adjacent area or the district, species diversity is required and monocultures are prohibited. The following tree species requirements identified in [Table 12](#) shall apply to site development plans:

Table 12: Tree Species	
Number of required trees	Maximum percentage of any tree species
10 - 19	75%
20 - 39	60%
40 or more	50%

Table 12: Tree Species; 17.7.7.4:C

- D. The following minimum tree and shrub sizes identified in [Table 13](#) shall be required.

Table 13: Tree and Shrub Size	
Type	Minimum Size
Canopy Shade (Deciduous) Tree	2.5" caliper, balled and burlapped or equivalent
Evergreen Tree	6.0' height, balled and burlapped or equivalent
Ornamental Tree	1.5" caliper, balled and burlapped or equivalent
Shrubs	5 gallon or a size consistent with design intent

Table 13: Tree and Shrub Size; 17.7.7.4:D

17.7.7.5: Landscape Installation

- A. To the maximum extent feasible, topsoil that is removed during construction activity shall be conserved for later use in areas requiring revegetation and landscaping.
- B. All landscaping shall be installed according to the American Nursery and Landscape Association horticultural practices in a manner designed to encourage quick establishment and healthy growth.
- C. Whenever the installation of the required landscaping is not possible by the time construction on the primary structure or primary use parking lot has been completed, the City may authorize a delay in installation until no later than May 31st of the next calendar year.
- D. All landscaping in each development or development phase shall be installed before a certificate of occupancy is issued. As a condition of authorizing a delay in installation, the City may:
 - 1. Require that a surety or other guarantee, in a form acceptable to the City, be provided in the amount of one hundred and fifty (150) percent of the value of the landscaping; or
 - 2. Issue a temporary certificate of occupancy, with the permanent certificate of occupancy to be issued following installation of all required landscaping.

17.7.7.6: Landscape Maintenance

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial zone district building additions or new construction:

- A. Trees and vegetation, irrigation systems, and other landscape elements shall be considered elements of the project in the same manner as parking, building materials, and other site details. The applicant, landowner, or successors in interest shall be responsible for the regular and proper maintenance of all landscaping elements installed on the right-of-way, or on private property from the back of curb of the street to keep them in good and healthy condition.
- B. All landscaping shall be maintained free from disease, pests, weeds, litter and all landscape structures shall be repaired and replaced as necessary to ensure they are structurally sound.
- C. Any required landscape element that fails, dies, or is otherwise damaged or removed, shall be replaced within thirty (30) days, or by May 31st of the next calendar year, if the landscape element is found dead during the winter months.
- D. Landscape and utility plans shall be coordinated to provide ease of future maintenance and to prevent conflicts between tree and shrub plantings and utilities. Tree/utility separations shall not be used as a means of avoiding the planting of required street trees.

17.7.7.7: Existing Tree Preservation

- A. Existing trees greater than eight (8) inches in diameter, measured one (1) foot above grade, shall be preserved to the extent reasonably feasible and will help satisfy the landscaping requirements of this Section. Such trees shall be considered “protected” trees within the meaning of this Section. Overall site design, including the placement of new streets, buildings and parking lots, shall minimize disturbance to protected trees.
- B. The Director shall determine through consultation with the City Forester when it is not feasible to preserve and retain protected tree(s). When it is not feasible to preserve or transplant protected tree(s), the applicant shall replace such tree(s) according to this Section. Replacement trees shall be used to satisfy the tree planting standards of this Section.
- C. Trees that meet one (1) or more of the following removal criteria are exempt from the requirements of this subsection:
 - 1. Dead, dying or naturally fallen trees, or trees determined by the City to be a threat to public health, safety, or welfare;

2. Trees that are determined by the City to substantially obstruct clear visibility at driveways and intersections;
 3. Tree species that the City determines to be a nuisance to the public, including Ash, Cottonwoods, Siberian Elms, Russian Olives, Tree of Heaven and Female Box Elders. However, trees, no matter the species, are not considered nuisance trees when they are located near a property line and are used to create a buffer between any land uses; or
 4. Trees that are determined by the Director to prohibit reasonable use or development of a site may be replaced following the standards in [17.7.7.8](#).
- D. The applicant shall identify all existing street trees that are located on City rights of way or easements adjacent to a development and all trees located on private property by species, size, location, and condition on required landscape plans.
- E. The following tree protection standards shall be followed for all projects with protected trees:
1. No one shall add or remove over four (4) inches of soil within the drip line of any protected tree unless the City Forester has evaluated and approved the disturbance.
 2. Prior to and during construction, a fenced tree protection zone, formed by barriers, shall be erected and maintained around all protected trees at the drip line.
 3. The installation of utilities, irrigation lines, or any underground fixture requiring excavation deeper than six (6) inches shall be accomplished by boring under the root system of protected existing trees at a minimum depth of twenty-four (24) inches.

17.7.7.8: Tree Replacement

- A. If the Director determines that certain trees prohibit reasonable use or development of a site and such trees are removed, the applicant shall replace those trees at a rate of one hundred (100) percent of the total caliper of trees removed from the site.
- B. Each evergreen tree to be replaced shall be a minimum of three (3) caliper inches for deciduous trees or eight (8) feet in height for evergreen trees.

- C. In lieu of replacing the total caliper of trees on-site, an owner may instead make a payment of two thousand (2,000) dollars, or the present value as determined by the Director, for each three (3) caliper inch replacement tree that is not planted on site. The payment shall be deposited into a designated fund that shall be used by the City to plant trees on public property within the same Ward as the development or redevelopment.
- D. When the development causes any disturbance within any natural area on a property, replacement shall occur as required in this Section.

17.7.8: Fence and Wall Design Standards

17.7.8.1: General Standards

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial zone district building additions or new construction:

- A. No fence, wall, trellis, pergola, or arbor shall be erected, including replacement and repair, without a fence and/or building permit unless these structures are less than eight (8) feet long and six (6) feet high.
- B. Retaining walls greater than three (3) feet in height require a building permit and must satisfy all engineering design requirements.
- C. A temporary fence permit may be issued in conjunction with an active building permit. A temporary fence permit may be granted for a one (1) year renewable period. All temporary fencing must be removed upon completion of construction and prior to the issuance of a certificate of occupancy.
- D. Walls, when applicable, shall be constructed using the same or similar materials as the main building.
- E. Fences and walls shall be installed so that a finished side faces a public street or public space.
- F. Fences and walls shall follow the contour of the ground as far as practicable. Adjustments for grade shall occur at the bottom of the fence to every extent possible.
- G. Permanent fencing and walls shall not be erected if they restrict emergency access to any building.

- H. Fences and walls no longer maintained in a safe manner and/or which create a hazard through neglect, lack of repair, manner of construction, method of placement, or otherwise, shall be repaired, replaced or removed by the property owner. Examples of lack of maintenance shall include, but are not limited to, protruding or exposed wire, missing and/or protruding pickets, missing sections of fence, sagging or leaning pickets and supports, extending into a traveled sidewalk or creating a hazard for a pedestrian or motor vehicle.
- I. Solid fencing or wall sections along a street totaling more than two hundred (200) linear feet shall include architectural features, such as masonry, brick or wood-framed columns for every fifty (50) feet of length. The minimum separation between those features shall be no less than ten (10) feet.
- J. Approved columns or posts may exceed the height of the fence by one (1) foot and must meet all permit and setback requirements.

17.7.8.2: Fence and Wall Height

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial zone district building additions or new construction:

- A. All fence, wall and structure heights shall be measured from the lowest finished grade at the location of the fence, wall, or structure.
- B. [Table 14](#) identifies the permitted location, type of fence, maximum height and minimum setback for fences (See [Figure 42](#)).
- C. Solid fences and walls may be erected to a height of eight (8) feet to separate a property from an arterial street or a frontage road adjacent to US 6 and US 285 highways. The Director shall consider the aesthetic, visual, and noise reduction characteristics of the fence or wall.
- D. A combination fence and retaining wall may be erected to a height of six (6) feet above the highest finished grade or eight (8) feet above the lowest finished grade, at the location of the fence, except that at no time shall the fence portion exceed six (6) feet above the highest finished grade at any point (See [Figure 41](#)).
- E. A retaining wall cannot be built for the purpose of elevating a fence to any height more than allowed by this Section.

- F. An entry feature or entry trellis may exceed the six (6) foot height standard in [17.7.8.2](#): by up to four (4) feet for a maximum height of ten (10) feet and the entry feature or entry trellis may be a maximum width of ten (10) feet.

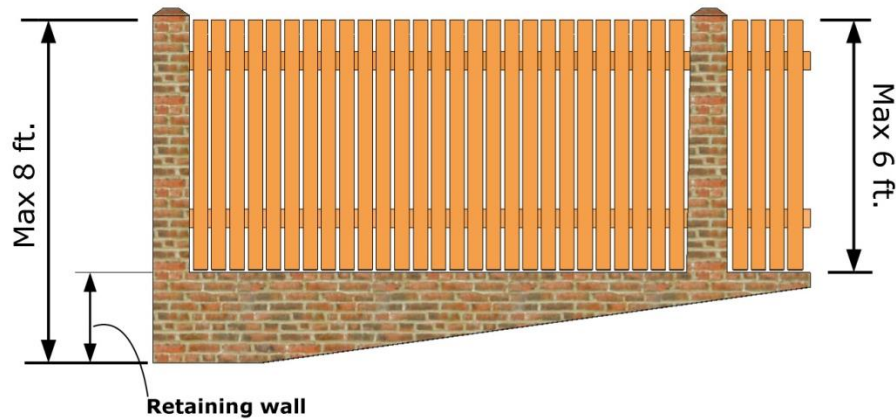


Figure 41: Fence and Retaining Wall Combination; 17.7.8.2:D

Table 14: Fence and Wall Standards; 17.7.8.2

Table 14: Fence and Wall Standards				
Land Use	Permitted Location	Type of Fence Permitted	Maximum Height	Minimum Setback
Institutional, Mixed Use, Office and Commercial	Side, rear and non-primary front yards	Open, solid	6'	Property line and 2' from back of walk
	Front yard or build to zone	Open, solid (Director discretion)	6'	
Industrial	Side and rear yards	Solid	8'	Property line and 2' from back of walk
	Side and rear yards	Barbed Wire	8', but not below 6'	
	Front and non-primary front yard or build to zone	Open, solid (at the discretion of the Director)	8'	

Table 14: Fence and Wall Standards				
Land Use	Permitted Location	Type of Fence Permitted	Maximum Height	Minimum Setback
Public Utility Installations	Front, side and rear yards or build to zone	Open, Solid	15'	
	Side and rear yards	Barbed Wire	15', but not below 6'	
Solar Garden	Front and non-primary front yard	Open	8'	Property line and 2' from back of a walk
	Side and rear yards	Open or solid (when adjacent to a residential unit or residentially zoned property)	8'	
Recreational Facilities	Side and rear yards	Open	15'	15' from property line and 2' from back of walk
Noise Control Walls and Fences	Rear and non-primary front yards adjacent to arterial streets; Any yard adjacent to frontage roads on US 6 and US 285	Solid masonry or wood with pickets on both sides of the horizontal boards. Pickets must be a minimum of 3/4 inch thick and staggered from the opposite pickets.	8'	Property line and 2' from back of a walk

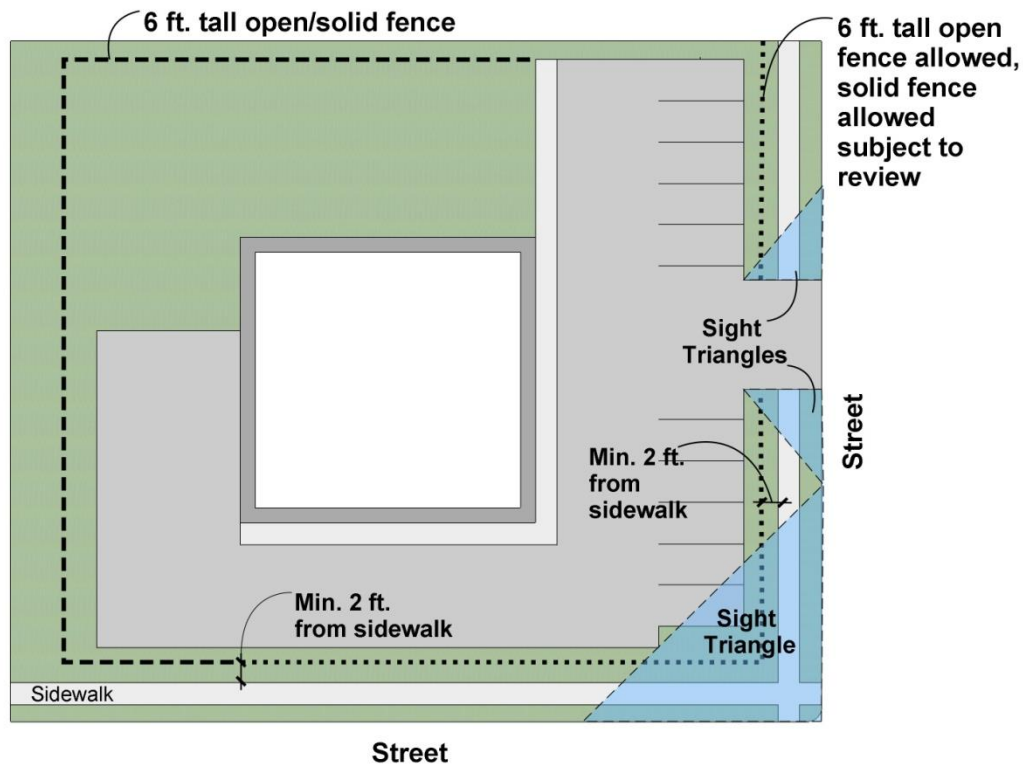


Figure 42: Commercial Fence Setbacks and Height Restrictions; 17.7.8.2

17.7.8.3: Fence and Wall Placement

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial zone district building additions or new construction:

- A. No portion of a fence or wall shall extend beyond the property line of the fenced property into the public right-of-way without approval of the Director. It may also be necessary to obtain an agreement prior to erecting a fence in the public right-of-way.
- B. All fences and walls including fence support systems such as posts, pillars and columns shall be set back a minimum of two (2) feet from the back edge of the sidewalk or traveled walkway to allow for safe passage by persons on a sidewalk or traveled walkway.

- C. Vehicle access gates must be setback at a minimum twenty (20) feet from flow line of the street or back of curb in order to meet vehicle stacking requirements.
- D. Gates adjacent to sidewalks, alleys and public rights-of-way shall open inward to the private property.
- E. Where a legally permitted fence exists along the shared property line of an adjacent lot, the subject property may align its fence with the furthest extent of the adjacent fence. The subject property's fence may not exceed the height of the existing adjacent fence and may only be solid if the adjacent fence is solid.
- F. All fence locations on through-lots shall be reviewed on a case-by-case basis by the Director following the waiver criteria specified in 17.2.6.
- G. A four (4) foot tall fence that is a minimum of fifty (50) percent open may be permitted within a sight triangle with review and approval of the City of Lakewood Traffic Engineering Division (See [Figure 43](#)).



Figure 43: Fifty-Percent Open Fence; 17.7.8.3.G

- H. Where a corner lot is permitted to have a solid fence along a non-primary front property line that coincides with an adjacent property's primary front yard, no fence will be permitted that creates a hazard for vehicles exiting that property or for pedestrians walking along a sidewalk or traveled walkway.

17.7.8.4: Fence and Wall Materials

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial zone district building additions or new construction:

- A. Approved materials for fence construction include, but are not limited to, commercial quality wood, brick, masonry, metal, stone, wrought iron, manufactured vinyl or PVC fence material or any other material approved by the Director following the waiver criteria specified in 17.2.6.
- B. Combination fences of lattice and other decorative materials may be used in conjunction; however, at no time shall the combination exceed the fence height limitation for that zone district.
- C. All material used in wood fences shall be either naturally rot resistant (such as cedar), or pressure treated for rot resistance.
- D. Prohibited fence materials shall include, but are not limited to, aluminum siding, vehicles, smooth face concrete masonry units/blocks, cloth or plastic tarps, scrap wood or any other material not customarily sold for fencing.
- E. Plastic or temporary construction fence may not be used as a permanent fence material.
- F. Approved materials for wall construction include, but are not limited to, commercial quality brick, decorative masonry units, or decorative concrete or any other material approved by the Director following the waiver criteria specified in 17.2.6.
- G. Prohibited wall materials shall include, but are not limited to, landscape timbers, smooth face concrete masonry units/blocks, and other materials not customarily sold for retaining walls.

17.7.9: Exterior Lighting Standards

17.7.9.1: General Standards

The following standards shall apply to all institutional, mixed-use, commercial, and light industrial building additions or new construction:

- A. Unless specifically excluded by this Zoning Code, any building or structure, including any accessory building or structure, shall conform to the lighting requirements for the applicable zone district as set forth in this Zoning Code.
- B. Lighting sources shall be directed away from reflective surfaces to minimize glare upon adjacent property and public rights-of-way.
- C. Lighting sources shall be positioned in such a manner as to direct light away from adjacent property and public rights-of-way.
- D. Lighting fixtures shall be fully shielded and direct light downward toward the earth's surface (See Figure 44).

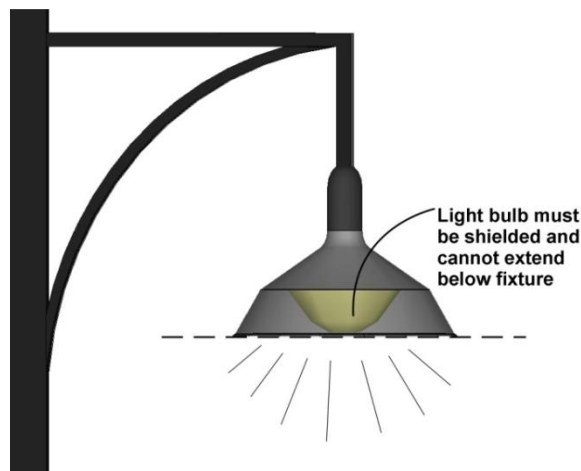


Figure 44: Lighting - Downcast and Shielded; 17.7.9.1:D

- E. All light fixtures on structures, canopies, poles, stands, or mounted on a building shall have a shield, adjustable reflector, and non-protruding diffuser.
- F. Lighting fixtures shall comply with the DarkSky and Illuminating Engineering Society principles for minimal light pollution and shall utilize light emitting diodes (LED) unless the Director approves an industry equivalent.
- G. Lighting under awnings and canopies shall primarily illuminate a building front, landscaping, a sign under an awning or canopy, or the sidewalk, and not directly illuminate the awning or canopy itself.

- H. Light pole height shall not exceed twenty-five (25) feet in height except in industrial zones districts where light pole height shall not exceed thirty-five (35) feet.
- I. Light poles shall be measured from the base of the light pole at ground level to the top of the light fixture.
- J. Light poles adjacent to a property with one (1) or two (2) residential dwelling units shall be setback from the property line the same distance as the pole height, or if fully shielded, a minimum of five (5) feet.
- K. All parking area light fixtures shall be designed and located to confine emitted light to the parking area.
- L. Light meter readings shall not exceed:
 - 1. One-half (1/2) foot-candles at property lines with one (1) or two (2) residential dwelling units.
 - 2. One (1) foot-candle at a property line with three (3) or more residential dwelling units.
 - 3. Two (2) foot-candles at all other non-residential property lines or at the public right-of-way.

17.7.9.2: Exceptions

Exceptions to the lighting standards include, but may not be limited to:

- A. Hazard warning lighting required by Federal and State regulatory agencies;
- B. Temporary emergency lighting required by local law enforcement, emergency service and utility department(s);
- C. Traffic control and directional lighting;
- D. Underwater lighting used for the illumination of swimming pools and water features;
- E. Lighting for temporary festivals and carnivals;
- F. Lighting for recreational facilities. No private recreational facilities shall be illuminated after 11:00 p.m. except to conclude a scheduled recreational or sporting event in progress prior to 11:00 p.m.;
- G. Architectural accent and landscape lighting, up lighting and low wattage fixtures; or
- H. Other exceptions as approved by the Director.

17.7.9.3: Prohibitions

The following lighting sources are prohibited:

- A. Laser lights or other high intensity outdoor lights;
- B. Searchlights and floodlights used for advertising purposes; and
- C. Lighting sources used on towers except as required by the Federal Aviation Administration.

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ARTICLE 8: PARKING AND LOADING STANDARDS

17.8.1: General

17.8.1.1: Purpose and Intent

This Article establishes parking and loading standards for development in the City of Lakewood (the “City”). The purpose of these parking and loading standards is to ensure that development implements the principles and goals articulated in the City’s Comprehensive Plan for land use, community sustainability and transportation. The purpose of the parking and loading standards in this Article is to:

- A. Provide for pedestrian connections and safety;
- B. Prevent the establishment of excessive amounts of off-street parking; and
- C. Reduce the need for parking by promoting the use of transit, bicycles, and other alternative forms of transportation.

17.8.1.2: Applicability

This Article establishes parking standards for all land uses in the City. The parking standards shall be applied for any new development and redevelopment except where explicitly superseded by an approved ODP or as identified in this Article.

New development and redevelopment shall follow the site plan process outlined in Article 2 of this Zoning Code. Provisions for nonconforming parking and loading standards shall be found in Article 12 of this Zoning Code.

17.8.1.3: General Standards and Exemptions

- A. Provision of parking spaces within an integrated parking and access system is required. The total number of parking spaces provided shall be the sum total of the individual parking standards. Mixed developments, shopping centers, and industrial or office parks, shall be evaluated on individual uses, however shared parking agreements, and the relationship between specific uses shall be used to determine parking standards. Off-street parking standards are identified in [Table 15](#).
- B. The minimum and maximum off-street vehicle and bicycle parking standards identified in [Table 15](#) shall apply to all new development and redevelopment.
- C. Parking standards that are based on building square footage, outdoor recreational field square footage, and/or outdoor entertainment area shall be calculated on the GFA of a building, field, or entertainment area.

- D. For motor vehicles sales, the parking requirement will be calculated on the building footprint.
- E. When measurements of the number of required spaces result in a fractional number, any fraction will be rounded up to the next higher whole number.
- F. Parking maximums shall not apply to structured parking.
- G. Driveways, vacuum bays, and air compressor bays shall not count as parking space(s).
- H. On-site parking shall be maintained in good condition free of weeds, dust, trash and debris, and major surfacing defects.
- I. No person shall construct, pave or repave a parking lot without first obtaining a building permit. Newly paved and repaved parking lots shall comply with Americans with Disabilities Act (ADA) Parking Standards.
- J. For information pertaining to the measurement of vision clearance triangles, stacking distances from right-of-way, pavement design, and new parking lot structural sections please refer to the Transportation Engineering Design Standards (TEDS) and Engineering Regulations, as amended.

17.8.1.4: Parking Exemptions:

The following are exempt from the minimum parking requirements in this Article:

- A. Residential buildings and adaptive re-use mixed-use development projects which include at least fifty (50) percent residential purposes within one quarter (1/4) mile of a transit station or transit line as identified by the Department of Local Affairs (DOLA) Applicable Transit Service Area Map or in any mixed-use urban or transit context; and
- B. Affordable housing units are exempt from the minimum parking requirements as identified in this Article including visitor parking standards.
- C. Visitor parking standards within the Transit Service Area Map are not exempted from the requirements of this Article.
- D. The City may require loading spaces as defined in C.R.S. § 29-36-102 to allow for temporary parking for commercial vehicles during loading/unloading of materials and vehicles that allow passengers to board or disembark from the vehicle.

17.8.1.5: Design and Development Criteria

In addition to the parking standards established in this Article, the City has adopted design and development criteria to further articulate the intended design for specific areas of the City. Any new development or redevelopment of a site located in an area governed by design and development criteria shall adhere to such criteria.

Parking Standards [Table 15](#) identifies the minimum and maximum parking requirements for all uses in all zone districts except as otherwise exempted herein.

Table 15: Parking Standards; 17.8.1

Table 15: Parking Standards						
Land Use	Vehicle Parking Spaces				Bicycle Parking Spaces	
	Minimum	Maximum			Long-Term	Short-Term
	All Districts	Residential, Commercial, Light Industrial and Suburban Context	Urban Context	Transit Context	All Districts	All Districts
N/A = Not Applicable						
Residential						
Residential Dwelling ⁽¹⁾	1 per 1,000 sf above the first 4,000 sf	3 per 1,000 sf	2 per 1,000 sf	1.5 per 1,000 sf	1 per 2,000 sf	1 per 10,000 sf
⁽¹⁾ Additional visitor parking is required per 17.8.2 :						
Commercial and Industrial						
Adult Business	1 per 1,000 sf	3 per 1,000 sf	2.5 per 1,000 sf	2.0 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Animal Care	2 per 1,000 sf	4 per 1,000 sf	3.5 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Bar	2 per 1,000 sf	6 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	NA	1 per 5,000 sf
Bed and Breakfast	1 per bedroom	1 per bedroom plus 4	1 per bedroom plus 3	1 per bedroom plus 2	NA	NA
Cemetery	N/A	N/A	N/A	N/A	N/A	N/A
Club, Lodge, or Service Organization	2 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Contractor Shop	1 per 1,000 sf	3 per 1,000 sf	NA	NA	1 per 2,500 sf	NA

Table 15: Parking Standards

Land Use	Vehicle Parking Spaces				Bicycle Parking Spaces	
	Minimum	Maximum			Long-Term	Short-Term
	All Districts	Residential, Commercial, Light Industrial and Suburban Context	Urban Context	Transit Context	All Districts	All Districts
N/A = Not Applicable						
Crematory	1 per 1,000 sf	3 per 1,000 sf	NA	NA	NA	NA
Day Care Facility, Child or Adult	1.5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2.5 per 1,000 sf	1 per 1,000 sf	1 per 5,000 sf
Emergency Medical Facility	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 2,000 sf	1 per 5,000 sf
Entertainment Facility						
Indoor	2.5 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 5,000 sf	1 per 1,000 sf
Outdoor	2 per 1,000 sf	6 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	NA	1 per 5,000 sf
Fitness or Athletic Facility, Private	2 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 1,000 sf
Gallery or Studio	1 per 1,000	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 5,000 sf	1 per 5,000 sf
Golf Course	2 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 5,000 sf	1 per 5,000 sf
Hotel	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 5,000 sf	1 per 10,000 sf
Junkyard or Motor Vehicle Wrecking	0.25 per 1,000 sf	2 per 1,000 sf	NA	NA	NA	1 per 10,000 sf
Manufacturing						
Light	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 2,500 sf	NA

Table 15: Parking Standards

Land Use	Vehicle Parking Spaces				Bicycle Parking Spaces	
	Minimum	Maximum			Long-Term	Short-Term
	All Districts	Residential, Commercial, Light Industrial and Suburban Context	Urban Context	Transit Context	All Districts	All Districts
N/A = Not Applicable						
Heavy	1 per 1,000 sf	4 per 1,000 sf	NA	NA	1 per 2,500 sf	NA
Medical Marijuana Business	1.5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Mini-Warehouse or Storage	0.1 per 1,000 sf	0.2 per 1,000 sf	NA	NA	1 per 20,000 sf	NA
Mortuary	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Motel	1 per 1,000 sf	4 per 1,000 sf	NA	NA	1 per 5,000 sf	1 per 10,000 sf
Motor Vehicle Rental	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Motor Vehicle Sales	0.25 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	NA	1 per 2,500 sf	1 per 5,000 sf
Motor Vehicle Service						
Car Wash	0.25 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Fueling Station	0.25 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Major	0.25 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Minor	0.25 per 1,000 sf	4 per 1,000 sf	2 per 1,000 sf	1 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Office	1.5 per 1,000 sf	5 per 1,000 sf	3.5 per 1,000 sf	2.5 per 1,000 sf	1 per 2,000 sf	1 per 5,000 sf
Parking, Stand-Alone	NA	NA	NA	NA	NA	1 per 5,000 sf
Pawnbroker	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 2,500 sf	1 per 2,000 sf

Table 15: Parking Standards

Land Use	Vehicle Parking Spaces				Bicycle Parking Spaces	
	Minimum	Maximum			Long-Term	Short-Term
	All Districts	Residential, Commercial, Light Industrial and Suburban Context	Urban Context	Transit Context	All Districts	All Districts
N/A = Not Applicable						
Personal Service	1 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	2 per 1,000 sf	1 per 2,500 sf	1 per 2,000 sf
Plant Nursery	1 per 2,500 sf	4 per 1,000 sf	NA	NA	1 per 5,000 sf	1 per 10,000 sf
Restaurant						
Residential, Commercial, Light Industrial and Suburban	6 per 1,000 sf	12 per 1,000 sf	NA	NA	1 per 2,000 sf	1 per 2,000 sf
Urban	6 per 1,000 sf	NA	8 per 1,000 sf	NA		
Transit	4 per 1,000 sf	NA	NA	5 per 1,000 sf		
Retail	1 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 2,000 sf
Rental, Service, or Repair of Large Items	1 per 1,000 sf	5 per 1,000 sf	NA	NA	1 per 2,500 sf	1 per 5,000 sf
Storage, Outdoor	NA	NA	NA	NA	NA	NA
Vehicle Dispatch Facility	NA	NA	NA	NA	NA	NA
Warehouse or Distribution	0.25 per 1,000 sf	1 per 1,000 sf	NA	NA	1 per 5,000 sf	1 per 10,000 sf
Public / Civic / Institutional						

Table 15: Parking Standards

Land Use	Vehicle Parking Spaces				Bicycle Parking Spaces	
	Minimum	Maximum			Long-Term	Short-Term
	All Districts	Residential, Commercial, Light Industrial and Suburban Context	Urban Context	Transit Context	All Districts	All Districts
N/A = Not Applicable						
Community Building	2 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Community Service Facility	1 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Convention or Exposition Center	2 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Correctional Institution	2 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,500 sf	1 per 5,000 sf
Hospital	2 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 5,000 sf	1 per 10,000 sf
Park	NA	NA	NA	NA	NA	NA
Religious Institution	2 per 1,000 sf	12 per 1,000 sf	8 per 1,000 sf	5 per 1,000 sf	NA	1 per 2,500 sf
School, Public or Private						
Elementary and Middle	0.5 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,000 sf	1 per 1,000 sf
High	1 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,000 sf	1 per 1,000 sf
School, Vocational or Trade	2 per 1,000 sf	6 per 1,000 sf	5 per 1,000 sf	3 per 1,000 sf	1 per 2,000 sf	1 per 1,000 sf
Solar Garden	NA	NA	NA	NA	NA	NA
Transportation Facility, Public	NA	NA	NA	NA	NA	NA

Table 15: Parking Standards

Land Use	Vehicle Parking Spaces				Bicycle Parking Spaces	
	Minimum	Maximum			Long-Term	Short-Term
	All Districts	Residential, Commercial, Light Industrial and Suburban Context	Urban Context	Transit Context	All Districts	All Districts
N/A = Not Applicable						
University or College	1 per 1,000 sf	5 per 1,000 sf	4 per 1,000 sf	3 per 1,000 sf	1 per 2,000 sf	1 per 1,000 sf
Utility Facility						
Major	NA	NA	NA	NA	NA	NA
Minor	NA	NA	NA	NA	NA	NA

17.8.2: Visitor Parking

17.8.2.1: General Standards

- A. A minimum of one (1) visitor parking space shall be provided with every residential development with five (5) or more units.
- B. Visitor parking spaces are in addition to required Electric Vehicle Charging Station (EVCS) or ADA compliant parking spaces.
- C. Temporary Dwelling Units do not require visitor parking.
- D. All residential developments of five (5) or more units shall provide visitor parking spaces in addition to parking required pursuant to [Table 15](#) as follows:
 - 1. In the R-M district and mixed-use zone districts with a Suburban context, one (1) visitor parking space shall be provided for every ten (10) units.
 - 2. In a mixed-use zone district with an Urban context, one (1) visitor parking space shall be provided for every fifteen (15) units.
 - 3. In a mixed-use zone district with a Transit context, one (1) visitor parking space shall be provided for every twenty (20) units.

17.8.3: Parking Substitutions and Reductions

17.8.3.1: General Standards

- A. Motorcycle and scooter parking spaces may substitute for up to five (5) percent of the required motor vehicle parking requirement.
- B. For every four (4) motorcycle and scooter spaces provided, the vehicle parking requirement is reduced by one (1) space.
- C. Each motorcycle and scooter space must be at least four (4) feet wide and eight (8) feet deep. Existing parking may be converted to take advantage of this standard.
- D. At the discretion of the Director:
 - 1. On-street parking available along the portion of a public or private street abutting the use may be counted toward the minimum number of parking spaces required where such spaces can be demonstrated to function safely without compromising sight distance, transit stops, or bikeways. Credits shall be documented on the site plan.

2. Up to a twenty (20) percent reduction in parking may be granted for age restricted communities, where the residents are age fifty-five (55) or older or for income restricted residential communities, where the average income is less than or equal to sixty-five (65) percent of the area median income (AMI);
 3. Up to a twenty (20) percent reduction in parking may be granted for restaurant uses located within one quarter (1/4) mile of a transit stop.
 4. Parking requirements may be met on-site or off-site at a distance of up to six hundred (600) feet from the use, provided that a shared parking agreement is obtained prior to approval of the site plan or tenant improvement permit.
- E. The minimum parking count in [Table 16](#) is used to determine the parking count for each individual land use for a development application. The minimum number of parking spaces required may be reduced by the percentage indicated for each column of the five (5) time periods in the parking reduction schedule as shown below in [Table 16](#).

The resulting parking count from [Table 16](#) for each individual land use is then determined by totaling the number of spaces in each column. The resulting column total that generates the highest total number parking spaces then becomes the new minimum parking requirement.

Table 16: Parking Reduction Schedule					
Use	Weekday		Weekend		Night-time
	6 PM-6 PM	6 PM-12 AM	6 AM-6 PM	6 PM-12 AM	12 AM-6 AM
Residential	40%	10%	20%	10%	0%
Club, Lodge or Service Organization; Fitness or Athletic Facility; Gallery or Studio	50%	0%	0%	0%	90%
Entertainment Facility	60%	0%	20%	0%	90%
Industrial	0%	90%	90%	95%	95%
Hotel	30%	0%	30%	0%	30%
Office	0%	90%	90%	95%	95%
Public / Civic / Institutional	50%	0%	0%	70%	95%
Restaurant	50%	0%	0%	0%	90%
Retail	50%	10%	0%	30%	95%
All other uses	0%	0%	0%	0%	0%

Table 16: Parking Reduction Schedule; 17.8.3.1

17.8.4: Bicycle Parking

17.8.4.1: General Standards

Bicycle parking is required in order to encourage the use of bicycles by providing for safe and convenient places to park bicycles. The purpose of these design standards is to ensure that bicycle parking is convenient to bicyclists and provides sufficient security from theft and damage.

- A. Bicycle parking space(s) shall be provided with a locker, securely mounted rack, or other facilities for locking or securing a bicycle.
- B. A rack shall allow the locking of the frame and the front or rear wheel of the bicycle to the rack using a U-shaped shackle lock so that bicycles may be securely locked and safeguarded from damage.
- C. Bicycle parking areas shall be clearly identified by a sign near the main building entrance.
- D. Bicycle parking areas shall be located along the “desire line” from adjacent bikeways. The desire line is the path that cyclists are most likely to travel.
- E. Each required bicycle parking space shall be accessible without moving another bicycle.
- F. There must be at least five (5) feet behind all bicycle parking spaces to allow room for bicycle maneuvering. Where short-term bicycle parking is adjacent to a sidewalk, the maneuvering area may extend into the sidewalk or right-of-way, so long as the bike will not overhang public easements or right-of-way.
- G. A clearance of three (3) feet shall be provided between building walls and bike racks.
- H. Short-term bicycle parking shall not be required for a residential development with four (4) or fewer units.
- I. Short-term bicycle parking spaces shall be located within fifty (50) feet of the main entrance to the building. With the permission of the City, bicycle parking may be located in the public right of way. Where there is more than one main entrance to a building, short-term spaces should be split between building entrances.
- J. The standard required bicycle space is two (2) feet wide, six (6) feet long and three (3) and one-half (1/2) feet tall. Each space shall provide at least two (2) points of contact between the bicycle frame and rack.

- K. Short-term bicycle parking shall be near a light source and shall be visible from employee work areas or residences.

17.8.4.2: Long-term Bicycle Parking

Long-term bicycle parking provides users of a site a secure and weather-protected place to park bicycles. Long-term parking does not have to be provided on site; however, long-term bicycle parking must be within a reasonable distance of a site in order to encourage bicycle use.

- A. Long-term bicycle parking is not required on a site when:
1. Non-residential gross building area is less than five thousand (5,000) square feet; and
 2. There are ten (10) or fewer residential units in a development or redevelopment.
- B. Shower and changing facilities are required in employment-based buildings of thirty thousand (30,000) square feet or more where long-term bicycle parking is required.
- C. Long-term bicycle parking shall be located on the site or in an area within two hundred and fifty (250) feet of the building.
1. All long-term bicycle parking shall be designed to provide maneuvering areas sufficient to prevent conflicts with other bicycles.
 2. Covered bicycle parking may be provided inside buildings, under roof overhangs or awnings, in bicycle lockers, or within or under other structures. When covered bicycle parking is not located within a building or locker, the cover shall be:
 - a. Designed to protect bicycles from precipitation;
 - b. High enough to provide at least ten (10) feet of clearance above the floor or ground; and
 - c. Posted with a sign indicating the location of the bicycle parking when not directly visible at a transit facility or main building entrance.
 3. To provide security, long-term bicycle parking shall be in at least one (1) of the following locations:
 - a. In a locked room;
 - b. In bicycle lockers that are not stacked vertically;

- c. In an area that is enclosed by a fence with a locked gate;
- d. In a freestanding shelter;
- e. Within view of an attendant or security guard;
- f. Within one hundred (100) of an attendant or security guard (See [Figure 45](#));
- g. In an area that is monitored by a security camera; and/or
- h. In an area that is visible from employee work areas (See [Figure 45](#)).

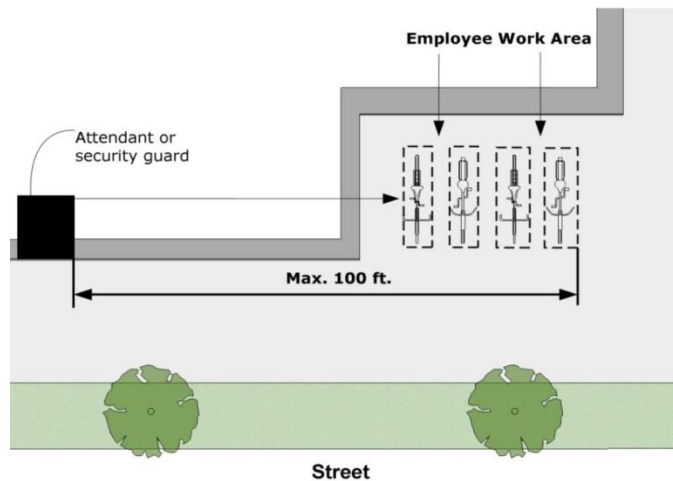


Figure 45: Long-Term Bicycle Parking; 17.8.4.2:C.3

17.8.5: Electric Vehicle (EV) Parking Standards

To support sustainable transportation options that reduce tailpipe emissions and pollution, including electric vehicles, these standards promote widespread access to electric vehicle charging, help avoid high costs of retrofitting with necessary electrical infrastructure as demand for charging increases, and preserve an attractive and desirable public realm for pedestrians.

17.8.5.1: General Standards

- A. All parking spaces with Electric Vehicle Supply Equipment (EVSE) shall include signage and pavement markings identifying spaces for EV charging only. If time limits or vehicle removal provisions are to be enforced, regulatory signage including parking restrictions shall be installed immediately adjacent to, and visible from the EVSE. Optional signage may also be provided to include information about charging types, voltage, fees, wayfinding, or other information as desired. All signage is subject to the applicable standards in Article 9.

- B. The property owner is not restricted from collecting a service fee for the use of an EVSE made available to residents, employees, and visitors to the property.
- C. The design and number of parking spaces and parking access for all new EVSE shall comply with the U.S. Access Board Design Recommendations for Accessible Electric Vehicle Charging Stations or any comparable accessibility regulations issued by the Department of Justice, Department of Transportation, or State of Colorado.
- D. Any parking space served by an EVSE or used to site EVSE or Electric Vehicle Supply Infrastructure (EVSU) shall be counted toward applicable parking minimums. Any van-accessible parking space that is designed to accommodate a person in a wheelchair, is served by an EVSE, and is not designated as parking reserved for a person with a disability under C.R.S. § 42-4-1208 shall be counted as two (2) parking spaces toward applicable parking minimums.

17.8.5.2: Minimum EV Parking Requirements

- A. All new developments which provide on-site parking need to include a combination of installed EVSE and minimum infrastructure to add more charging stations in the future in accordance with the Electric Vehicle Power Transfer Infrastructure requirements in the [Colorado Model Electric and Solar Ready Code](#).
- B. The number of required EV parking spaces shall be rounded up to the nearest whole number.
- C. All required EV parking spaces shall be designed to accommodate a minimum of Level 2 charging or comparable technology. Level 1 charging or comparable technology is not sufficient to meet the EV parking requirements.
- D. Existing developed sites undergoing external alterations such as building additions, site grading, or other site modifications must comply with the EV parking requirements for the portion of the site being modified.

17.8.5.3: EV Supply Equipment Design Standards

- A. EVSE shall not encroach into a parking space or be located in a manner that impedes pedestrian access. Cords, cables and connector equipment shall not extend across any designated path of pedestrian travel.
- B. EVSE must be set back a minimum of two (2) feet from the back of the sidewalk along a public or private street frontage, or the back of the future required sidewalk location if one does not currently exist. EVSE located between two (2) feet and ten (10) feet from the back of the existing or future sidewalk shall not exceed five (5) feet in height above finished grade.

- C. Parking stalls located along a public or private street frontage and served by EVSE must comply with the parking lot screening standards set forth in Article 8.
- D. EVSI shall be located and screened in accordance with the utility screening standards in Articles 6 and 7.
- E. EVSE and EVSI shall not reduce the amount of required plant materials per Articles 6 and 7 within any landscape areas.
- F. For existing developed sites adding EVSE as an accessory use, existing trees and shrubs shall not be removed to accommodate new EVSE and EVSI to the maximum extent feasible. An existing parking space may be utilized to site EVSE and EVSI as an alternative to disturbing existing landscaping. Any trees or shrubs shall be relocated and/or replaced at the same rate as which they are removed and in accordance with applicable landscape standards in Articles 6 and 7.
- G. Parking spaces with EVSE must have adequate lighting for safety of users. Lighting may be provided by existing on-site lighting and/or by new lighting fixtures integrated into EVSE or by new separate light fixtures. Any new lighting fixtures shall be visually consistent with the existing on-site lighting and comply with applicable lighting standards in Articles 6 and 7.
- H. Canopies for accessory use EVSE are optional and subject to applicable standards for Accessory Structures in Article 5.

17.8.6: Parking Standards for Residential Lots with One to Two 1-2 Dwelling Units

17.8.6.1: Driveways and Parking Areas

The following standards shall apply to all residential and mixed-use district lots with one (1) to two (2) residential dwelling units:

- A. Parking areas shall not exceed fifty (50) percent of the back yard; fifty (50) percent of the front yard, and fifty (50) percent of the side yard.
- B. Each lot shall be allowed no more than thirty-five (35) feet of drive-cuts along a street frontage and may occupy no more than fifty (50) percent of the lot frontage, cul-de-sacs excluded.
- C. A driveway accessing a front-loaded garage shall be a minimum of eighteen (18) feet in length as measured from the back of sidewalk, or twenty-nine (29) feet in length, as measured from the edge of asphalt if no sidewalk or curb exists. (See [Figure 46](#))

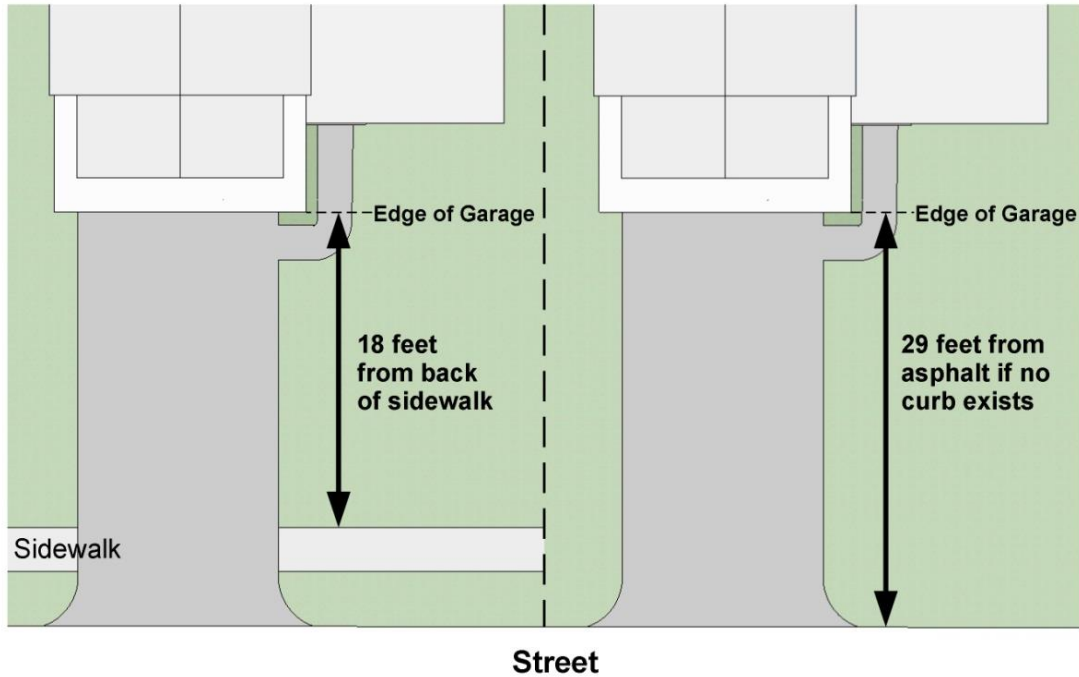


Figure 46: Driveway Length Measurements; 17.8.6.1:C

- D. Driveways and parking areas are to be maintained as dust-free, weed-free, and mud-free surfaces.
- E. Driveways and parking areas shall not be allowed in location intended for other purposes such as landscaping or open space.
- F. Parking shall not be allowed on grass, weeds, mud or dirt. This includes, but is not limited to, the parking of trailers, campers and camper shells, and recreational vehicles.
- G. Approved all weather parking surfaces for detached single-family include concrete paving, asphalt paving and rock applied to a minimum depth of three (3) inches. Rock driveways and parking areas shall use a minimum three-quarters ($\frac{3}{4}$) inch rock size.
- H. All weather surfaces shall not include materials including but not limited to carpet, shingles, wood or cardboard.

17.8.7: Parking and Loading Standards for All Other Uses

17.8.7.1: Americans with Disabilities Act Parking Standards

All places of public accommodation must comply with the Department of Justice published revised regulations for Titles II and III of the Americans with Disabilities Act (ADA) 42 U.S.C.S. 12101, et seq.

17.8.7.2: Loading Space Standards

This Section establishes off-street loading space standards which provide requirements for the design and construction of loading areas.

- A. At no time may loading or unloading occur from the right-of-way of a collector or arterial street.
- B. Whether or not a loading space is provided, all vehicle maneuvering for loading or unloading shall occur on site.
- C. A loading space shall not encroach on or interfere with the public use of streets and sidewalks by vehicles and pedestrians.
- D. No loading space shall permit any vehicle to extend into any front setback area or across any lot line of a more restrictive district while being loaded or unloaded.
- E. Loading spaces shall not conflict with or overlap any required drive aisles or off-street parking spaces, unless the loading space will only be used during hours when the primary structure is not open for business.

17.8.7.3: Parking Lot and Drive-Through Vehicle Stacking

Vehicle stacking is the minimum length required for an on-site drive aisle necessary to facilitate the safe movement of vehicles between the parking lot and the public street, and/or 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. The following standards shall apply to all vehicle stacking situations:

- A. Adequate space must be provided for on-site stacking, storage and queuing of vehicles.
- B. Stacking spaces must be a minimum of eight (8) feet in width and twenty (20) feet in length.
- C. Vehicles using drive-through facilities shall not encroach on or interfere with the on-site or off-site use of streets, and sidewalks by vehicles and pedestrians.

- D. Stacking spaces for internal drive-through services shall be measured from the point of service and within a designated drive aisle (See [Figure 47](#)). Stacking spaces are shown in [Table 17](#).

Table 17: Drive-Through Stacking	
Type of Facility	Minimum Stacking Spaces Required
Car Wash, Automatic	2
Car Wash, Self-Service	2
Dry Cleaner, Drive-Through	2
Financial Institution, Drive-Through	1
Gasoline Pump Island	1
Liquor Store, Drive-Through	2
Restaurant, Drive-Through	4
Other	Determined by the Director with queuing study

Table 17: Drive-Through Stacking; 17.8.7.3:D

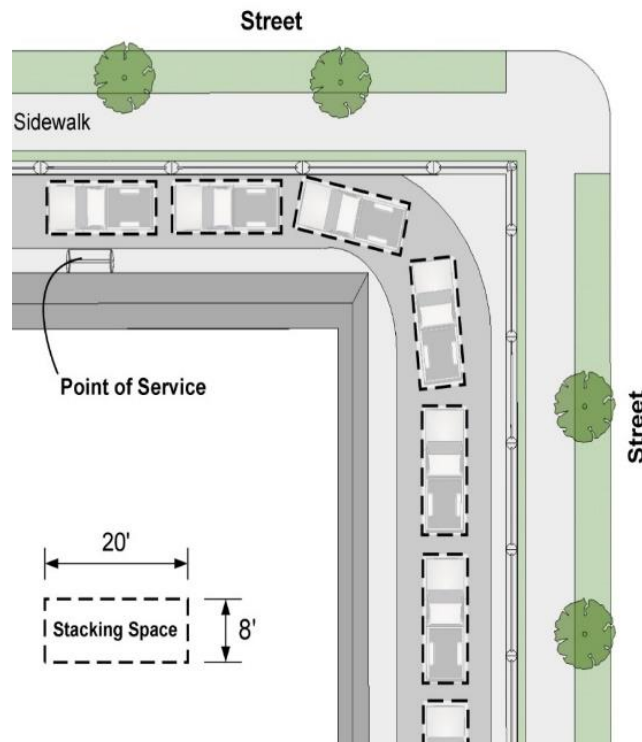


Figure 47: Drive-Through Stacking; 17.8.7.3.D

- E. Stacking distances for individual parking lots are indicated in [Table 18](#) (See [Figure 48](#)).

Table 18: Vehicle Stacking at Entrances	
Number of Parking Lot Spaces	Stacking Distance in Feet
0 to 100 spaces	20
101 to 500 spaces	40
501 to 1000 spaces	60
1001+ spaces	100

Table 18: Vehicle Stacking at Entrances; 17.8.7.3:E

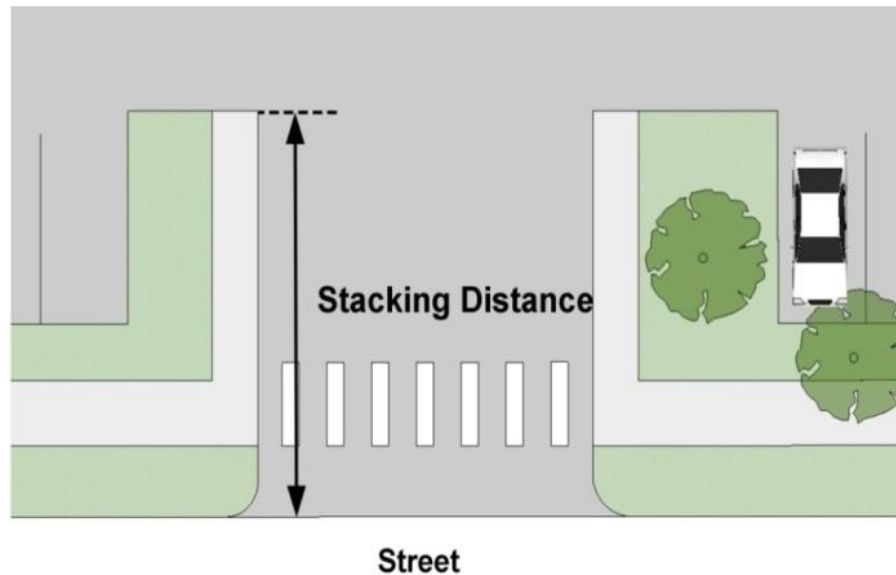


Figure 48: Stacking Distance; 17.8.7.3:E

17.8.7.4: Shared Driveways for Residential Infill

For sites proposing three (3) or more primary dwellings on a lot, a shared driveway serving multiple units is required unless the applicant demonstrates infeasibility due to site conditions. Where alleys exist, ally access shall be used where feasible.

17.8.8: Surface Parking Lot Dimensions

17.8.8.1: General Standards

The following standards are intended to create landscaped surface parking areas that are easy to navigate for pedestrians and vehicles. The following standards shall apply to all surface parking lot dimensions:

- A. Vehicular drive aisles, parking areas, stacking areas, and loading areas shall be surfaced with asphalt, concrete, brick, stone pavers or an equivalent material including pervious materials. Gravel or other similar compacted materials are not an acceptable parking surface.
- B. Parking space dimensions for parking spaces in parking structures may differ from [Table 19](#) as part of a site plan review as outlined in Article 2 of this Zoning Code.
- C. Parking spaces shall be defined on the pavement surface with striping, change of color or material.
- D. Bumper blocks are not permitted in parking lots except to provide for separation between an ADA accessible parking space and a sidewalk or where needed to provide for surface flows to a storm water management facility or at the discretion of the Director.
- E. Bollards are not permitted in parking lots in-lieu of raised curb except to provide for separation between an ADA accessible parking space(s) and a sidewalk, or to protect trash enclosures, utility boxes/meter, or at the discretion of the Director.
- F. Parking lots and loading areas shall have access from a clearly defined drive aisle not less than eighteen (18) feet in width for one-way traffic and twenty-four (24) feet in width for two-way traffic.
- G. The size of a parking stall, its angle, and the width of the access aisle shall conform to the parking layout dimensions listed in [Table 19](#) and illustrated in [Figure 49](#).

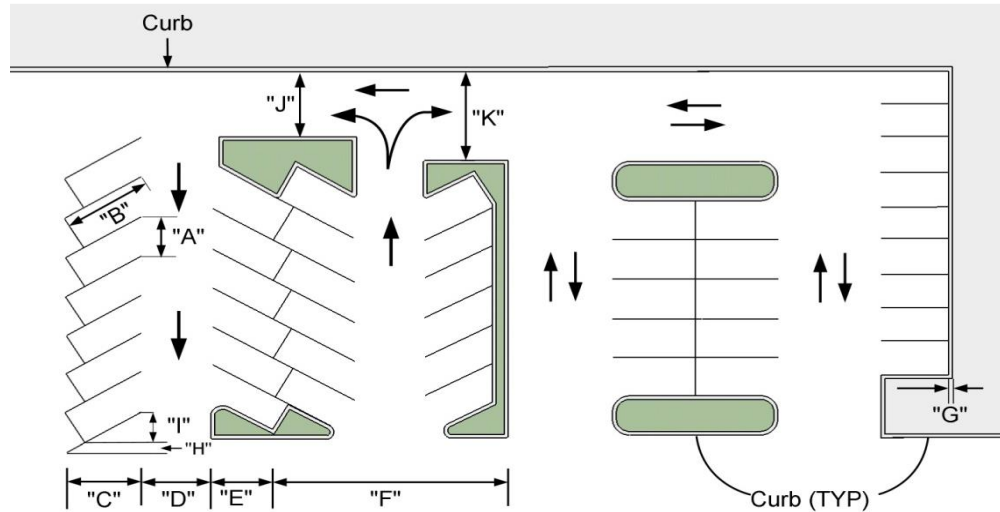


Figure 49: Parking Lot Layout Dimensions; 17.8.8.1:G

- H. Dead end aisles shall only be permitted for ninety (90) degree parking layouts. An area of five (5) feet in depth and the same width as the aisle shall be provided as the end of the dead-end aisle to allow vehicles to safely maneuver.
- I. The minimum length of a parking stall may be reduced by two (2) feet if it is perpendicular to a landscaped area with suitable ground cover behind the curb a minimum distance of two (2) feet or it is perpendicular to a sidewalk that is dimensioned seven (7) feet or more in width.

Table 19: Parking Lot Layout Dimension						
Dimension	Figure 49	0°	45°	60°	75°	90°
Stall width, parallel to aisle	A	9.0	12.7	10.4	9.3	9.0
Stall length of line	B	24.0	24.5	21.5	19.5	18.0
Stall depth to wall	C	9.0	17.0	18.5	19.0	18.0
Aisle width between stall lines	D	12.0	12.0	16.0	22.0	24.0
Stall depth interlock	E	9.0	14.8	17.0	18.3	18.0
Module, wall to interlock	F	30.0	43.8	51.5	59.3	60.0
Bumper overhang (typical)	G	0.0	1.5	1.8	2.0	2.0

Table 19: Parking Lot Layout Dimension						
Dimension	Figure 49	0°	45°	60°	75°	90°
Offset	H	--	6.3	2.7	0.5	0.0
Setback	I	24.0	11.0	8.3	5.0	0.0
Cross aisle one-way	J	18.0	18.0	18.0	18.0	18.0
Cross aisle two-way	K	24.0	24.0	24.0	24.0	24.0

Table 19: Parking Lot Layout Dimension; 17.8.8.1**17.8.9: Parking Lot Placement and Design****17.8.9.1: Parking Lot Location**

Surface parking lots in mixed-use zone districts shall be located in the configurations identified in [Table 20](#) and [Figure 50](#).

Table 20 Surface Parking Lot Location			
Regulations	Contexts		
	Suburban	Urban	Transit
✓ = Applicable N/A = Not Applicable			
Parking may be located behind the rear plane of a building.	✓	✓	✓ (1)
Parking may be located at the side of a building.	✓	✓	N/A
Parking may be located in the area between the street and building.	✓	N/A	N/A
(1) Within the M-C-T zone district, surface parking areas shall be limited to short-term, convenience parking lots with fewer than ten (10) spaces per building. All other parking shall be accommodated for in parking structures. Convenience spaces may be located behind or to the side of a building and shall be clearly marked for short-term use only.			

Table 20: Surface Parking Lot Location; 17.8.9.1

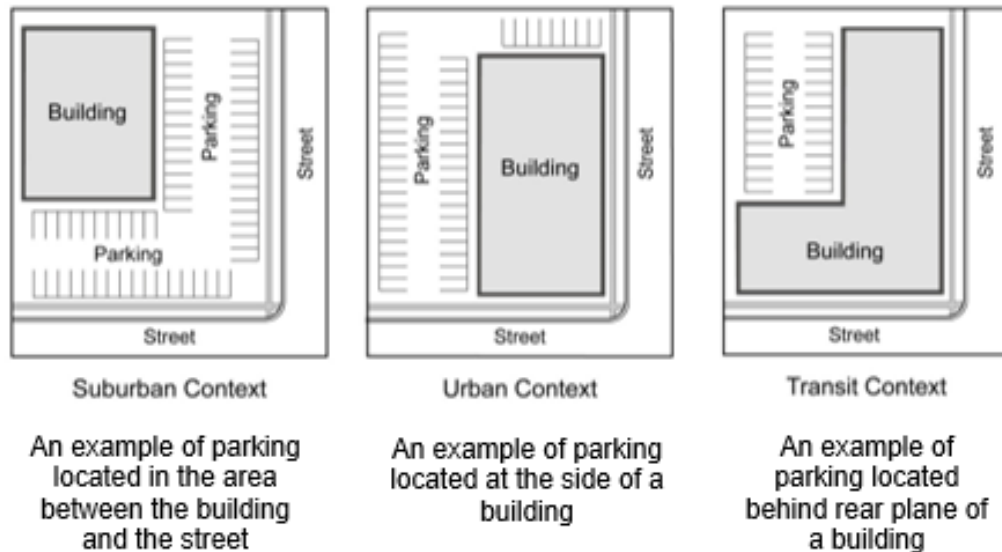


Figure 50: Example Parking Locations by Context; 17.8.9.1

17.8.9.2: Parking Blocks

The following standards apply to surface parking lots in the R-M, mixed-use, commercial, and light industrial zone districts:

- A. Parking lots in blocks of twenty-five (25) or fewer parking spaces shall be required to provide a sidewalk at least five (5) feet in width from the parking lot to the front of the primary building(s), to the farthest perimeter point of the parking lot, or to an existing parking lot connection.
- B. Parking lots in blocks of more than twenty-five (25) parking spaces shall be grouped into blocks of parking spaces according to the following:
 1. Residential developments with three (3) or more dwelling units shall group the parking lots in blocks of no more than fifty (50) contiguous parking spaces. These spaces may be in a linear row or two (2) or more parallel rows. A landscaped area of at least twelve (12) feet wide shall separate parking areas (See [Figure 51](#)).
 2. Developments with an institutional, mixed-use, commercial, and light industrial land use shall group the parking lots in blocks that average no more than seventy-five (75) parking spaces per block.
 - a. A grade-separated sidewalk at least five (5) feet in width shall be installed from the front of the primary building(s) to the farthest perimeter point of the parking lot. Additional grade-separated sidewalks at least five (5) feet in width from the front of the primary building(s) to the farthest edge of the parking lot shall be required to ensure that no parking space is located

more than two hundred (200) feet from a grade-separated sidewalk leading to the front of the primary building(s).

- b. The grade-separated sidewalk shall be buffered from parking or traffic by a landscape strip with a minimum of five (5) feet in width. The sidewalk shall be placed so that a five (5) foot wide planting area is created (See [Figure 52](#)).
3. Sidewalk crossings shall be clearly defined and marked through a change in paving materials, height, or use of distinctive color when a sidewalk crosses a parking lot or internal street or driveway.

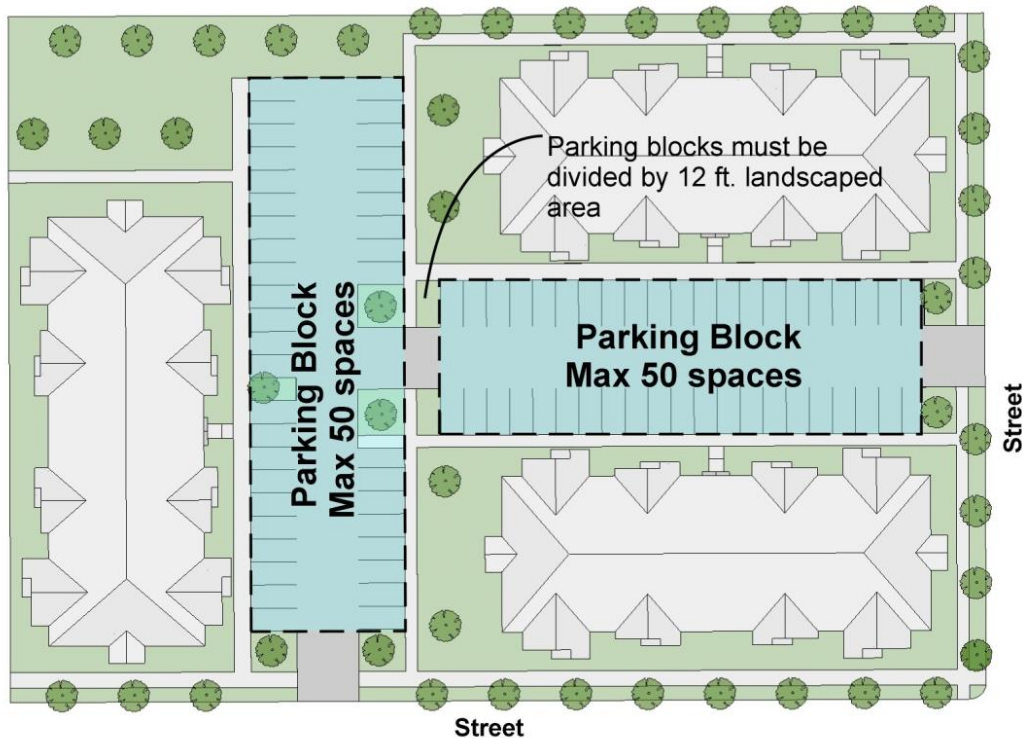
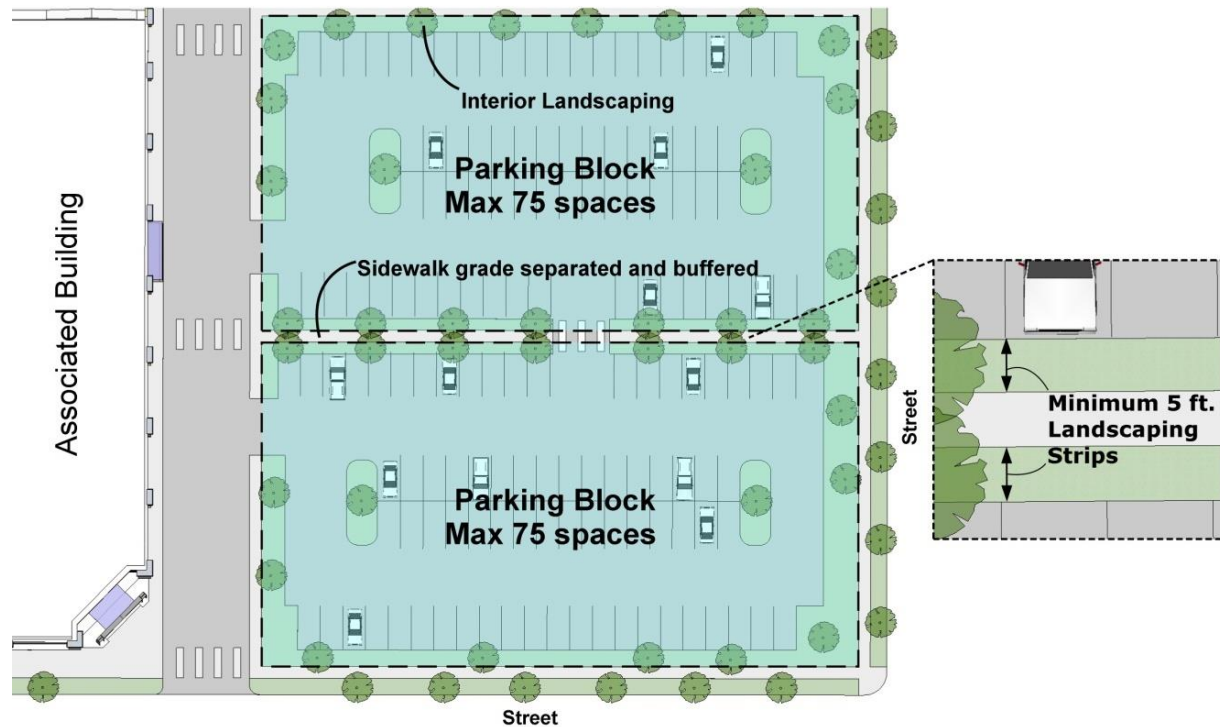


Figure 51: Residential Parking Lot Design for Developments With Three (3) or More Dwelling Units; 17.8.9.2:B.1



**Figure 52: Mixed-Use, Commercial and Light Industrial Parking Lot Design;
17.8.9.2:B.2**

17.8.10: Parking Lot Landscape Standards

17.8.10.1: Landscaping in Parking Lots

- A. Raised curb islands shall be required to define the ends of each parking row.
- B. The perimeter of the parking lot and any raised curb islands shall have concrete curb. Gaps in a concrete curb are allowed if landscape and open space areas or islands have been designed to provide for infiltration and filtration of rainwater.
- C. Sites requiring more than twenty-five (25) parking spaces shall be required to have the following amount of landscaping in parking lots:
 1. For parking lots with fewer than one hundred and fifty (150) parking spaces, landscaping islands shall be a minimum of ten (10) percent of the parking area.
 2. For parking lots with one hundred and fifty (150) parking spaces or more, landscaping islands shall be a minimum of twelve (12) percent of the parking area.

D. The size and number of landscape islands shall be required as identified below. These requirements shall not apply when a row of parking spaces is located under a structure or at the end of a parking row that coincides with other landscaped areas:

1. A parking row containing fewer than fifteen (15) contiguous parking spaces shall be terminated by a landscape island with a minimum dimension of nine (9) feet in width by eighteen (18) feet in length.
2. A parking row containing between fifteen (15) and thirty (30) contiguous parking spaces shall be:
 - a. Terminated by a landscape island with a minimum dimension of twelve (12) feet in width by eighteen (18) feet in length (See Option A in [Figure 53](#)); or
 - b. Terminated by a landscape island with a minimum dimension of nine (9) feet in width by eighteen (18) feet in length and shall contain one (1) landscape island in the middle of the row with a minimum dimension of nine (9) feet in width by eighteen (18) feet in length (See Option B in [Figure 53](#)).

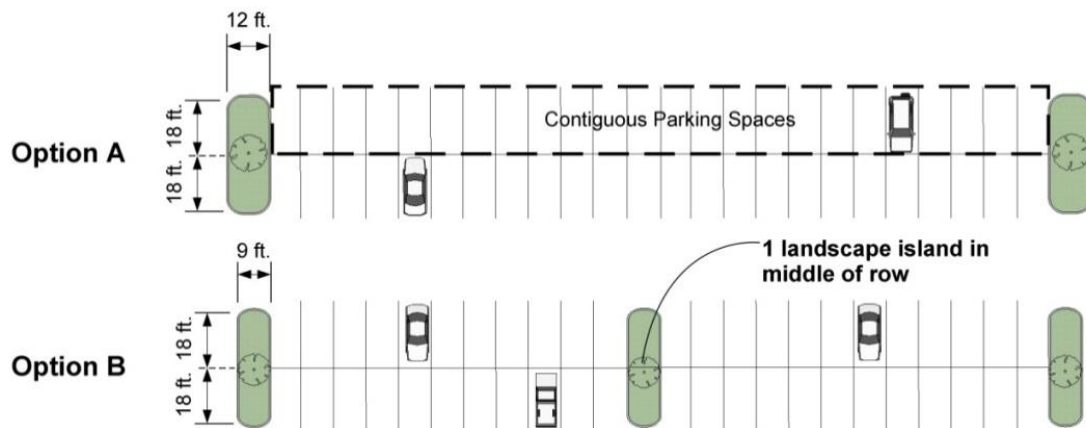


Figure 53: Parking Lot Landscape Island Locations; 17.8.10.1:D.2

3. A parking row containing over thirty (30) contiguous parking spaces shall include islands with a minimum dimension of nine (9) feet in width by eighteen (18) feet in length every fifteen (15) parking spaces.
4. Landscape islands shall include at least:
 - a. One (1) shade tree or two (2) ornamental trees; and

- i. A landscape surface of turf,
- ii. Living ground cover; or
- iii. A minimum of four (4) shrubs or six (6) grasses in mulch beds, or
- iv. Low water native and drought tolerant plants.

17.8.10.2: Screening of Parking Lots

- A. When adjacent to a public or private street, surface parking shall be screened through one (1) or any of a combination of the following (See [Figure 54](#)):
- 1. Option A: A landscape hedge or other plant materials of such size, branching density, spacing and quantity to provide a minimum of sixty (60) percent opacity while dormant. The landscape hedge or plant material shall reach a required minimum height of forty-two (42) inches within three (3) years of planting.
 - 2. Option B: A solid wall providing screening to a height of forty-two (42) inches. Materials utilized shall match the first-floor exterior material used on the primary building or comparable level of quality.
 - 3. Option C: A combination of a decorative fence to a height of forty-two (42) inches, and continuous landscape and plant materials. The decorative fence shall terminate with a structural column that utilizes materials that match the first-floor exterior material used on the primary building or materials of a comparable level of quality. A structural column utilizing materials that match the first-floor exterior material used on the primary building or of a comparable level of quality, shall be constructed every thirty (30) feet of linear fence.
 - 4. Option D: A landscaped berm containing at least one row of shade trees spaced evenly every fifteen (15) feet or as appropriate to the selected species along the entire length of the parking lot edge.

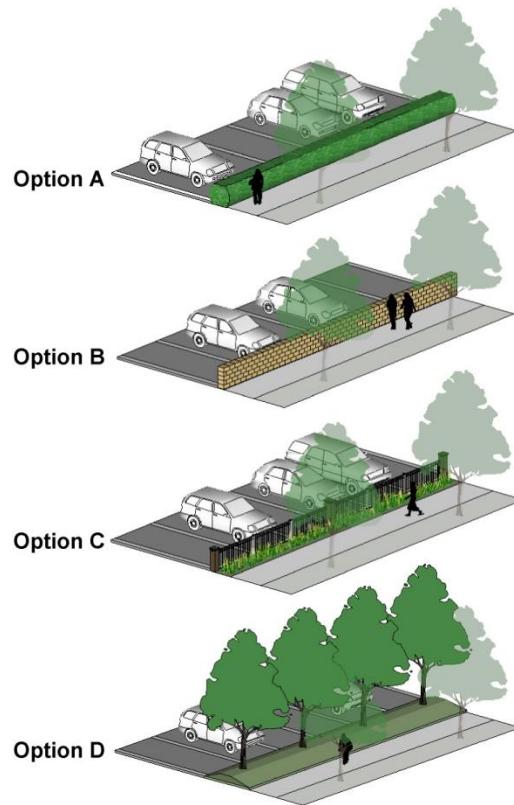


Figure 54: Screening of Parking Lots; 17.8.10.2

- B. Breaks in the wall, hedge, or fence shall be permitted where pedestrian access to the adjacent sidewalk is provided from the site. The breaks shall be no more than two (2) feet wider than the sidewalk width.

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ARTICLE 9: SIGN STANDARDS

17.9.1: General

17.9.1.1: Purpose and Intent

This Article establishes the standards for the design, location, installation, and maintenance of private signs. Signs are an important means of visual communication for organizations and businesses, for identification and way-finding. The intent of this Article is to provide standards that result in a reasonable balance between the right of an individual to exercise freedom of speech through signage, and the right of the public to be protected from the potential health impacts, safety hazards and visual blight that result from the unrestricted display of signs. The regulations contained in this Article take into consideration the compatibility of signs with adjacent properties and land uses as well as the visual aesthetics of the City of Lakewood (the “City”) community.

The purpose of these sign standards is to:

- A. Enhance and protect the physical appearance of the City;
- B. Further the values, goals and policies set forth in the City’s Comprehensive Plan;
- C. Preserve a reasonable opportunity for businesses, individuals and institutions to use signs as an effective means of communication;
- D. Reduce the impact of sign clutter that diminishes the effectiveness and ability to clearly communicate through signage;
- E. Protect the public from hazardous conditions that result from structurally unsafe signage;
- F. Ensure that signage does not obscure the vision of or distract motorists, does not conflict with required traffic signs and does not distract from traffic warning signals consistent with best practices of the Federal Highway Administration;
- G. Provide appropriate identification for pedestrians as well as operators and passengers of motor vehicles;
- H. Provide a process for large commercial developments to propose signage that is compatible with the site design and architecture; and

- I. 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.

17.9.1.2: Authority

Under the United States Constitution, the State of Colorado Constitution, and the City Charter, the City has the authority to regulate signs as they relate to the health, safety, and welfare of the community.

17.9.1.3: Substitution

To avoid preference of commercial over non-commercial speech, a sign displaying commercial speech may substitute the content with non-commercial speech. The change from commercial to non-commercial speech shall not require approval.

17.9.1.4: Translation Statement

Modifications to this Article were written to improve compliance with the Supreme Court case of *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015), and to remove previous standards that were not content neutral. As a result, signs that were named and regulated by type of message, e.g. political, real estate, construction, have been removed and this Article, as amended, should be interpreted in a manner consistent with the requirements of applicable State and Federal law.

17.9.2: Permitted, Exempt & Prohibited Signs

[Table 21](#) identifies the permitted and exempt signs within the City. For information on prohibited signs, see [17.9.2.3](#).

Table 21: Permitted and Exempt Signs; 17.9.2

Table 21: Permitted and Exempt Signs	
Note: Refer to the Section identified below for pertinent sign standards	
Residential Zone Districts	
Permanent	
Home Business	Permit required: see 17.9.4.1.A
Residential Business or Organization	Permit required: see 17.9.4.1.B
Neighborhood	Permit required: see 17.9.4.1.C
Temporary	
Residential Transition	Exempt: see 17.9.4.2.A

Table 21: Permitted and Exempt Signs	
Note: Refer to the Section identified below for pertinent sign standards	
Yard	Exempt: see 17.9.4.2.B
Non-Residential Zone Districts	
Permanent	
A-Frame	Permit required: see 17.9.4.3.A
Banner Pole	Permit required: see 17.9.4.3.B
Freestanding	Permit required: see 17.9.4.3.C
Electronic Message	Permit required: see 17.9.4.3.D
Major Tenant	Permit required: see 17.9.4.3.E
Painted Wall Sign	Permit required: see 17.9.4.3.F
Projecting	Permit required: see 17.9.4.3.G
Wall	Permit required: see 17.9.4.3.H
Temporary	
Banner & Banner Flag	Permit required: see 17.9.4.4.A
Yard	Exempt: see 17.9.4.2.B
Commercial Post	Exempt: see 17.9.4.4.B
City Wide Exempt Signs	
City	Exempt: see 17.9.2.2.A
Decorative Lighting Display	Exempt: see 17.9.2.2.B
De Minimis Area	Exempt: see 17.9.2.2.C
Directional	Exempt: see 17.9.2.2.D
Electric Vehicle (EV) Supply Equipment	Exempt: see Section 17.9.2.2.E
Flags	Exempt: see Section 17.9.2.2.F
Interior-site	Exempt: see Section 17.9.2.2.G
Public	Exempt: see Section 17.9.2.2.H
MUTCD	Exempt: see Section 17.9.2.2.I
Scoreboards	Exempt: see Section 17.9.2.2.J
Transit	Exempt: see Section 17.9.2.2.K
Window Signs	Exempt: see Section 17.9.2.2.L

17.9.2.1: Permitted Signs

Standards for signs that require a permit are defined in this Article. For review procedures for a sign permit, see [17.2.11](#).

17.9.2.2: Exempt Signs

The following types of signage have minimal impact on the public, do not create traffic, safety or other hazards, are temporary in nature, or constitute a unique medium and, therefore, are exempt from the permit process. The following signage may be erected in any zone district without a sign permit, subject to the standards below, and shall not interfere with the safe operation of any vehicle, impede the safe flow of traffic, interfere with public safety, nor obscure any public sign or facility. This signage shall be allowed in addition to any other allowed signs.

- A. City Signs;
- B. Decorative Lighting Displays;
 - 1. Decorative Lighting Displays shall not be displayed for more than sixty (60) consecutive days or ninety (90) days total per calendar year.
- C. De Minimis Area Signs;
 - 1. De Minimis Area signs shall be limited to two (2) signs on each building elevation that is visible from the public way or adjacent property; and
 - 2. De Minimis Area signs shall not be illuminated.
- D. Directional Signs;
 - 1. Directional signs shall not exceed four (4) feet in height and twelve (12) square feet in area.
 - 2. Directional Signs shall not be located closer than twenty (20) feet to one another.
 - 3. Directional Signs on residential zoned properties with multifamily or institutional uses shall be limited to four (4) per property.
 - 4. Directional Signs on non-residential zoned properties shall be limited to six (6) per property with the exception of properties with drive-through facilities where Directional Signs shall be limited to eight (8) per property.
 - 5. Directional signs on residential zoned properties with one (1) or two (2) dwelling units shall be prohibited.
- E. Electric Vehicle Supply Equipment (EVSE);

1. Signs for individual EVSE shall be limited to one (1) per station face and shall not exceed twelve (12) square feet in area.
 2. The maximum height of any sign shall not exceed the height of the EVSE if the signage is integrated. If mounted on a separate pole, the sign(s) shall comply with Figure 32 in the Lakewood Transportation Engineering Design Standards.
- F. Flags;
1. Flags shall not be larger than sixty (60) square feet in area.
 2. Flagpoles may be freestanding or mounted on a building and the flag pole installation may be temporary or permanent.
 3. Flagpoles shall be limited to three (3) per property.
 4. Flagpoles shall not exceed thirty-five (35) feet in height.
- G. Interior-Site Sign;
- H. Public Signs;
- I. Manual on Uniform Traffic Control Devices (MUTCD) Signs;
- J. Scoreboards;
- K. Transit Signs; and
1. Bus bench and transit shelter signs shall be attached to a bus bench that is legally installed and maintained along a transportation corridor in accordance with all requirements of an approved agreement between the City and the provider of the facility.
 2. Other signs attached to trash and recycling receptacles, or other similar uses, shall be in accordance with all requirements of an approved agreement between the City and the provider of the item to which the sign is attached.
- L. Window Signs.
1. Window signs shall not exceed twenty-five (25) percent of the area of first floor windows on which it is located, unless otherwise approved by the Director.
 2. Window signs shall not be allowed in windows above the first floor of the building.

3. Window signs shall not be illuminated or have illumination directed at windows with window signs.

17.9.2.3: Prohibited Signs

This Section identifies signage and devices that are determined to be a nuisance by the City and are prohibited in all zone districts. The City will require the removal of any sign that is prohibited, except that any lawful nonconforming sign may remain in place pursuant to [17.12.5](#).

- A. Pennants, streamers, lighter-than-air objects, and wind signs, except as provided for in [17.9.4.4.A](#).
- B. Signs with light bulbs that have intermittent, flashing, rotating, blinking, or strobe illumination.
- C. Roof signs, except when in compliance with the applicable regulations in [17.9.4.3.H](#).
- D. Off-Premise signs are prohibited unless approved by an ODP, Comprehensive Sign Plan, or Zone Lot.
- E. Search lights.
- F. Signs painted on fences.
- G. Portable signs, except as provided for in [17.9.4.3.A](#).
- H. Signs which are located on, or projecting over the public right-of-way, that are not considered a public sign, bus bench sign, or transit shelter sign as described in this Article, unless specifically approved by the City.
- I. Any sign placed by a nongovernmental person or entity and located within the right-of-way.
- J. Signs painted on, or attached to, a licensed or unlicensed motor vehicle and parked adjacent to a public right-of-way and not driven off-site during any two-day period.
- K. Electronic Message signs on vehicles.

17.9.3: Measurements & Calculations

17.9.3.1: Sign Area & Dimensions

The area of a sign shall be measured in conformance with the regulations identified in this Section. The structure or bracing of a sign shall be excluded from measurement, unless such structure or bracing is made part of the message or face of the sign.

Table 22: Area Measurements of Signs; 17.9.3.1

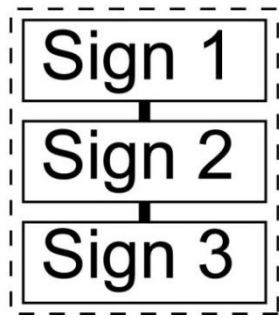
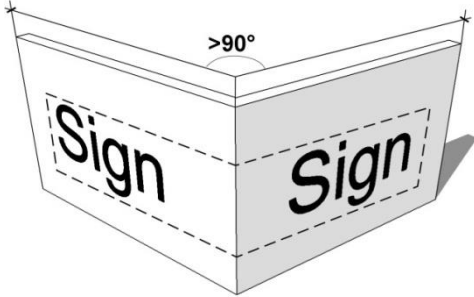
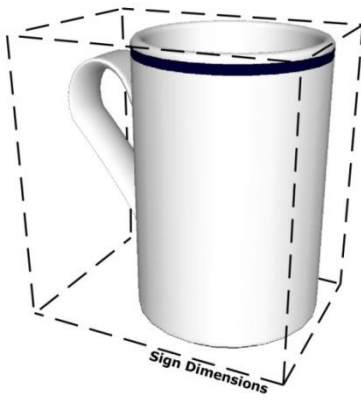
Table 22: Area Measurements of Signs	
A. Each area of a sign face that can be enclosed by a line or an imaginary line shall be considered one sign.	 Figure 55; 17.9.3.1
B. The area measurement of a sign contained within a cabinet or frame shall include the total area of the cabinet or frame.	 Figure 56; 17.9.3.1
C. The area measurement of a sign that displays individual letters on a wall, awning, or canopy or as pan channel letters shall be determined by encompassing all the letters in a geometric form of no more than twelve (12) rectilinear lines at right angles to each other.	 Figure 57; 17.9.3.1
D. The total surface area of multiple unit signs includes vertical and horizontal spacing between signs. E. The area measurement of freestanding and projecting signs that have two parallel faces shall be measured by the area of one sign face.	 Figure 58; 17.9.3.1

Table 22: Area Measurements of Signs	
F. The area measurement of freestanding and projecting signs that have two faces that are not parallel, such as a V-shaped, triangles, or cubes, and the angles where the sides meet is greater than ninety (90) degrees shall be determined by the smallest square, or rectangle that could enclose the shape as viewed by the public.	 Figure 59; 17.9.3.1
G. Spherical, Free-form, Sculptural, and other Non-Planar Signs: The sign area shall be the sum of the areas of the vertical faces of the smallest six-sided polyhedron that will encompass the sign structure and which may be seen at the same time from a viewer's perspective.	 Figure 60; 17.9.3.1

17.9.3.2: Height Determination of Signs

The height of a freestanding sign shall be measured from the higher of either:

- A. The top of the sign to the lowest adjacent grade; or
- B. The top of the sign to the adjacent street, access drive, or sidewalk grade.

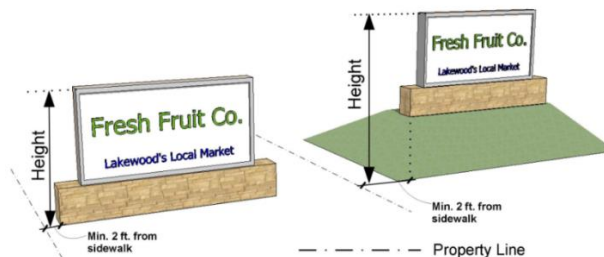


Figure 61: Example Height Measurement; 17.9.3.2

17.9.4: Sign Design & Dimensional Standards**17.9.4.1: Residential Zone District Permanent Signs****A. Home Business Signs:**

Table 23: Home Business Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
Wall Signs for Home Business Minor				
All zone districts	1 per property	6 sf	8 ft	Signable area
Wall Signs for Home Business Major				
All zone districts	1 per property	25 sf	10 ft	Signable area
Freestanding for Home Business Major & Minor				
Prohibited				
Supplemental Standards: - Bed & Breakfast facilities are categorized as a Major Home Business and the sign standards above apply. - A Daycare facility is categorized as an Accessory Use and the standards for a Minor Home Business above apply.				

Table 23: Home Business Sign Standards; 17.9.4.1:A

B. Residential Business or Organization Signs:

Table 24: Residential Business or Organization Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
Wall Signs for Non-Residential Permitted & Special Uses				
R-L-A R-L-B R-M	1 per property	Max. 15% coverage of each wall area up to 100 sf	12 ft	Signable area
Wall Signs for Civic & Institutional Uses				
All (R) districts	1 per property	Max. 15% coverage of each wall area up to 100 sf	12 ft	Signable area
Wall Signs for Limited Uses				
All (R) districts where allowed	1 per property	25 sf	10 ft	Signable area
Freestanding Signs for Non-Residential Permitted Uses & Special Uses				
All (R) districts where allowed	1 per property	50 sf	8 ft	See Supplemental Standards below
Freestanding Signs for Civic & Institutional Uses				
All (R) districts (local streets)	1 per street frontage	50 sf	10 ft	See Supplemental Standards below
All (R) Districts (collector and arterial streets)	1 per street frontage	100 sf	15 ft	See Supplemental Standards below
Freestanding Signs for Limited Uses				
All (R) districts where allowed	1 per property	25 sf	10 ft	See Supplemental Standards below
Supplemental Standards:				
a. Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement.				
b. See 17.9.5 for sign lighting in residential zone districts.				

Table 24: Residential Business or Organization Signs; 17.9.4.1:B

C. Neighborhood Signs:

Table 25: Neighborhood Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
Wall Signs for Multifamily Residential Uses				
M-N M-R R-M	Not applicable	Max. 15% coverage of each wall area. Overall building/site total: Max. = 100 sf	2 nd floor	Signable area
M-C M-G	Not applicable	Max. 15% coverage of each wall area. Overall building/site total: Max. = 200 sf	2 nd floor	Signable area
Freestanding Signs for Residential Uses				
All zone districts	1 per street frontage	50 sf	8 ft.	See Supplemental Standards below
	or			
	2 per street frontage	25 sf	6 ft.	See Supplemental Standards below
Supplemental Standards: - Freestanding Neighborhood signs are for developments or neighborhoods with twenty (20) units or more. - Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement. - See 17.9.5 for sign lighting standards in residential zone districts.				
 Figure 62: Example Freestanding Neighborhood Sign; 17.9.4.1:C				

Table 25: Neighborhood Sign Standards; 17.9.4.1:C

17.9.4.2: Residential Zone District Temporary Signs

A. Residential Property Transition Signs:

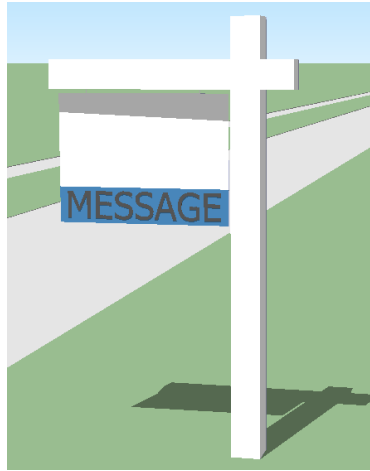
Table 26 Residential Property Transition Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
All residential zone districts	1 per street frontage	6 sf & 18 sf total sign area per property	6 ft	See Supplemental Standards below
Supplemental Standards: - Residential Property Transition Signs must have a structure made from wood, PVC, or metal that is durable. The swing portion must be made from metal or rigid plastic. - Residential Property Transition Signs must be removed from a property within three (3) days of the sale or lease of the property. - Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, the clear zone and easements. - Yard Signs may be affixed to a fence. If affixed to a fence, Yard Signs may be no more than 8 s.f. in area, shall not extend above the fence and shall count towards the total sign area per property.		 Figure 63: Example Residential Property Transition Sign; 17.9.4.2:A		

Table 26: Residential Property Transition Sign Standards; 17.9.4.2:A

B. Yard Signs:

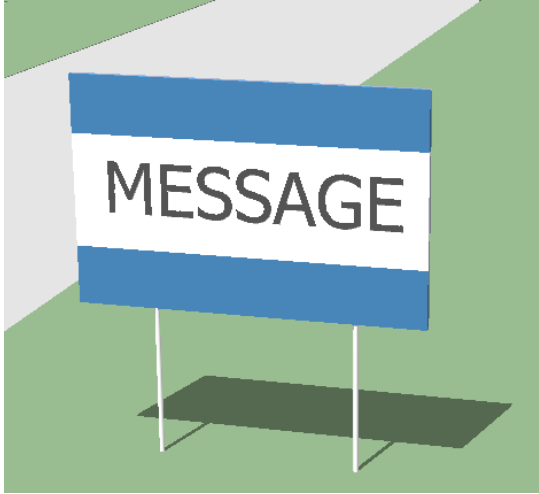
Table 27: Yard Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
All zone districts	No maximum provided the total area is not exceeded.	6 sf per sign face max. & 24 sf of total sign area per property	4 ft	See Supplemental Standards Below
Supplemental Standards: - Signs shall be constructed of paper, vinyl, plastic, wood, metal or other comparable material and shall be affixed to the ground. - The total yard sign area per property is the sum of the sign faces, counting only one sign face per sign. - Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, and easements. - See 17.9.6 for maintenance standards.		 Figure 64: Example Yard Sign; 17.9.4.2:B		

Table 27: Yard Sign Standards; 17.9.4.2:B

17.9.4.3: Non-Residential Zone District Permanent Signs

A. A-Frame Signs:

Table 28: A-Frame Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
All non-residential zone districts	1 per business	6 sf	4 ft	See Supplemental Standards below

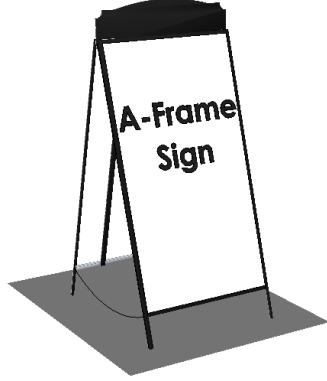
Supplemental Standards: a. Only one (1) portable A-frame sign shall be allowed per business. b. A-frame signs shall be displayed during business hours only. c. A-frame signs shall be located within twenty-five (25) linear feet of the front entrance to the business that the sign advertises. d. A-frame signs shall not create a traffic safety hazard by obstructing the vision of motorists on private property or public right-of-way. e. A-frame signs shall allow a five (5) foot clear passageway for pedestrians. f. Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, the clear zone and easements.	 Figure 65: Example A-Frame Sign; 17.9.4.3:A
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Table 28: A-Frame Sign Standards: 17.9.4.3:A

B. Banner Pole Signs:

Table 29: Banner Pole Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height	Location
PD, R-M, M, C or LI	No maximum provided signs are horizontally spaced at least twenty-five (25) feet apart. No more than two (2) signs per pole.	8 sf	15 ft	See Supplemental Standards below

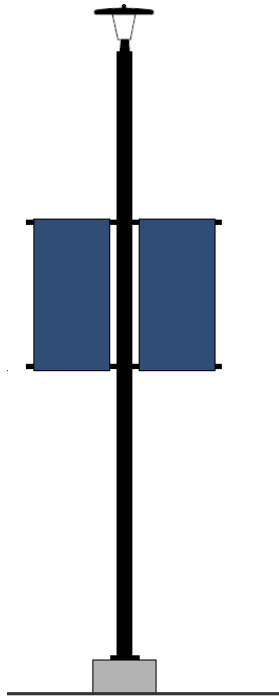
Supplemental Standards: a. Banner Pole signs may only be permitted in developments containing over forty thousand (40,000) square feet of building area. b. Banner Pole signs shall only be mounted on functional pedestrian or area light poles. c. Banner Pole signs shall be placed at least eight (8) feet and six (6) inches above the adjacent grade. d. A permit is required for all Banner Pole sign locations but once a permit has been issued, a new permit for the seasonal replacement of Banner Pole signs is not required. e. Banner Pole signs shall be removed or replaced if faded, torn, ripped or frayed.	 Figure 66: Example Banner Pole Sign; 17.9.4.3:B
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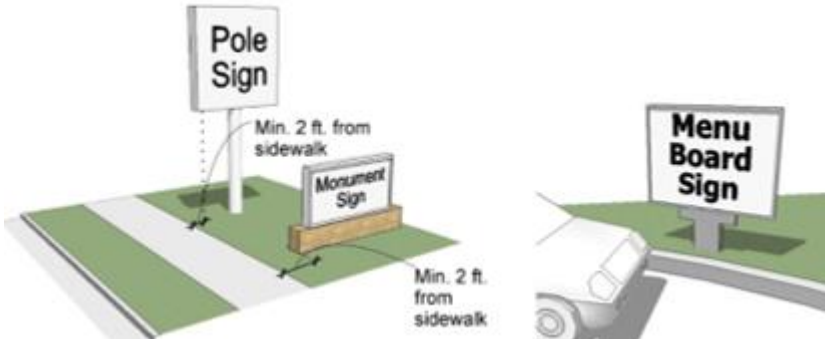
Table 29: Banner Pole Sign Standards; 17.9.4.3:B

C. Freestanding Signs:

Table 30: Freestanding Sign Standards; 17.9.4.3.C

Table 30: Freestanding Sign Standards			
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height
Single Non-Residential Use on an Individual Lot			
M-N M-R	1 per frontage	1 sf per 70 sf of GFA Max. = 75 sf per face	12 ft
M-G M-C	1 per frontage	1 sf per 70 sf of GFA Max. = 150 sf per face in suburban context Max. = 120 sf per face in urban context Max. = 100 sf per face in transit context	25 ft, suburban context 12 ft, urban context 6 ft, transit context

Table 30: Freestanding Sign Standards			
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height
C-R, C-L LI	1 per frontage	1 sf per 80 sf of GFA Max. = 125 sf per face	25 ft
Multi-tenant Centers			
M-N M-R	1 per frontage	1 sf per 60 sf of GFA Max. = 100 sf per face	15 ft, suburban context 12 ft, urban context 8 ft, transit context
M-G	1 per frontage	1 sf per 60 sf of GFA Max. = 175 sf per face in suburban context Max. = 150 sf per face in urban context Max. = 100 sf per face in transit context	25 ft, suburban context 12 ft, urban context 8 ft, transit context
M-C	1 per frontage	1 sf per 70 sf of GFA Max. = 150 sf per face in urban context Max. = 100 sf per face in transit context	12 ft, urban context 8 ft, transit context
Multi-tenant Centers 200,000 sf or less			
C-R, C-L LI	1 per street frontage	1 sf per 80 sf of GFA Max. = 175 sf per face	25 ft
Multi-tenant Centers Greater than 200,000 sf			
C-R, C-L LI	2 per street frontage	1 sf per 80 sf of GFA Max. = 200 sf per face	35 ft
Pad Sites in Multi-tenant Centers			
M-C, M-G M-R & M-N	1 per property	1 sf per 70 sf of GFA Max. = 50 sf per face	12 ft
C-R, C-L LI	1 per frontage	1 sf per 70 sf of GFA Max. = 75 sf per face	10 ft
Signs for Sites with Drive-thru Facilities			
All zone districts where drive-through facilities are permitted	1 per order station	45 sf	10 ft
	and		
	2 per order station	10 sf	4 ft

Table 30: Freestanding Sign Standards			
Applicable Zone District	Maximum Number	Maximum Size (per sign face)	Maximum Height
Supplemental Standards: - The pole structure and base of a freestanding sign shall be architecturally compatible with the building to which it is associated. - Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement. - Properties located on frontage roads shall be permitted to increase the sign height and the sign area up to twenty-five (25) percent greater than the standards listed in this table for each zone district and use.			
 Figure 67: Example Freestanding Signs; 17.9.4.3:C			

D. Electronic Message Signs:

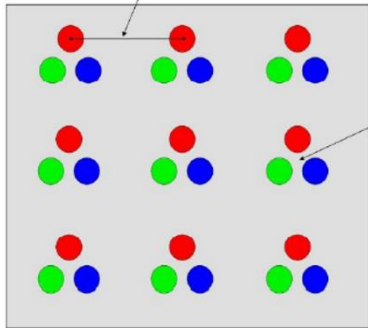
Table 31: Electronic Message Sign Standards; 17.9.4.3:D

Table 31: Electronic Message Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Pitch and Color
Civic & Institutional Uses				
All zone districts	1 per property	Max. 50% of the proposed size per sign face for that zone district and use.	Maximum sign height for that district and use.	All Electronic Message sign display components shall be monochrome with a minimum pitch resolution of 20mm

Table 31: Electronic Message Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Pitch and Color
				spacing or greater (i.e. 22mm, 24mm, etc.).
Commercial Uses				
All non-residential zone districts & developments with less than 200,000 sf of gross floor area	1 per property	Max. 50% of the proposed size per sign face for that zone district and use.	Maximum sign height for that district and use.	All Electronic Message sign display components shall be monochrome with a minimum pitch resolution of 20mm spacing or greater (i.e. 22mm, 24mm, etc.).
All non-residential zone districts & developments with greater than 200,000 sf of gross floor area	1 per frontage	Max. 75% of the proposed size per sign face for that zone district and use.	Maximum sign height for that district and use.	All Electronic Message sign display components shall be full color with a maximum pitch resolution of 16mm spacing or less (i.e. 12mm, 10mm, etc.).
Supplemental Standards:				
a. Electronic Message signs shall not increase the amount of allowable signage area and shall be a part of a sign otherwise permitted in the zone district. b. Electronic Message signs are permitted for properties with one hundred and eighty (180) linear feet of street frontage or more. c. Multiple properties may form a Zone Lot and apply for an Electronic Message sign provided the dimensional standards are satisfied. For information about Zone Lots, see 17.2.10. d. Electronic Message signs may be incorporated into freestanding signs but may not be incorporated into Major Tenant signs.				
e. The maximum height of an Electronic Message sign shall not exceed the maximum height of the corresponding sign type allowed for the zone district. f. Changeable copy signs with manual letters and numerals may be used in-place of Electronic Message signs. g. The text display of the message shall not change more frequently than once (1) per eight (8) seconds. Each message shall transition to the next message instantaneously.				

Table 31: Electronic Message Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Pitch and Color
h. Electronic Message signs shall not flash, rotate, scintillate, blink, or strobe illumination when transitioning between messages. i. The pitch resolution of the Electronic Message sign shall comply with the dimensional standards listed in the table above. See Figure 68 below for pitch resolution measurement. j. The illuminance of an Electronic Message sign shall not exceed point three (0.3) foot-candles over ambient lighting when measured at the designated measurement distance, based on the sign size. The measurement shall be taken in accordance with the process outlined by the International Sign Association in the <i>Night-time Brightness Level Recommendations for On-Premise Electronic Message signs</i> publication updated 2016 and as follows: i. The measurement shall be taken with an illuminance meter with the ability to provide a reading up to two decimal places in foot-candles. ii. The square footage of the electronic message will determine the horizontal distance the measurement will be taken by the following calculation. See Figure 69 below. iii. The measurement will be taken with only the ambient light and then with the sign at solid white or the solid color if it is a monochrome display. The difference between the ambient light and the solid display shall be point three (0.3) foot-candles or less. k. All Electronic Message signs shall be equipped with a sensor or other device that is programmed to determine the ambient illumination and automatically dim the display according to ambient light conditions, or that can be adjusted to comply with the point three (0.3) foot-candle measurements. l. Electronic Message sign measurement information must be included with the permit application.				

Table 31: Electronic Message Sign Standards

Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Pitch and Color																
Pitch Resolution = Distance between Pixels  One pixel contains a red, green, and blue dot. Figure 68: Example Pitch Resolution; 17.9.4.3:D			<table><tr><th colspan="2">Electronic Sign Measurement Distance</th></tr><tr><td colspan="2">$distance = \sqrt{(area\ of\ the\ sign\ x\ 100)}$</td></tr><tr><td colspan="2">or for example</td></tr><tr><th>Sign Area</th><th>Measurement Distance</th></tr><tr><td>24 ft²</td><td>49 ft.</td></tr><tr><td>32 ft²</td><td>57 ft.</td></tr><tr><td>50 ft²</td><td>71 ft.</td></tr><tr><td>100 ft²</td><td>100 ft.</td></tr></table> Figure 69: Sign Measurement Chart; 17.9.4.3:D		Electronic Sign Measurement Distance		$distance = \sqrt{(area\ of\ the\ sign\ x\ 100)}$		or for example		Sign Area	Measurement Distance	24 ft ²	49 ft.	32 ft ²	57 ft.	50 ft ²	71 ft.	100 ft ²	100 ft.
Electronic Sign Measurement Distance																				
$distance = \sqrt{(area\ of\ the\ sign\ x\ 100)}$																				
or for example																				
Sign Area	Measurement Distance																			
24 ft ²	49 ft.																			
32 ft ²	57 ft.																			
50 ft ²	71 ft.																			
100 ft ²	100 ft.																			
 Figure 70: Example Electronic Message Sign; 17.9.4.3:D																				

E. Major Tenant Signs:

Table 32: Major Tenant Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Location	Maximum Height
M-C-U M-G-S M-G-U M-C-T M-G-T M-N-T M-R-T C-R, C-L, LI	2 per building	Max. 15% coverage of each wall area. Overall building total Max.= 100 sf per sign	Signable area	Below parapet wall and above floor level of highest story.
Supplemental Standards: - Major tenant signs shall not occupy more than seventy-five (75) percent of the width of the building façade on which it is located. - Major tenant signs shall be individually mounted letters or letters mounted on a raceway and shall not be a cabinet sign.			 Figure 71: Example Major Tenant Sign; 17.9.4.3:E	

Table 32: Major Tenant Sign Standards; 17.9.4.3:E

F. Painted Wall Signs:

Table 33: Painted Wall Signs				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Location
All zone districts except properties with small residential dwelling uses	N/A	N/A	N/A	N/A
Supplemental Standards: - Unless permitted as a Wall Sign, Painted Wall Signs shall not contain a business name, business logo or commercial message. - Permits may only be issued to one of the following: - Certified Public Arts District. - Governmental organization working on a public art project. - A Special District.				

- iv. Registered Neighborhood Organization or similar community based organization as determined by the Director.

Table 33: Painted Wall Signs; 17.9.4.3:F

G. Projecting Signs:

Table 34: Projecting Wall Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Location
All non-residential zone districts	Two (2) per building or one (1) per tenant space entry not to exceed a total of one (1) per twenty-five (25) feet of building frontage	24 sf	18 ft	Signable area of building for a wall sign

Supplemental Standards:

Projecting signs shall be placed as defined below:

- Projecting signs are for tenants with primary access to the exterior of a building.
- Projecting signs shall not extend above the roof line.
- Projecting signs shall maintain eight (8) foot vertical clearance directly from adjacent sidewalk.
- Projecting signs with letters extending above or below the surface to which it is attached shall have individually mounted letters that extend no more than twenty-four (24) inches above or below the surface.
- A license agreement is required for any sign that extends into the right-of-way.
- For buildings less than five thousand (5,000) square feet in area, the projecting signs count towards the allowable wall sign area.



Figure 72: Example Projecting Signs; 17.9.4.3:G

Table 34: Projecting Wall Sign Standards; 17.9.4.3:G

H. Wall Signs:

Table 35: Wall Sign Standards; 17.9.4.3:H

Table 35: Wall Sign Standards			
Applicable Zone District	Maximum Number	Maximum Size	Location
Single Use On an Individual Lot			
M-N M-R	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 100 sf	See Supplemental Standards below
C-R, C-L, LI M-C, & M-G	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 200 sf	See Supplemental Standards below
Tenant in Multi-Tenant Center or Mixed-Use Building			
M-N M-R	Not applicable	Max. 15% coverage of each wall area. Overall tenant total: Max. =100 sf	See Supplemental Standards below
C-R, C-L, LI M-C, & M-G	Not applicable	Max. 15% coverage of each wall area. Overall tenant total: Max. = 200 sf	See Supplemental Standards below
Commercial or Institutional Use with 70,000 to 100,000 sf of Building Area			
CR, C-L, LI, M-C, & M-G	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 300 sf, but no individual sign may exceed 200 sf in area.	See Supplemental Standards below
Commercial or Institutional Use with 100,000 to 150,000 sf of Building Area			
CR, C-L, LI, M-C, & M-G	Not applicable	Max. 15% coverage of each wall area. Overall building total: Max. = 400 sf, but no individual sign may exceed 200 sf in area.	See Supplemental Standards below
Commercial or Institutional Use with greater than 150,000 sf of Building Area			
CR, C-L, LI, M-C, & M-G	Not applicable	Max. 15% coverage of each wall area.	See Supplemental Standards below

Table 35: Wall Sign Standards

Applicable Zone District	Maximum Number	Maximum Size	Location
		Overall building total: Max. = 600 sf, but no individual sign may exceed 300 sf in area.	

Supplemental Standards:

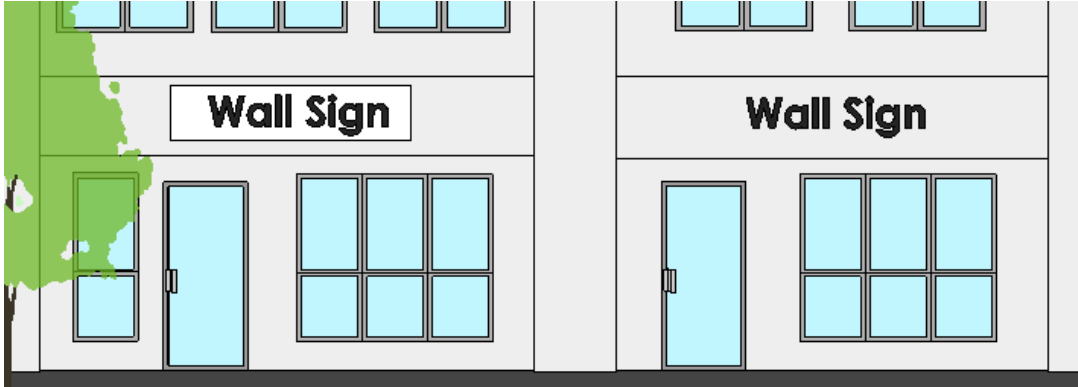
Wall Signs shall be placed only in signable areas of a building façade and as defined below:

- a. Wall Signs shall be constructed of durable materials such as wood, metal or rigid plastic.
- b. No Wall Sign shall be located above the second story of a building.
- c. Wall Signs shall not occupy more than seventy-five (75) percent of the width of the building façade of the storefront or tenant space on which it is located.
- d. Non-planer façades may be evaluated together to determine Wall Area if the horizontal variation in façades is no greater than fifteen (15) feet.
- e. Wall Signs shall not project more than eighteen (18) inches from the supporting wall.
- f. Each tenant is allowed to have a minimum of thirty (30) square feet of wall signage so long as it complies with all other sign standards.
- g. For tenants in multi-tenant buildings, the permitted signage may be allocated to any wall on the building provided the tenants meet all other sign criteria and with written consent from the property owner or authorized manager of the multi-tenant building.
- h. Cabinet signs shall only be allowed in mixed-use zone districts if they have the following characteristics: the cabinet is not greater than four (4) inches in depth, the background field is an opaque black-out material that doesn't allow light to shine through, and the sign frame matches the background color.
- i. Painted Wall signs with a commercial message, business name and business logo are allowed as a Wall Sign and shall be limited in area and extent as defined in this Table.
- j. Branded colors, those colors used in the company logo, painted on the side of a building in any pattern other than a solid field shall constitute a wall sign and shall be counted towards the maximum allowable sign area.
- k. Buildings with mansard roofs are permitted to have a wall sign attached to the sloped portion of the mansard roof provided the sign does not extend above the roof line and does not extend beyond the eave.

Table 35: Wall Sign Standards

Applicable Zone District	Maximum Number	Maximum Size	Location
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- I. Signs inside a building that are clearly visible and oriented towards a public street shall be treated as a Wall Sign and shall be counted towards the allowable sign area.

**Figure 73: Example Wall Signs; 17.9.4.3:H****17.9.4.4: Non-Residential Zone District Temporary Signs****A. Banner Signs & Banner Flags:****Table 36: Banner & Banner Flag Standards**

Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Location
Banner				
All non-residential zone districts	One (1) per property	40 sf	N/A	Affixed to a fence or building on-site
Banner Flag				
All non-residential zone districts	One (1) per tenant, and no more than one (1) per one hundred (100) linear feet of public street frontage	30 sf	12 ft	On-site and not in right-of-way

Supplemental Standards: - Permits for banners & banner flags shall be issued for any time frame not to exceed a cumulative ninety (90) days in a calendar year period per tenant. Only one (1) banner or banner flag shall be allowed at any time. - Banner signs shall be attached flat against the side of the building or fence. However, no more than one (1) banner can be located on a fence at any time. - Banner flags shall only be allowed with the written consent of the property owner or the property owner's management company. - Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, and easements.	 Figure 74: Example Banner Flag; 17.9.4.4:A
 Figure 75: Example Banner Sign; 17.9.4.4:A	

Table 36: Banner & Banner Flag Standards; 17.9.4.4:A

B. Commercial Post Signs:

Table 37: Commercial Post Sign Standards				
Applicable Zone District	Maximum Number	Maximum Size per Sign Face	Maximum Height	Location
All non-residential zone districts	One (1) per street frontage	16 sf	8 ft	Min. two (2) feet from back of walk and outside right-of-way. See Supplemental Standards below

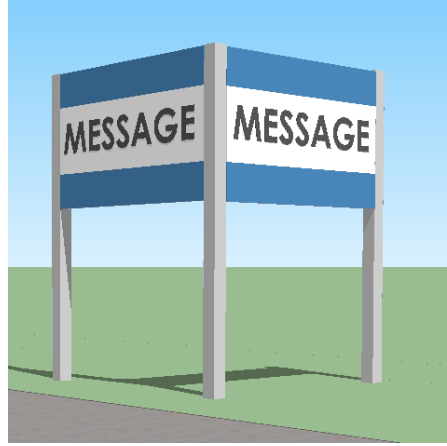
Supplemental Standards: a. Commercial Post Signs must have a structure made from wood, PVC, or metal that is durable. If there is a swing component to the sign, the swing portion must be made from metal or rigid plastic. b. Commercial Post Signs must be removed from a property within three (3) days of the sale or lease of the property. c. Signs shall be placed at least two (2) feet from sidewalks and outside of the public right-of-way, vision clearance triangles, the clear zone and easements, unless an alternative location is authorized with a City approved license agreement.	 Figure 76: Example Commercial Post Sign; 17.9.4.4:B
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Table 37: Commercial Post Sign Standards; 17.9.4.4:B

C. Yard Signs: refer to [Table 27](#).

17.9.5: Sign Lighting

17.9.5.1: Applicability

This Section establishes the general standards for sign lighting. Sign illumination shall complement, not overpower the site.

17.9.5.2: Lighting Standards

- A. The light source of signs shall not be visible from adjacent properties.
- B. The light reading at ten (10) feet from the property line on an adjacent property shall be one (1) foot-candle of light or less.
- C. Permanent signs within residential zone districts may be illuminated subject to the following criteria:

1. The sign is at least one hundred (100) feet away from the closest building occupied as a residence. The Director may authorize a smaller distance if it is determined that the orientation and character of the sign is such that the sign will not adversely impact a nearby residence.
2. The source of illumination is within the sign cabinet or mounted on the ground. Illumination by means of neon tubing is not allowed except where permitted in this Article.
3. Adjacent to residential streets, illumination shall stop between the hours of 9:00 p.m. and 6:00 a.m., 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.

Table 38: Lighting by Sign Type; 17.9.5.2

Table 38: Lighting by Sign Type	
Sign Type	Permitted Illumination
Residential Building Signs	
Home Business	Internal or external adjacent to collector or arterial streets (illumination is not permitted along local streets).
Residential Business or Organization	Internal or external adjacent to collector or arterial streets (illumination is not permitted along local streets).
Residential Freestanding Signs	
Neighborhood	Internal or external adjacent to collector or arterial streets. External on local streets and limited to directional ground lights.
Residential Business or Organization	Internal or external adjacent to collector or arterial streets. External on local streets and limited to directional ground lights.
Residential Temporary Signs	
Residential Transition	None
Residential Yard	None
Non-Residential Building Signs	

Table 38: Lighting by Sign Type

Sign Type	Permitted Illumination
Awning & Canopy	Internal or external
Major Tenant Id.	Internal or external
Painted Wall	External
Projecting	Internal or external
Wall	Internal or external
Window	None
Non-Residential Freestanding Signs	
Electronic Message	Internal or external
Monument & Pole	Internal or external
Non-Residential Temporary Signs	
Banner & Banner Flag	None
Yard	None
Commercial Post	None

17.9.6: Maintenance of Signs

17.9.6.1: Applicability

This Section provides regulations and procedures to address signs that are in disrepair or hazardous.

17.9.6.2: Maintenance Standards

- A. Every sign shall be maintained in good condition at all times as defined below or as determined by the Director. A sign in good condition shall meet the following criteria:
 1. Signs shall be kept neatly painted, including all surfaces such as metal parts and supports that are not galvanized or made of rust-resistant metals.
 2. Plastic, acrylic and other similar materials shall not be broken, cracked, torn or faded.
 3. All lighting, where permitted, must be functional and no exposed light sources are permitted unless approved with the permit.
 4. Banners and banner flags shall not be torn, faded or in disrepair.
- B. The Director shall have the authority to inspect signs to ensure they are adequately maintained and in compliance with this Zoning Code.

- C. If upon inspection, the Director determines a sign to be in violation of this Zoning Code or a safety hazard, the Director may order the sign to be painted, maintained, or removed by the property owner.

17.9.6.3: Abandoned Signs

- A. A sign is determined to be abandoned at the time the business identified by the sign discontinues the business or vacates the premises.
- B. Signs abandoned for a period of thirty (30) days are hereby declared a nuisance and subject to nuisance abatement in accordance with the City's established nuisance abatement processes. The Director shall require abatement of any nuisance sign. Abatement of abandoned signs shall require such signs to be replaced or removed by the property owner. The Director may request the assistance of the City Attorney's Office to take any legal action, in addition to code enforcement, to carry out the intent of this paragraph.
- C. Signs that will likely be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel until the new business occupies the premises.
- D. Signs that do not meet the requirements of this Article for that type of sign, or for the zone district where they are located, or on sites which will be, or have been, cleared for redevelopment, must be removed from the property.

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ARTICLE 10: WIRELESS SERVICES AND COMMUNICATIONS

17.10.1: Definitions

For the purposes of this Chapter, the following words, phrases, and terms shall have the meanings set forth herein. Words not defined shall be given their common and ordinary meaning.

Accessory Equipment: any equipment serving or being used in conjunction with a WCF, including, but not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures, including fences and ground-based enclosures as defined in state law.

Alternative Tower Structure: man-made trees, clock towers, bell steeples, light poles, buildings, and similar alternative design mounting structures that are compatible with the natural setting and surrounding structures and camouflages or conceals the presence of Antennas or Towers so as to make them architecturally compatible with the surrounding area pursuant to this title. This term also includes any Antenna or Antenna array attached to an Alternative Tower Structure. A stand-alone pole in the Right-of-Way, streetlight, or traffic signal that accommodates Small Cell Facilities is considered an Alternative Tower Structure to the extent it meets the camouflage and concealment standards of this title.

Amateur Radio Towers and Antennae: broadcasting and receiving structures or devices used for personal pleasure or as a hobby.

Antenna: any device used to transmit and/or receive radio or electromagnetic waves such as, but not limited to panel Antennas, reflecting discs, microwave dishes, whip Antennas, directional and non-directional Antennas consisting of one or more elements, multiple Antenna configurations, or other similar devices and configurations, and exterior apparatus designed for telephone, radio, or television communications through the sending and/or receiving of wireless communications signals.

Applicant for WCF: any person that submits an application to the City to site, install, construct, collocate, modify and/or operate a Wireless Communications Facility.

Base Station: a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of Base Station does not include or encompass a Tower as defined herein or any equipment associated with a Tower. Base Station does include, without limitation:

- A. Equipment associated with wireless communications services such as private broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the City under this Chapter and has been

reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support; and

- B. Radio transceivers, Antennas, coaxial or fiber-optic cable, regular and backup power supplied, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the time the relevant application is filed with the City under this title, has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

The definition of Base Station does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described above.

Camouflage, Concealment, or Camouflage Design Techniques: the designing of a WCF to alter its appearance in such a manner as to substantially integrate it into surrounding building designs and/or natural settings to minimize the visual impacts of the facility on the surrounding uses and ensure the facility is compatible with the environment in which it is located. A Wireless Communication Facility utilizes Camouflage Design Techniques when it (i) is integrated as an architectural feature of an existing structure such as a cupola, or (ii) is integrated in an outdoor fixture such as a utility tower, or (iii) uses a design which mimics and is consistent with the nearby natural or architectural features (such as a clock tower) or is incorporated into (including without limitation, being attached to the exterior of such facilities and painted to match it) or replaces existing permitted facilities (including without limitation, stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

Collocation: mounting or installing a WCF on a pre-existing structure, and/or modifying a structure for the purpose of mounting or installing a WCF on that structure. Provided that, for purposes of Eligible Facilities Requests, “Collocation” means the mounting or installation of transmission equipment on an Eligible Support Structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.

Director: The person, or that person’s designee, authorized by the City Manager to enforce and interpret this Zoning Ordinance.

Eligible Facilities Request: any request for modification of an Existing Tower or Base Station that is not a Substantial Change.

Eligible Support Structure: any Tower or Base Station as defined in this section, provided that it exists at the time the relevant application is filed with the City under this section.

Existing Tower or Base Station: a constructed Tower or Base Station that was reviewed, approved, and lawfully constructed in accordance with all requirements of

applicable law as of the time it was built; for example, a Tower that exists as a legal, non-conforming use and was lawfully constructed is existing for purposes of this definition.

FCC: the Federal Communications Commission.

Hazardous Substance: any substance, chemical or waste that is identified as hazardous or toxic in any applicable federal, state or local law or regulation, including but not limited to petroleum products and asbestos.

Interference: physical interference and radio frequency interference.

Law or Applicable Law: any statute, ordinance, judicial decision, executive order or regulation having the force and effect of law, that determines the legal standing of a case or issue.

Micro Cell Facility: a small wireless facility that is no larger than twenty-four (24) inches in length, fifteen (15) inches in width, and twelve (12) inches in height, and that has an exterior Antenna, if any, that is no more than eleven (11) inches in length.

Monopole: a single, freestanding pole-type structure supporting one or more Antennas.

Over the Air Receiving Device (OTARD): an Antenna used to receive direct broadcast satellite services, including home satellite dishes that are (one) 1 meter or less in diameter, broadband radio services and television broadcast stations, but shall not include Antennas used for AM/FM radio, amateur (“ham”) radio, CB radio, Digital Audio Radio Services or Antennas used as part of a hub to relay signals among multiple locations.

Owner: a person with a legal or equitable interest in ownership of real or personal property.

Permit: a permit issued and described in accordance with Laws, which is used to regulate, monitor, and control the improvement, construction, or excavation activities, or other work or activity, occurring upon or otherwise affecting Licensor’s ROW, including ROW use, building, and electrical permits.

Physical Interference: where equipment, vegetation, or a structure causes reduced use of another’s prior mounted equipment, or an obstruction in a necessary line-of-sight path.

Pole-Mounted Small Cell Facility: a Small Cell Facility with Antenna that are mounted and supported on an Alternative Tower Structure, which includes a Replacement Pole.

Public Right-of-Way (ROW): any public street, way, alley, sidewalk, median, parkway, or boulevard that is dedicated to public use.

Radio Antenna, Amateur: a non-commercial device that is used for transmitting and receiving electro-magnetic waves.

Radio Frequency Emissions Letter: a letter from the Applicant identifying the FCC's uncontrolled/general population maximum permitted exposure limits for each proposed WCF, identifying the RF emissions from the WCFs that are the subject of the application. The Letter shall identify, at a minimum, any measures required to comply with the FCC standards for predicted exposure levels, and details for any signage, barriers or similar mitigation that is recommended or required. The Letter shall additionally certify that all WCFs that are the subject of the application shall comply with federal standards for radio frequency emissions.

Radio Frequency Interference: the emission or conduction of radio frequency energy (or electronic noise) produced by electrical and electronic devices at levels that interfere with the operation of adjacent or nearby equipment.

Radio Tower, Amateur: a structure that supports an antenna.

Readily Apparent: For purposes of determining whether a WCF is readily apparent, the phrase means that the facility will be easily recognizable as a WCF, in the discretion of the Director, viewing the facility as a whole and in the context of any adjacent improvements and landscaping from publicly accessible locations when considering the character, scale, and height of nearby and surrounding natural or architectural features. Methods of design and construction that may assist in reducing the visibility of a facility and reaching a conclusion that a facility is not readily apparent include the use of color mimicking surrounding structures and landscaping, minimizing facility size to the greatest extent feasible, integrating the facility into any adjacent or attached improvements, and positioning the facility in a manner that limits the degree to which the facility projects away from any adjacent structures or landscaping. Due to differences in site characteristics, a determination that a particular WCF will not be readily apparent at one location shall not establish a precedent for the same determination for a facility of the same or similar design or construction at a different location.

Replacement Pole: an Alternative Tower Structure that is a newly constructed and permitted traffic signal, utility pole, street light, flagpole, electric distribution, or street light pole or other similar structure of proportions and of equal height or such other height that would not constitute a Substantial Change to a pre-existing pole or structure in order to support a WCF or Small Cell Facility or Micro Cell Facility or to accommodate Collocation and replaces a pre-existing pole or structure.

Setback: the minimum distance any building or structure must be separated from a specified point.

Sign: any structure, which requires a permanent or temporary location, that has a visual display visible from a public right-of-way and is designed to identify, announce, direct or inform.

Signal Non-Interference Letter: a letter from the Applicant certifying all WCFs that are the subject of the application shall be designed, sited, and operated in accordance with applicable federal regulations addressing radio frequency interference.

Site for Towers (other than Towers in the Right-of-Way and Eligible Support Structures): the current boundaries of the leased or owned property surrounding the Tower or Eligible Support Structure and any access or utility easements currently related to the Site. A Site, for other Alternative Tower Structures, Base Stations, Micro Cell Facilities, and Small Cell Facilities in the Right-of-Way, is further restricted to that area comprising the base of the structure and to other related Accessory Equipment already deployed on the ground.

Small Cell Facility: a Wireless Communication Facility where each Antenna is located inside an enclosure of no more than three cubic feet in volume, or, in the case of an Antenna that has exposed elements, the Antenna and all of its exposed elements could fit within an imaginary enclosure of no more than three cubic feet; and primary equipment enclosures are no larger than seventeen cubic feet in volume.

The following associated equipment may be located outside of the primary equipment enclosure and, if so located, is not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation box, ground-based enclosure, back-up power systems, grounding equipment, power transfer switch and cut-off switch. Small cells may be attached to Alternate Tower Structures, Replacement Poles, and Base Stations. The definition of a Small Cell Facility shall also include a Micro Cell or Micro Cell Facility.

Street: a public or private thoroughfare for vehicular traffic other than an alley or driveway.

Substantial Change for Eligible Facilities Request: a modification that Substantially Changes the physical dimensions of an Eligible Support Structure if, after the modification, the structure meets any of the following criteria:

- A. For Towers, other than Alternative Tower Structures or Towers in the Right-of-Way, it increases the height of the Tower by more than ten (10) percent or by the height of one (1) additional Antenna array, with separation from the nearest existing Antenna not to exceed twenty feet, whichever is greater; for other Eligible Support Structures, it increases the height of the structure by more than ten (10) percent or more than ten (10) feet, whichever is greater.
- B. For Towers, other than Towers in the Right-of-Way, it involves adding an appurtenance to the body of the Tower that would protrude from the Tower more than twenty (20) feet, or more than the width of the Tower Structure at the level of the appurtenance, whichever is greater; for other Eligible Support Structures, it involves adding an appurtenance to the body of the structure that would protrude from the side of the structure by more than six (6) feet.

- C. For any Eligible Support Structure, it involves the installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets.
- D. For Towers in the Right-of-Way and Base Stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than ten (10) percent larger in height or overall volume than any other existing, individual ground cabinet associated with the structure.
- E. For any Eligible Support Structure, it entails any excavation or deployment outside the current Site.
- F. For any Eligible Support Structure, it would defeat the concealment elements of the Eligible Support Structure.
- G. For purposes of determining whether a Substantial Change exists, changes in height are measured from the original support structure in cases where deployments are or will be separated horizontally, such as on buildings' rooftops; in other circumstances, changes in height are measured from the dimensions of the tower or base station, inclusive of originally approved appurtenances and any modifications that were approved prior to February 22, 2012.

Support Structure: a structure designed to support Small Cell Wireless Facilities including, but not limited to, Monopoles, Alternative Tower Structures, Replacement Poles, and other freestanding self-supporting pole structures.).

Toll and Tolling: to delay, suspend, or hold off on the imposition of a deadline, statute of limitations, or time limit.

Tower: any structure built for the sole or primary purpose of supporting one or more FCC-licensed or authorized Antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site. The term includes self-supporting lattice towers, guyed towers or Monopole towers, radio and television transmission towers, microwave towers, common carrier towers, cellular telephone towers, Alternative Tower Structures and the like.

Transmission Equipment: equipment that facilitates transmission for any FCC licensed or authorized wireless communication service, including, but not limited to, radio transceivers, Antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

Wireless Communications Facility or WCF: a facility used to provide personal wireless services as defined at 47 U.S.C. Section 332-(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services. A WCF does not include a facility entirely enclosed within a permitted building where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of the Code. A WCF includes an Antenna or Antennas, Base Stations, support equipment, Alternative Tower Structures, Small Cell Facilities, and Towers. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting Antennas, nor does it include other facilities specifically excluded from the coverage of this title.

Wireless Communications Provider: a public or private company providing personal wireless services as defined at 47 U.S.C. Section 332-(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services.

Wireless Communications 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.

17.10.2: General

17.10.2.1: Purpose and Intent

This Article is intended to ensure that residents, public safety operations and businesses in the City have reliable access to personal wireless services and state of the art communications services in a way that preserves the aesthetic character and value of the community and complies with Federal and State laws.

The City Council finds that these regulations are necessary to:

- A. Provide for the managed development and installation, maintenance modification, and removal of wireless communications infrastructure in the City with the fewest number of wireless communications facilities (WCFs) to complete a network without unreasonably discriminating against wireless communications providers of functionally equivalent services, including all of those who install, maintain, operate, and remove WCFs.
- B. Minimize adverse visual effects of WCFs through thoughtful design and siting, including but not limited to camouflage design techniques, appropriate and effective screening, and equipment undergrounding whenever appropriate.

- C. Require the location of Towers in a manner that minimizes the total number of Towers needed throughout the community.
- D. Require the collocation of WCFs wherever feasible.
- E. Require owners and users of WCFs to locate them, to the extent possible, in areas where the adverse impact to the community is minimized.
- F. Enhance the ability of wireless communications service providers to provide such services to the community quickly, effectively, efficiently, and safely.
- G. Effectively manage WCFs in the Public Right of Way.
- H. Manage amateur radio facilities and over-the-air devices in the City.
- I. Ensure the City has sufficient wireless infrastructure to support public safety and emergency response communications throughout the City.

17.10.2.2: Applicability

The standards in this Article shall apply to all Eligible Facilities Requests and WCF applications for Base Stations, Alternative Tower Structures, Towers, Micro Cells, and Small Cell Facilities as defined in [17.10.1](#): and further addressed herein.

- A. The Requirements set forth in this Article shall not apply to:
 - 1. Amateur radio Antennas that are owned and operated by a federally licensed amateur radio station operator or are exclusively receive only Antennas, provided that the requirements that the height be no more than the distance from the base of the Antenna to the property lines is met.
 - 2. Pre-existing WCFs. Any WCF for which a permit has been properly issued prior to the effective date of Ordinance # O-2020-1 shall not be required to meet the requirements of this Chapter, other than the requirements of section 17.10.4. Changes and additions to pre-existing WCFs (including trading out of Antennas for an equal number of Antennas) shall meet applicable requirements of Section 17.10.4. Notwithstanding the foregoing, any modifications qualifying as an Eligible Facilities Requests shall be evaluated under this Section.
 - 3. Miscellaneous Antennas. Antennas used for reception of television, multi-channel video programming and radio such as Over-the-Air Receiving Device (OTARD) Antennas, television broadcast band Antennas, satellite earth station antennae and broadcast radio Antennas, provided that any requirements related to Accessory uses contained in this Code and the requirement that the height be no more than the distance from the base to the property line are met. The Director or his or her designee has the authority to approve modifications to the height restriction related to OTARD Antennas

and OTARD antenna structures, in the reasonable discretion of the City, in the minimum amount necessary to comply with federal law.

4. A WCF installed upon the declaration of a state of emergency by the federal, state, or local government, or a written determination of serving the general health, safety, and welfare of residents by the City, or reasonable ability to obtain such written determination within 72 hours.
5. A temporary WCF installed for the purpose of providing sufficient coverage for a special event, subject to administrative approval by the City.
6. The siting of Distributed Antenna Systems (DAS) or wireless facilities located within and intended to provide wireless coverage within a structure.

17.10.3: Wireless Facilities – By Zone District

Table 2 identifies where the different types of wireless facilities are permitted as primary or accessory uses, by right or with a special use permit, and where these uses are prohibited in each zone district within the City of Lakewood.

17.10.4: Operational Standards

17.10.4.1: Federal Requirements

All WCFs shall meet the current standards and regulations of the Federal Aviation Administration (FAA), the FCC and any other agency of the federal government with the authority to regulate WCFs. If such standards and regulations are changed, then the owners of the WCF shall bring such facility into compliance with such revised standards and regulations within the time period mandated by the controlling federal agency. Unless preempted by federal law, failure to meet such revised standards and regulations within 30 days of the City's determination of such failure shall constitute grounds for the removal of the WCF by the City or owner at the WCF owner's expense. The City may request, and an owner or applicant of a WCF shall provide, periodic confirmation that a WCF remains in compliance with any Federal standards.

17.10.4.2: Permission to Use Public Right-of-Way or City-owned vertical assets in the Public Right-of-Way

Prior to WCFs being sited in the ROW, the Applicant shall have an executed license agreement with the City, granting a non-exclusive license to use the Public Right-of-Way.

- A. Attachment of WCFs on an existing or replacement traffic signal, street light pole, or similar structure shall require written evidence of a license, or other legal right or approval, to use such structure by its owner, and site-specific approval pursuant to [17.10.5](#).

- B. The Applicant, and if different from the Applicant, the Owner, shall remain responsible for any WCF installed in the ROW.
- C. Prior to, or concurrently with, seeking land use approval for a WCF on City-owned vertical assets in the Public Right-of-Way, the Applicant shall execute a lease agreement with the City.
- D. To the extent feasible in all zoning districts, the preference of the City is for small cell facilities to be located in non-residential areas and not in areas in which residential uses are permitted, unless necessary for network operations.

17.10.4.3: Operation and Maintenance

To ensure the structural integrity of WCFs, the owner of a WCF shall ensure that it is maintained in compliance with the standards contained in applicable local building and safety codes. If upon inspection, the City concludes that a WCF fails to comply with such codes and constitutes a danger to persons or property, then, upon written notice being provided to the owner of the WCF, the owner shall have 30 days from the date of notice to bring such WCF into compliance. Upon good cause shown by the owner and meeting reasonable safety considerations, the City's Chief Building Official may extend such compliance period not to exceed 60 days from the date of said notice. If the owner fails to bring such WCF into compliance within said time period, the City may remove such WCF at the owner's expense.

17.10.4.4: Emergency

In the event of an emergency or to protect the public health or safety, prior to the City accessing or performing any work on a facility on which a WCF Owner has installed Equipment, City may require WCF Owner to deactivate such Equipment if any of City's employees or agents must move closer to the Equipment than the FCC's recommended minimum distance. In such case, City will contact WCF Owner to request immediate deactivation.

17.10.4.5: Non-Interference

The following provisions shall apply to ensure and/or avoid interference (both physical interference and Radio Frequency Interference) resulting from Licensee's installation, operation and/or maintenance of its Equipment.

17.10.4.6: Radio Frequency Interference

All WCF Owners shall ensure that the Equipment will not cause Radio Frequency Interference with Wireless Communication Facilities or devices, cable television, broadcast radio or television systems, satellite broadcast systems, or City traffic, public safety or other communications signal equipment existing at the time of installation of the Equipment.

17.10.4.7: Existing Uses

WCF Owners shall not interfere in any manner with the existing uses of City property including Rights-of-Way, and including sanitary sewers, water mains, storm drains, gas mains, poles, aerial and underground electric and telephone wires, streetlight fixtures, cable television, and other telecommunications, utility, and municipal property without the express written approval of the Owner(s) of the affected property or properties.

17.10.4.8: City Communications

WCF Owners shall not interfere in any manner with current or future City or other governmental public safety communication.

17.10.4.9: Remedies

If Interference occurs and continues for a period in excess of 24 hours following notice to the interfering party via telephone, the City may require the interfering party to reduce power or cease operations of the interfering equipment until the Interference is cured.

17.10.4.10: Relocation, Abandonment and Removal

After the WCF is constructed, if a WCF has not been in use for a period of three months, the owner of the WCF shall notify the City of the non-use and shall indicate whether re-use is expected within the ensuing three months. Any WCF that is contracted and is not operated for a continuous period of six months shall be considered abandoned. The City, in its sole discretion, may require an abandoned WCF to be removed. The owner of such WCF shall remove the same within 30 days of receipt of written notice from the City. If such WCF is not removed within said 30 days, the City may remove it at the owner's expense and any approved permits for the WCF shall be deemed to have expired. For any public project, a WCF may be required to relocate at WCF Owner's expense.

17.10.4.11: Hazardous Materials

No Hazardous materials shall be permitted in association with WCFs, except those necessary for the operation of the WCF and only in accordance with all applicable laws governing such materials.

17.10.4.12: Collocation

No WCF Owner or operator shall unreasonably exclude a telecommunications competitor from using the same facility or location. Upon request by the City, the owner or operator shall provide evidence explaining why Collocation is not possible at a particular facility or site.

17.10.4.13: Contact and Site Information

A WCF Owner or operator shall maintain with the City the following contact and site information and shall notify the City of any changes to such information within thirty (30) days of any change.

- A. Name, physical and email address, telephone number (including emergency 24/7/365 contact), and legal status of the Owner and if different from the Owner, the operator; and
- B. Any official identification numbers and FCC certifications for the WCF.

17.10.4.14: Unauthorized Access

All WCFs shall be located, fenced or otherwise secured in a manner that prevents unauthorized access. Specifically, Towers and Alternative Tower Structures shall be made inaccessible to individuals and constructed in such a manner that they cannot be climbed. WCFs shall be accessible only to persons authorized to operate or service them.

17.10.5: Review Procedures and Requirements

17.10.5.1: Permit Required

No new WCF shall be constructed and no Collocation or modification to any WCF may occur except after a written request from an Applicant, reviewed and approved by the City in accordance with this Chapter. All WCFS except Eligible Facilities Requests which are reviewed under subsection C below, shall be reviewed pursuant to the following procedures. All WCF permits shall expire and be of no further force and effect 180 days following the date of approval unless, prior to the date of expiration: (1) Construction has been diligently pursued towards completion of the project, or (2) 180-day extension of the permit has been authorized by the director upon a written request by the applicant. An extension may be granted if a review of the permit shows that no major changes in the City's development or zoning regulations or in the development pattern of the surrounding properties has occurred, as determined by the director. If a WCF permit expires, no further development of the facility may occur until a new permit application is submitted, reviewed and approved in accordance with this Code, subject to all application and processing fees.

- A. Review Procedures for certain WCFs, including Base Stations, Alternative Tower Structures, Small Cell Facilities, and Alternative Tower Structures within Public Rights-of-Way. Applications for these WCF facilities shall be reviewed by the Public Works Department for conformance to this section and using the Design Review procedures set forth in section [17.10.6](#). For WCFs in the Right-of-Way that are found to have a significant visual impact (i.e. proximity to historical sites), be incompatible with the structure of surrounding area, or not meet the intent of

these provisions, the City may refer the application to Planning Commission for a Special Use Permit Review Determination.

- B. Review Procedures for certain WCFs, including Towers. Towers, other than those defined or excepted in (A) above, must apply for Special Use Permit Review approval. These WCFs shall be reviewed for conformance using the procedures set forth in section [17.10.7](#). All applications for Towers shall demonstrate that other alternative design options, such as using Base Stations or Alternative Tower Structures, are not viable options as determined by the City.
- C. Review Procedures for Eligible Facilities Requests.

- 1. Eligible Facilities Requests shall be considered a permitted use, subject to administrative review. The City shall prepare, and from time to time revise and make publicly available, an application form which shall require submittal of information necessary for the City to consider whether an application is an Eligible Facilities Request. Such required information shall include, without limitation, whether the project:
 - a. Constitutes a Substantial Change.
 - b. Violates a generally applicable law, regulation, or other rule codifying objective standards reasonably related to public health and safety.

The application may not require the Applicant to demonstrate a need or business case for the proposed modification or Collocation.

- 2. Upon receipt of an application for an Eligible Facilities Request pursuant to this section, the Director shall review such application to determine whether the application so qualifies.
- 3. Timeframe for Review. Subject to the Tolling provisions of subsection 4 below, within sixty (60) days of the date on which an Applicant submits an application seeking approval under this section, the City shall approve the application unless it determines that the application is not covered by this subsection C, or otherwise in non-conformance with applicable codes.
- 4. Tolling of the Timeframe for Review. The 60-day review period begins to run when the application is filed, and may be Tolloed only by mutual agreement of the City and the Applicant, or in cases where the Director determines that the application is incomplete:
 - a. To toll the timeframe for incompleteness, the City must provide written notice to the applicant within 30 business days of receipt of the application, specifically delineating all missing documents or information required in the application; such delineated information is limited to documents or information meeting the standard under subsection C(1)(a) above.

- b. The timeframe for review begins running again the following business day after the applicant makes a supplemental written submission in response to the City's notice of incompleteness.
 - c. Following a supplemental submission, the City will notify the Applicant within 10 business days if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is Tolloed in the case of second or subsequent notices pursuant to the procedures identified in paragraph (d.)(ii.). In the case of a second or subsequent notice of incompleteness, the City may not specify missing information or documents that were not delineated in the original notice of incompleteness.
 5. Failure to Act. In the event the City fails to act on a request seeking approval for an Eligible Facilities Request under this section within the timeframe for review (accounting for any Tolling), the request shall be deemed granted. The request becomes effective when the Applicant notifies the City in writing after the review period has expired (accounting for any Tolling) that the application has been deemed granted.
 6. Interaction with Telecommunications Act Section 332(c)(7). If the City determines that the Applicant's request is not an Eligible Facilities Request as delineated in this Chapter, the presumptively reasonable timeframe under Section 332(c)(7), as prescribed by the FCC's Shot Clock order, will begin to run from the issuance of the City's decision that the application is not a covered request. To the extent such information is required under the appropriate provision of the Code under which the application should be considered, the City may request additional information from the Applicant to evaluate the application under Section 332(c)(7) reviews, and the Shot Clock shall not commence until such information is provided.
- D. Review Procedures for Small Cell Facilities in the Right-of-Way.
 1. Small Cell Facilities in the Right-of-Way shall be considered a permitted use, subject to administrative review as set forth in subsection A.
 2. The City shall prepare, and from time to time revise, and make publicly available, an application form which shall require submittal of information necessary for the City to consider whether a project is eligible as a Small Cell Facility in the Right-of-Way, meeting certain criteria. The application shall not require the Applicant to demonstrate a need or business case for any proposed modification or Collocation.
 3. Upon receipt of an application for a Small Cell Facility in the Right-of-Way pursuant to this section, the Public Works Department shall review such application to determine whether the application is complete.

4. Timeframe for Review. Within 90 calendar days of the date on which an Applicant submits an application seeking approval under this section, the City shall take action on the application unless it determines that the application is not covered by this subsection, or otherwise in non-conformance with applicable codes.

17.10.5.2: Submittal Requirements

In addition to submittal requirements of Chapter 17.2, the following supplemental items are required for all WCF applications:

- A. Signal Non-Interference Letter.
- B. Radio Frequency Emissions Letter. To the extent that the WCFs that are the subject of the application require FCC filings to demonstrate compliance with the National Environmental Policy Act, all such filings shall be provided to the City.
- C. Information related to need for environmental assessment. If an applicant is required to submit an environmental assessment to the FCC for the proposed site, it shall submit a copy of that environmental assessment, or alternately, it shall certify to the City in writing that the proposed site is categorically excluded per 47 C.F.R. § 1.1307.
- D. Photo simulations showing before and after conditions excluding applications for small cell facilities.
- E. Written representation that Applicant shall be responsible for paying all charges for any electricity furnished by a utility to Applicant and for charges for furnishing service to the Equipment. When the Equipment requires an electric meter as determined by the utility provider, the Applicant shall install or cause to be installed a separate electric meter on a ground mounted pedestal or on Applicant's pad mounted equipment cabinet as required by the electric provider for the operations of its Equipment.
- F. Inventory of Sites. Each applicant for a WCF shall provide to the City a narrative description and data in a format acceptable to the City showing the applicant's currently proposed WCFs within the City, and outside of the City within one half-mile of its boundaries. This provision is not intended to be a requirement that the applicant submit its business plan, proprietary information, or make commitments regarding locations of WCFs within the City. This information will be used to assist in the City's comprehensive planning process, and promote Collocation by identifying areas in which WCFs might be appropriately constructed for multiple users.
- G. The City may share information regarding the location of sites and the owners or managers of such sites with other applicants applying for administrative approvals or conditional permits under this section or other organizations seeking to locate WCFs within the jurisdiction of the City, provided however, that the City,

is not, by sharing such information, in any way representing or warranting that such sites are available or suitable.

- H. Abandonment and removal Affidavits shall be required from the owner of the property and from the applicant acknowledging that each is responsible for the removal of a WCF that is abandoned or is unused for a period of six (6) months.
- I. Consolidated applications. The City shall allow a wireless provider to file a multi-site permit seeking approval for up to ten (10) permits for Small Cell Facilities at a given time. Each individual site shall be processed as a separate permit in order to facilitate recording site addresses, utility company requirements, and timely inspection scheduling. The City's denial of any individual small cell facility is not a basis to deny the application as a whole or any other small cell facility incorporated within the consolidated application.

17.10.5.3: Decision

Any decision to approve, approve with conditions, or deny an application for a WCF, shall be in writing and supported by substantial evidence in a written record. The applicant shall receive a copy of the decision.

17.10.5.4: Compliance with Applicable Law

Notwithstanding the approval of an application for new WCFs or Eligible Facilities Request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building, structural, electrical, and safety requirements as set forth in the Municipal Code and any other applicable laws or regulations. In addition, all WCF applications shall comply with the following:

- A. Comply with any permits or licenses issued by a local, state, or federal agency with jurisdiction of the WCF.
- B. Comply with easements, covenants, conditions and/or restrictions on or applicable to the underlying real property.
- C. Be maintained in good working condition and to the standards established at the time of application approval.
- D. Remain free from trash, debris, litter, graffiti, and other forms of vandalism. Any damage shall be repaired as soon as practicable, and in no instance more than ten calendar days from the time of notification by the City or after discovery by the owner or operator of the Site. Notwithstanding the foregoing, any graffiti on WCFs located in the Public Rights-of-Way or on Public Property may be removed by the City at its discretion, and the owner and/or operator of the WCF shall pay all costs of such removal within 30 days after receipt of an invoice from the City.

17.10.6: Design Standards

17.10.6.1: Review Requirements

The requirements set forth in this section shall apply to the location and design of all WCFs governed by this Chapter as specified below; provided, however, that the City may waive these requirements if it determines and documents that the goals of this Chapter are better served thereby. To that end, WCFs shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the City, consistent with other provisions of this Code.

Notwithstanding the foregoing, the Planning Director shall have the authority to promulgate design standards for small cell facilities in the rights of way, which shall govern those types of WCFs, and in the case of residential property, subject to normal variance procedures being followed. The design standards in this section and any design standards promulgated pursuant hereto, shall be employed to avoid or minimize the intangible harm of unsightly deployments or deployments that are not in character with the surrounding area. Design standards shall be applicable to both newly constructed WCFs, to the extent not inconsistent with state law, permitted but not yet constructed WCFs, as well as legal non-conforming WCFs when such sites are sought to be modified. Notwithstanding anything herein to the contrary, any modification of a 600-foot separation standard between stand-alone poles in the public rights of way can only be made by an amendment to this Code.

- A. **Camouflage/Concealment.** All WCFs and any Transmission Equipment shall, to the extent possible, use Camouflage Design Techniques including, but not limited to the use of materials, colors, textures, screening, undergrounding, landscaping, or other design options that will blend the WCF into the surrounding natural setting and built environment.
1. Camouflage design may be of heightened importance where findings of particular sensitivity are made (e.g. proximity to historic, natural, or aesthetically significant structures or areas, views, and/or community features or facilities). In such instances where WCFs are located in areas of high visibility, they shall (where possible) be designed to minimize their profile.
 2. The camouflage design may include the use of Alternative Tower Structures should the Public Works Department determine that such design meets the intent of this Code and the community is better served thereby.
 3. All WCFs, such as Antennas, vaults, equipment rooms, equipment enclosures, and Tower structures shall be constructed out of non-reflective materials (visible exterior surfaces only).
- B. **Collocation.** WCFs shall be designed and constructed to permit the facility to accommodate WCFs from at least two (2) wireless service providers on the same WCF, to the extent it is feasible in good faith based upon construction,

engineering and design standards, except where such Collocation would materially compromise the design intent of the WCF, particularly visually.

C. Lights and other attachments.

1. WCFs shall not be artificially lighted, unless required by the Federal Aviation Administration or other applicable governmental authority, or the WCF is mounted on a light pole or other similar structure primarily used for lighting purpose. If lighting is required, the City may review the available lighting alternatives and approve the design that would cause the least disturbance to the surrounding properties or environs. Lighting shall be shielded or directed to the maximum extent so as to minimize the amount of glare and light falling onto nearby properties, particularly residences.
2. All exterior lighting within equipment yards shall be mounted on poles or on the building wall below the height of the screen wall or fence.
3. No Tower shall have constructed on, or attached to, any additional platform, catwalk, crow's nest or like structure (other than those required by industry standards or federal regulations), except during periods of construction or repair.
4. Signs and advertising. The use of any portion of a Tower for signs or advertising devices other than public safety warnings, certification, or other requires seals on any wireless communication device or structure is prohibited. However, the telephone numbers to contact in an emergency shall be posted on each facility.

D. Noise. Noise generated on the site must not exceed the levels permitted in the City of Lakewood Municipal Code, except that a WCF owner or operator shall be permitted to exceed such noise standards for a reasonable period of time during repairs, not to exceed two (2) hours without prior authorization from the City.

E. Landscaping Requirements.

1. WCFs shall be sited in a manner that does not reduce the landscaped areas for the other principal uses on the parcel.
2. WCFs, excluding Small Cell Facilities unless otherwise required by the Public Works Department, shall be landscaped with a buffer of plant materials that effectively screen the view of the WCF from Rights-of-Way and adjacent properties. Where the City has requested additional landscaping, the City may require irrigation requirements for the landscaping. All such expense, including the cost of irrigation, shall be borne by the wireless provider.
3. Heritage trees and traditional landscaping designs should be preserved in the Rights-of-Way. Existing mature tree growth and natural landforms on the Right-of-Way site shall be preserved.

F. Screening Requirements.

1. All equipment, not located within the Public Right-of-Way and not otherwise defined, shall be fully screened within a walled yard or placed in an enclosed building except in cases where a better design alternative exists. The yard shall be enclosed by a solid fence or wall of sufficient height to screen all miscellaneous equipment from view from the public Right-of-Way or adjacent properties and to provide security.
2. All structures and improvements associated with the WCF shall be provided with adequate safety equipment and aesthetic treatments, including incorporating landscape screening noted in subsection E above, to be visually compatible with uses in the surrounding area.
3. Roof-top mounted equipment shall be screened from off-site views to the extent practical by solid screen walls or the building's parapet.
4. Existing mature tree growth and natural landforms on the site shall be preserved to the maximum extent possible.

G. WCFs Adjacent to Single Family Residential Uses. WCFs shall be sited in a manner that evaluates the proximity of the facility relative to residential structures, neighborhoods, and residential zoning boundaries in order to minimize the visual impacts of WCFs on residential areas.

1. When placed near residential property, the WCF shall be placed in close proximity to a common property line between adjoining residential properties, such that the WCF minimizes visual impacts equitably among adjacent and nearby properties.
2. For a corner lot, the WCF may be placed adjacent to a common property line between adjoining residential properties, or on the corner formed by two intersecting streets.
3. If these siting requirements are not feasible in good faith from a construction, engineering, or design perspective, the Applicant may submit a written statement to the Public Works Department requesting the WCF be exempt from these requirements, and offer alternative locations reasonably meeting the intent of this section.

H. Design requirements specific to various types of WCFs.

1. Base Stations. If an antenna is installed on a structure other than a Tower or Alternative Tower Structure, such as a Base Station (including, but not limited to the antennas and accessory equipment) it shall be of a neutral, non-reflective color that is identical to, or closely compatible with, the color of the supporting structure, or uses other camouflage/concealment design techniques so as to make the antenna and related facilities as visually

unobtrusive as possible, including for example, without limitation, painting the Antennas and accessory equipment to match the structure. Additionally, any ground mounted equipment may be located in a flush-to-grade underground equipment vault if it is reasonably feasible from a construction, engineering, or design perspective.

2. Alternative Tower Structures, not in the Public Right-of-Way shall:

- a. Be designed and constructed to look like a building, facility, structure, or other commonplace item, such as but not limited to a tree, public art, or clocktower, typically found in the area.
- b. Be camouflaged/concealed consistent with other existing natural or manmade features in or near the location where the Alternative Tower Structure will be located.
- c. Be compatible with the surrounding area, including architecture, topography, natural vegetation, and/or landscaped environment.
- d. Be the minimum size needed to obtain coverage objectives. Height or size of the proposed Alternative Tower Structure should be minimized as much as possible.
- e. Be sited in a manner that is sensitive to the proximity of the facility to residential structures, neighborhoods, and residential zoning district boundaries.
- f. Take into consideration the uses on adjacent and nearby properties and the compatibility of the facility to these uses.

3. Towers.

- a. Towers shall either maintain a galvanized steel finish, or, subject to any applicable FAA standards and City design approval processes, be painted a neutral color so as to reduce visual obtrusiveness.
- b. Wherever possible, Towers shall locate to utilize existing landforms, vegetation, and structures to aid in screening the facility from view, or otherwise blending in with surrounding built and natural environment.
- c. Monopole support structures shall taper from the base to the tip.
- d. All Towers, excluding Alternative Tower Structures in the Right-of-Way, shall be enclosed by security fencing or wall and shall also be equipped with an appropriate anti-climbing device.

- e. Towers shall be subject to the height restrictions of each zoning district. Notwithstanding anything in this Chapter to the contrary, Towers are prohibited in the Right-of-Way.

4. Roof and Building Façade Mounted WCFs.

- a. Roof mounted antennas and accessory equipment shall be painted or treated to match the façade of the building to which they are attached in order to minimize visibility from adjacent residential land uses and/or from public sidewalks. No WCFs can be placed on rooftops or facades in Residential Zone Districts.
- b. Roof-mounted WCFs may be approved only where an Applicant sufficiently demonstrates that a wall mounted WCF is inadequate to provide service. By filing an application for a roof-mounted WCF, an Applicant is certifying agreement to the City's determination that the height extensions described in this subsection 4 are the maximum heights that will allow the WCF to be Camouflaged, and that any additional increase in height will undermine the Camouflage nature of the site.
- c. Maximum height. Roof mounted antennas and accessory equipment shall not exceed the height of the penthouse or mechanical equipment room to which the antennas are attached. Antennas not mounted on a penthouse or mechanical equipment room shall be set back at least five feet from the exterior wall of a building. The maximum height of a roof mounted antenna that is not mounted on a penthouse or mechanical equipment room is equal to the distance the antenna is set back from the exterior wall.
- d. All rooftop equipment and Antennas must be adequately screened where feasible from a technical, construction, design and engineering perspective.
- e. Building façade mounted antennas shall not protrude horizontally more than two feet from the building wall and shall be painted or treated to match the building or structure to which the antenna is attached.
- f. Building façade mounted antennas shall not exceed the height of the parapet or the roofline, whichever is greater.
- g. The total of all visible building façade mounted antennas may not exceed ten (10) percent of the square footage of the building façade.

5. Related Accessory Equipment.

- a. Excluding Small Cell Facilities in the Right-of-Way, the buildings, shelters, cabinets, and other accessory components shall be setback a minimum of fifteen (15) feet from each property line with a residential zone district or a lot containing a residential structure or shall meet all setback requirements

of the underlying zone districts, whichever results in the greater setback, and shall be grouped as closely as technically possible.

- b. Total footprint coverage area of the accessory equipment shall not exceed 500 square feet per provider, with a maximum of 1500 square feet total for three or more providers.
- c. No accessory equipment or accessory structure shall exceed twelve (12) feet in height.
- d. Accessory equipment, including but not limited to remote radio units, shall be located out of sight whenever possible by locating behind parapet walls or within equipment enclosures. Where such alternate locations are not available, the Accessory Equipment shall use Camouflage Design Techniques.
- e. No accessory equipment or accessory structures shall be sited in a manner that reduces the parking or landscaped areas for other principal uses on the parcel below the minimums required by the Zoning Ordinance.
- f. New accessory equipment cannot be placed within 150 feet of existing utility accessory equipment in Rights of Way in residential zones.

17.10.7: Standards for Approval

It is the intent of the City to provide for approval of WCFs administratively in cases where visual impacts are minimized, view corridors are protected, appropriate Camouflage and Concealment Design Techniques are employed to avoid adverse impacts on the surrounding area, and they are designed, maintained, and operated at all times to comply with the provisions of this Chapter and all applicable laws. Notwithstanding the approval of an application for Eligible Facilities Request as described herein, all work done pursuant to WCF applications must be completed in accordance with all applicable building and safety requirements as set forth in municipal code and any other applicable regulations.

17.10.7.1: Special Use Permit

Any application for a WCF which does not comply with the provisions of this Chapter may seek approval of a Special Use Permit by submitting an application to Planning Commission.

17.10.7.2: Collocation and Separation Required

No new Towers, except Small Cell Facilities in the Right-of-Way, shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the City that no existing WCFs can accommodate the needs that the Applicant proposes to address with

its Tower application, and sufficient separation of Towers is achieved. Evidence may consist of the following:

- A. No existing WCFs with a suitable height are located within the geographic area required to meet the Applicant's engineering requirements.
- B. Existing WCFs do not have sufficient structural strength to support applicant's proposed WCF.
- C. The Applicant's proposed WCFs would cause electromagnetic interference with the existing WCFs or the existing WCF would cause interference with the Applicant's proposed WCF.
- D. The Applicant demonstrates that there are other limiting factors that render existing WCFs unsuitable for Collocation.
- E. Towers over ninety (90) feet in height shall not be located within one-quarter mile from any Existing Tower that is over 90 feet in height, unless the Applicant has shown to the satisfaction of the City that there are no reasonably suitable alternative sites in the required geographic area which can meet the Applicant's needs.

17.10.7.3: Setbacks

The following minimum setback requirements shall apply to all WCFs except for Alternative Tower Structures in the Right-of-Way; provided however, that the City may reduce standard setback requirements if the applicant demonstrates that the goals of this section can be met through a Variance process. WCFs subject to this subsection shall meet the greater of the following minimum setbacks from all property lines;

- A. The setback for a principal building within the applicable zoning district.
- B. Twenty-five (25) percent of the facility height, including WCFs and Related Accessory Equipment.
- C. For sites within one hundred (100) feet of residential uses, facilities over thirty (30) feet in height shall have a minimum setback from all adjacent residential property lines of one (1) foot for every foot in height.

17.10.7.4: Review

On or before July 31, 2021, or as soon thereafter as can feasibly be scheduled on a City Council agenda, the City Council shall conduct a review of its experience in siting WCFs and determine whether modifications to the provisions of this Chapter should be considered.

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ARTICLE 11: HISTORIC PRESERVATION

17.11.1: General

17.11.1.1: Purpose and Intent

It is hereby declared as a matter of public policy that the protection, enhancement, perpetuation and use of buildings, structures, sites, objects, and districts of historical, architectural, archaeological, or geographic significance located within the City of Lakewood (the “City”) is a public necessity, and is required in the interest of the prosperity, community sustainability, civic pride, and general welfare of the people.

The purpose of this Article is to:

- A. Designate, preserve, protect, enhance and perpetuate those buildings, structures, sites, objects, and districts which reflect outstanding elements of the City’s cultural, artistic, social, economic, political, architectural, archaeological, historic, or other heritage;
- B. Foster civic pride in the beauty and accomplishments of the past;
- C. Stabilize or improve the aesthetic and economic vitality and values of such buildings, structures, sites, objects, and districts;
- D. Protect and enhance property values through the stabilization of neighborhoods and areas of the City, increase economic and financial benefits to the City and its inhabitants, and promote the City’s attraction to tourists and visitors;
- E. Promote the use of outstanding historical, architectural, or archaeological buildings, structures, sites, objects, and districts for the education, stimulation and welfare of the people of the City;
- F. Promote good urban design including the perpetuation of related private spaces; and
- G. Promote and encourage continued private ownership and utilization of such buildings, structures, sites, objects, and districts now owned and used, to the extent that the objectives listed above can be attained under such a policy.

17.11.2: Historic Preservation Commission

17.11.2.1: Creation

There is hereby established a Historic Preservation Commission, which shall be appointed by the City Council, hereinafter referred to as “Preservation Commission.”

17.11.2.2: Composition

- A. The Preservation Commission shall consist of seven (7) voting members. At least two (2) members shall be residents of the City.
- B. Each member shall have a demonstrated interest in, competence with, or knowledge of, historic preservation.
- C. A minimum of three (3) of the members shall be professionals in preservation-related disciplines that include, but are not limited to:
 - 1. Architecture
 - 2. Landscape Architecture
 - 3. Architectural History
 - 4. History
 - 5. American Studies
 - 6. American Civilization
 - 7. Cultural Geography
 - 8. Cultural Anthropology
 - 9. Archaeology
 - 10. Urban Planning

17.11.2.3: Area of Authority

The Preservation Commission's geographic area of authority shall be the same as the boundaries of the City

17.11.2.4: Powers and Duties

The Preservation Commission shall have the power and duty to:

- A. Evaluate and make recommendations concerning the merits of applications for historic designation pursuant to this Article;
- B. Conduct Alteration Certificate review as provided in this Article;
- C. Consult with City staff as requested concerning the conformity with approved plans of construction or alteration authorized pursuant to an Alteration Certificate issued pursuant to this Article;

- D. Prepare, or cause to be prepared, a comprehensive historic inventory of sites, buildings, structures, or areas that may be appropriate for historic designation pursuant to this Article;
- E. Prepare, or cause to be prepared, design guidelines for construction and alteration of designated historic buildings and historic structures and buildings and structures in designated historic districts for adoption and approval by the Preservation Commission;
- F. Prepare, or cause to be prepared, historic context statements;
- G. Increase public awareness of the value of historic, architectural, and cultural preservation;
- H. Evaluate and comment on proposals or decisions made regarding buildings, structures, sites, objects, and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, and historic or other heritage;
- I. Provide advice and guidance to individuals, developers, neighborhood groups and other parties regarding work on designated historic properties, or within designated historic districts;
- J. Draft and adopt reasonable rules and regulations, to be approved by the City Council, governing its internal operations;
- K. Review applications for the relocation of designated historic properties for preservation, or buildings or structures into a designated historic district for protection;
- L. Receive ongoing training by delegating at least one (1) member to attend a State Historic Preservation Office approved educational session each year;
- M. Prepare an annual report to the City Council; and
- N. Delegate to City staff or preservation partners the authority to administratively review and/or approve specific types of projects involving historic resources.

17.11.3: Designation Criteria

A building, structure, site, object, or district may be designated for historic preservation if it meets one (1) or more of the following criteria:

- A. It is associated with events that have made a significant contribution to the broad patterns of the City's history;
- B. It is associated with the lives of persons significant in the City's past;

- C. It embodies the distinctive characteristics of a type, period or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
- D. It has yielded, or may be likely to yield, information important in history or prehistory; and/or
- E. It is culturally significant to the City's community.

17.11.4: Designation Procedure

17.11.4.1: Initiation

A designation process shall be initiated by one of the following:

- A. The City Council.
- B. The Preservation Commission.
- C. The Director.
- D. The Lakewood Historical Society.
- E. A non-profit organization with an established interest in, and a mission statement supporting, preservation.
- F. The property owner(s) (if a single property).
- G. A defined percentage of property owners in a proposed district pursuant to [17.11.4.2:B](#).

17.11.4.2: Property Owner Consent Required

- A. For an individual structure or parcel of real property, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any building, structure, site, object, or parcel of real property for preservation without the written consent of the owner thereof.
- B. For a district, the Director shall not accept, nor shall the Preservation Commission approve, an application to designate any district for preservation without written consent of sixty (60) percent of property owners within the proposed district.

17.11.4.3: Application

An application for designation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the appearance of the building, structure, object, site, or district and shall demonstrate how the building, structure, object, district, or site meets the criteria for designation as set forth in [17.11.3](#). An application for a district shall include the boundaries for the area to be designated.

17.11.4.4: Preliminary Review

The Director shall determine whether the application is complete and includes appropriate property owner consent pursuant to [17.11.4.2](#). If the Director determines the application is complete, the Director shall promptly refer the application to the Preservation Commission. If the Director determines the application is incomplete, the applicant shall be advised of the reasons the application is incomplete.

17.11.4.5: Review of Application

The Preservation Commission shall review the application to determine if the building, structure, object, district, or site is potentially eligible for designation. If the Preservation Commission finds the building, structure, object, site, or district potentially eligible for designation, the Secretary to the Preservation Commission shall schedule a public hearing on the question of designation.

17.11.4.6: Notice of Designation Hearing

Notice of a designation hearing shall be given as follows:

- A. The public hearing shall be held not more than sixty (60) days after receipt of a complete application, unless otherwise extended by the applicant and Director. The Secretary to the Preservation Commission shall provide notice of the date, time and location of the public hearing to the applicant, the owner(s) of record and, if known, to other persons having a legal or equitable interest in the site(s) nominated for designation.
- B. Signs indicating the proposed action and the time, date and place of the public hearing, shall be posted by the applicant at least fourteen (14) days prior to the public hearing on all property proposed for designation for preservation, and on the boundaries of all areas proposed for designation as a district for preservation. All signage shall be prominently displayed and easily readable from abutting public ways. If any sign is damaged or destroyed prior to the public hearing, the sign shall be replaced as expediently as possible.
- C. A legal notice indicating the nature of the public hearing, the property involved, and the time, date and place of the scheduled public hearing, shall be published in the City's publication of record at least ten (10) days prior to the public hearing.

- D. The Secretary to the Preservation Commission shall provide written notice of the proposed designation, including the identification of the property, the basis for commencing the designation procedure, and the time, date and place of the public hearing to the Preservation Commission, the Director, and the Building Official not less than fourteen (14) days prior to the public hearing.

17.11.4.7: Designation Hearing before the Preservation Commission

- A. A quorum shall consist of at least four (4) members of the Preservation Commission to conduct the public hearing. In the event there is no quorum, the public hearing shall be continued unless the basis for the lack of a quorum is due to a conflict(s) of interest pertaining to the business before the Preservation Commission.
- B. Reasonable opportunity shall be provided for all interested parties to express their opinions regarding the proposed designation(s). However, nothing contained herein shall be construed to prevent the Preservation Commission from establishing reasonable rules to govern the proceedings of the hearings, or from establishing reasonable limits on the length of individual presentations.

17.11.4.8: Findings and Recommendations of the Preservation Commission

The Preservation Commission shall act officially on each proposed designation within forty-five (45) days after the public hearing thereon. The Preservation Commission may recommend, recommend with conditions where appropriate, or deny any proposal, but no proposal may be extended beyond the boundaries of the land described in the final application for designation unless the initiation and hearing procedures are repeated for the enlarged boundaries. The Preservation Commission shall set forth in writing its findings of fact which constitute the basis for its recommendation. The recommendation shall be in the form of a resolution. If the Preservation Commission fails to act within the forty-five (45) day period, the designation shall be deemed to have been rejected, and the designation procedure terminated.

17.11.4.9: Proceedings before the City Council

- A. Within sixty (60) days after the date of the Preservation Commission's recommendation, the City Council shall hold a public hearing on the proposed designation.
- B. The City Council shall, by ordinance, approve, approve with conditions where appropriate, or deny the proposed application and shall issue written findings based on the Preservation Commission's recommendations and in accordance with the criteria set forth in [17.11.3](#).
- C. The City Clerk shall provide a copy of the results of the City Council's final action to the applicant, the Preservation Commission, the Secretary to the Preservation

Commission, the Director, the Building Official, and any other person(s) having a legal or equitable interest in the site(s).

17.11.4.10: Recording of Designation

- A. Within fourteen (14) days of the effective date of an ordinance designating a historic property, or historic district for preservation, the City Clerk shall record the ordinance with the clerk and recorder of Jefferson County.
- B. The Director shall maintain on file a record, known as the Lakewood Historic Register, of all historic landmarks that have been designated as historic properties, or historic districts within the City.

17.11.4.11: Notification

Within fourteen (14) days after the recording of the ordinance of designation, City staff shall send to the owner of each property affected by the designation a letter outlining the reasons for such designation and the obligations and restrictions created by such designation.

17.11.4.12: Appeal of Preservation Commission's Denial of Application

- A. If the Preservation Commission denies an application for designation for any reason other than lack of requisite property owner consents, the applicant shall have the right to appeal such decision to City Council by filing a written notice of appeal, specifying the factual and legal basis for the appeal, with the City Clerk and the Secretary to the Preservation Commission within fourteen (14) days after the date of mailing or delivery of the Preservation Commission's denial.
- B. Notice of the public hearing on the appeal shall be provided pursuant to the procedures set forth in [17.11.4.6](#).
- C. If the City Council finds that the Preservation Commission's denial of the designation application was arbitrary and capricious, the City Council may overturn the decision of the Preservation Commission and either approve the application or approve the application with modifications where appropriate.

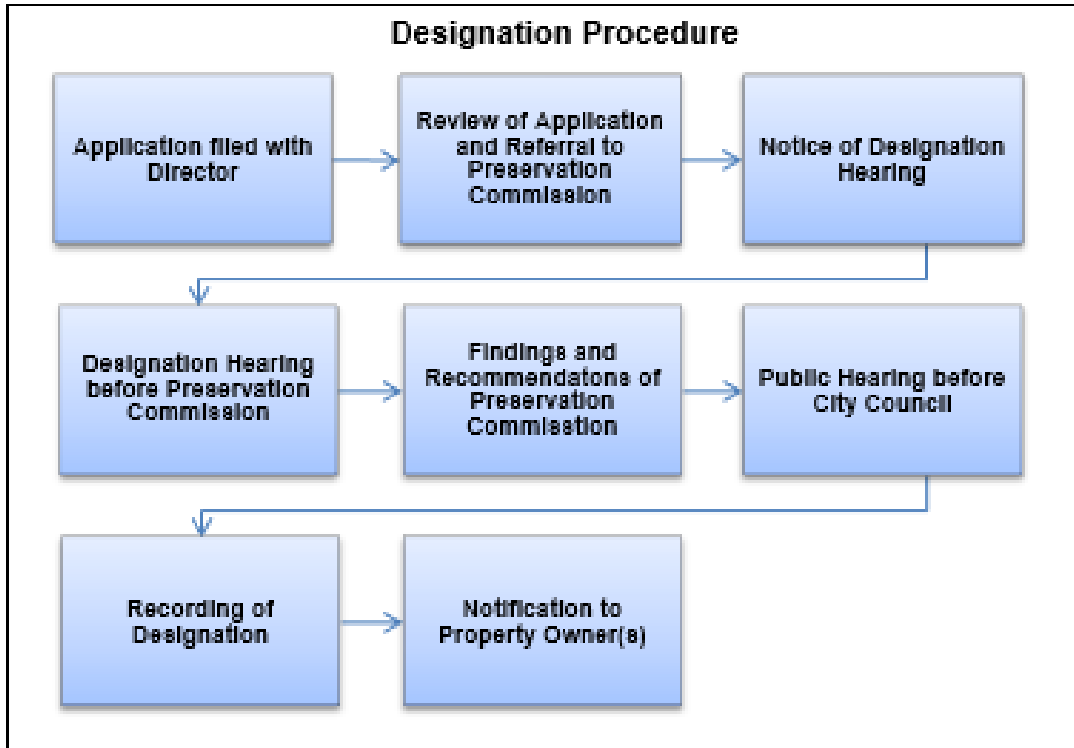


Figure 77: Designation Procedure; 17.11.4

17.11.5: Alteration Certificate

17.11.5.1: Requirement

An Alteration Certificate shall be obtained, in addition to any other permit or other approval required by this Zoning Code, for any designated historic property or for any contributing object, building, structure, or site within a designated historic district, prior to any of the following:

- A. Alteration, rehabilitation, restoration, addition, or reconstruction of, the exterior of all or part of a designated historic property or all or part of a contributing object, building, structure, or site located in a designated historic district;
- B. Demolition which constitutes all or part of a designated historic property or all or part of a contributing object, building, site, or structure located in a designated historic district;
- C. Construction or erection of any addition or improvement to any designated historic property or to any contributing object, building, structure, or site located in a designated historic district; or
- D. Construction or erection of any building, structure, or improvement to any designated historic site.



Figure 78: Alteration Certificate; 17.11.5

17.11.5.2: Criteria

- A. The Preservation Commission shall issue an Alteration Certificate for proposed construction, alteration, or demolition if the application and other submittals demonstrate:
1. That it is of a nature which will not adversely affect or destroy any architectural feature of the historic property;
 2. That it is in substantial conformity with design guidelines adopted by the Preservation Commission, if applicable;
 3. That any distinctive feature, finish, construction technique or examples of craftsmanship that characterize the property are maintained;
 4. That any new addition, exterior alteration or related new construction does not destroy the historic materials that characterize the historic property;
 5. That any addition and any related construction is undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment;

6. That any new work is differentiated from the old and is compatible with the massing, size, scale, and architectural features to protect the historic integrity of the historic property and its environment would be unimpaired;
 7. The historic character of the historic property is retained and preserved and the removal of historic materials or features that characterize the property is avoided; and
 8. For applications for demolition only, that there is substantial economic hardship as set forth in [17.11.5.4](#).
- B. In addition to the above criteria, the Preservation Commission may also evaluate compatibility with additional standards of the U.S. Department of the Interior for the Treatment of Historic Properties.

17.11.5.3: Application and Review

- A. Except in cases of applications for building permits made in response to orders from building or fire officials to remedy conditions immediately dangerous to life, health or property, upon the filing of an application for a permit for the performance of any work coming within the scope of [17.11.5.1](#) above, the Director shall require the applicant to meet the following additional submittal requirements:
1. A narrative description of the type of work proposed and its effect or impact upon the historic property or historic district designated for preservation;
 2. Plans and designs showing in detail any proposed alteration to a designated historic property or contributing site, object, building, or structure within a designated historic district including, but not limited to, façade elevations and proposed materials to be used;
 3. A site plan, if applicable, showing the location of existing historic properties and any proposed buildings or structures on the site;
 4. Any other drawings, photographs, material brochures or samples, or information that may be necessary to determine and provide for compliance with this Article; and
 5. For applications for demolition, professionally prepared estimated costs of continued maintenance of the building or structure in its current condition, of rehabilitation, and of demolition, an engineer's or architect's report as to structural soundness, and professionally prepared estimates of market value of the property in its current condition, as rehabilitated, and after demolition.
- B. After receipt of a complete submittal, the Director shall refer the application to the Preservation Commission for review.

- C. If the Preservation Commission determines the application meets the criteria set forth in [17.11.5.2](#), the Preservation Commission shall issue and send an Alteration Certificate to the Director within forty-five (45) days after receipt of the referral.
- D. If the Preservation Commission determines the application does not meet the criteria set forth in [17.11.5.2](#), the Preservation Commission may issue an order continuing the permit application process for a period not to exceed ninety (90) days from the date of the application. Any such order shall specify all aspects of the proposed work which do not meet the criteria and shall be sent promptly to the Director and the applicant.
- E. During any continuance ordered by the Preservation Commission, the Preservation Commission shall act with due diligence to study alternative means whereby the work may be brought into conformity with applicable criteria and shall during such period be available to meet with the applicant in an attempt to resolve the nonconformities.
- F. If the Preservation Commission fails to send either an Alteration Certificate or a continuance order to the Director within sixty (60) days after receipt of the completed application, the building permit application process shall proceed without further reference to this Section.

17.11.5.4: Economic Hardship

Upon written application, the Preservation Commission shall issue an Alteration Certificate for proposed demolition if the Preservation Commission finds the application and supporting documents demonstrate that maintenance or rehabilitation would cause unreasonable economic hardship based on the following:

- A. The historic property is incapable of earning a reasonable return on the owner's investment;
- B. The historic property cannot be adapted for another use that can result in a reasonable return; and
- C. No potential purchaser of the historic property with a reasonable offer who intends to preserve it can be identified.

17.11.5.5: Appeal of Denial of Alteration Certificate

- A. If the Preservation Commission denies an application for an alternation certificate, the applicant shall have the right to appeal such decision to City Council by filing a written notice of appeal, specifying the factual and legal basis for the appeal, with the City Clerk and the Secretary to the Preservation Commission within fourteen (14) days after the date of mailing or delivery of the Preservation Commission's denial.

- B. Notice of the public hearing on the appeal shall be provided pursuant to the procedures set forth in [17.11.4.6](#).
- C. If the City Council finds that the Preservation Commission's denial of the alteration certificate was arbitrary and capricious, the City Council may overturn the decision of the Preservation Commission and either approve the application or approve the application with modifications where appropriate.

17.11.6: Relocation of a Designated Historic Structure

17.11.6.1: Initiation

A request to relocate a designated historic property or structure shall be initiated by the property owner(s).

17.11.6.2: Application

An application for relocation shall be submitted to the Director for consideration on a form prescribed by the Preservation Commission. The application shall describe the reasons for the request for relocation and shall include any documentation in support of the request for relocation. The Director shall forward a complete application to the Preservation Commission for its consideration.

17.11.6.3: Review of Application

The Preservation Commission shall apply the following criteria when considering applications for relocating a designated historic property:

- A. If the historic property cannot be rehabilitated or reused on its original site to provide for any reasonable beneficial use of the property;
- B. The contribution the historic property makes to its present setting;
- C. Whether plans are specifically defined for the site to be vacated and have been approved by City staff;
- D. If the historic property can be moved without significant damage to its physical integrity and the applicant can show the relocation activity is the best preservation method for the character and integrity of the historic property;
- E. Whether the historic property has been demonstrated to be capable of withstanding the physical impacts of the relocation and re-siting; and
- F. Whether a structural report submitted by a licensed structural engineer experienced in preservation of structures adequately demonstrates the soundness of the historic property proposed for relocation.

17.11.6.4: Decision

The Preservation Commission shall notify the applicant and the Director in writing within fourteen (14) days of its decision. The decision of the Preservation Commission shall be final.

17.11.7: Maintenance or Repair

- A. Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any exterior architectural feature of a designated historic property or a contributing property within a designated historic district. If the Director determines the work to be performed falls under the purview of ordinary maintenance or repair, an Alteration Certificate shall not be required.
- B. It shall be the responsibility of the owner or owners of a designated historic property, or a contributing property within a designated historic district, to provide minimum maintenance to the historic property to prevent the loss of historic material and detail. Minimum maintenance is required to prevent a historic property from reaching a point of hazard where the historic property might be condemned and demolished for health and safety issues.

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ARTICLE 12: NONCONFORMITIES

17.12.1: General

This Article is intended to regulate buildings, structures, uses, fences and signs that came into being lawfully but that do not conform to one or more of the requirements of this Zoning Code. Further it is the intent to identify circumstances and conditions under which any nonconforming building, structure, use, fence or sign shall be permitted to exist and may be modified.

17.12.1.1: Authority to Continue

Any nonconformity that legally existed on September 1, 2025, or that becomes nonconforming upon the subsequent adoption of any revision or amendment to this Zoning Code, may be continued in accordance with the provisions of this Article.

17.12.1.2: Nonconformities Detrimental to Health and Safety

No provision of this Article shall be construed to allow continuation of any nonconforming building, structure, use, fence or sign when it is determined by the Director to be detrimental to public health or safety. The right to continue the use of any nonconforming building, structure, use, fence or sign shall be subject to all life safety requirements of applicable housing, building, health and other safety codes and standards.

17.12.1.3: Determination of Nonconformity Status

The burden of establishing that a building, structure, use, fence, or sign is nonconforming shall, in all cases, be solely upon the owner of such nonconforming building, structure, use, fence or sign.

17.12.1.4: Nonconforming Certificate

An owner of any nonconforming building, structure, use, fence or sign may request a Nonconforming Certificate by filing an application with the Director. The application shall include the approximate date that the building, structure, use, fence, or sign was established, and any other information determined by the Director to be necessary to permit an accurate determination as to whether the building, structure, use, fence, or sign is nonconforming.

17.12.1.5: Nonconformities Created by Public Action

When lot area or setbacks are reduced as a result of land acquired by a federal, state or local government, or any other public agency, for a public purpose, and the remaining is at least sixty (60) percent of the required minimum standard for the zoning district in which it is located, then that lot or structure is deemed to be in compliance with the

minimum standards of this Zoning Code. Remainders of less than sixty (60) percent of the required minimum standards shall be deemed to be nonconforming.

17.12.2: Nonconforming Buildings or Structures

17.12.2.1: Nonconforming Buildings or Structures in R-L Zone Districts

A nonconforming building or structure in a low-form residential zone district may continue to be used subject to the following provisions:

A. Repair:

A nonconforming building or structure may be repaired or structurally altered only if the alteration or repair does not increase the nonconformity and complies with this Zoning Code. If the nonconforming building or structure, or any portion thereof, is declared unsafe by a City building inspector, the building may be strengthened or restored to a safe condition even if compliance with the requirements of this Zoning Code is impossible.

B. Expansion:

1. A nonconforming primary building or structure may be enlarged, extended, constructed or altered as determined by the Director as follows:
 - a. The expansion or alteration is no greater than twenty (20) feet in length, or twenty (20) percent of the average lot depth, whichever is less;
 - b. The expansion or alteration comes no closer to the property line than the existing nonconforming portion of the building or structure and is no less than three (3) feet from the adjacent property line;
 - c. No new nonconformities are created;
 - d. The expansion or alteration is compatible with the pattern of existing development in the vicinity;
 - e. The expansion or alteration is consistent with the City's Comprehensive Plan; and
 - f. All other standards of this Zoning Code are met.
2. Except for one (1) and two (2) dwelling primary structures in the low-form residential zone district, no vertical expansion is permitted unless it meets all standards of this Zoning Code.

C. Restoration of Damage:

1. A nonconforming principal building or structure that is damaged or destroyed by fire or any other natural disaster may be restored in accordance with [17.12.1.3](#). In such case, the principal building or structure may be re-established to the extent that existed before the time of damage, and within the pre-existing structure boundaries, provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that a permit authorizing such repairs, restoration, or reconstruction is issued within two (2) years of the date of such damage, and in cases of hardship, the Director shall have discretion to extend this period for an additional year.
2. A nonconforming accessory building or structure that is damaged or destroyed by fire or any other natural disaster may be restored in accordance with [17.12.1.3](#). In such case, the accessory building or structure may be re-established to the extent that existed before the time of damage, and within the pre-existing structure boundaries, provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that a permit authorizing such repairs, restoration, or reconstruction is issued within two (2) years of the date of such damage, and in cases of hardship, the Director shall have discretion to extend this period for an additional year.

17.12.2.2: Nonconforming Buildings or Structures in R-M, M, C or LI Zone Districts

A nonconforming building or structure in a mid-form residential, mixed-use, commercial, or light industrial zone district may continue to be used subject to the following provisions:

A. Repair

A nonconforming building or structure may be repaired or structurally altered only if the alteration or repair does not increase the nonconformity, except as provided in Subsection B, below. 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 Zoning Code is impossible.

B. Expansion:

A nonconforming building or structure shall be permitted to be enlarged, extended, or altered as follows:

1. A nonconforming building or structure may be expanded by a maximum of twenty (20) percent of the GFA of the structure that existed on September 1, 2025, or that becomes nonconforming upon the subsequent adoption of any revision or amendment to this Zoning Code, if the expansion or alteration

does not increase or extend any existing nonconformity or create any new nonconformities.

2. A nonconforming building or structure may be expanded more than twenty (20) percent of the GFA of the building or structure that existed on September 1, 2025, or that becomes nonconforming upon the subsequent adoption of any revision or amendment to this Zoning Code, if that portion of the building or structure that is being expanded meets the requirements of Article 5.

C. Restoration of Damage:

1. A nonconforming principal building or structure that is damaged or destroyed by fire or any other natural disaster may be restored in accordance with [17.12.1.3](#). In such case, the principal building or structure may be re-established to the extent that existed before the time of damage, and within the pre-existing structure boundaries, provided that the repairs or rebuilding do not increase the degree of nonconformity and provided that such repairs, restoration, or reconstruction begin within eighteen (18) months of the date of such damage.
2. A nonconforming accessory building or structure that is destroyed or damaged to the extent of more than sixty (60) percent of its replacement value shall not be repaired or rebuilt except in compliance with the requirements of this Zoning Code.

17.12.3: Nonconforming Use

- A. No nonconforming use may be expanded through any development activities unless otherwise permitted in this Article.
- B. An existing nonconforming use may be continued except that the nonconforming use shall terminate if it is discontinued for a period of six (6) months or more, regardless of any intent to resume operations. However, the Director, for good cause shown, may extend the discontinuation period based upon the following criteria:
 1. The building and/or site was designed specifically for the particular use for which the extension is being requested;
 2. There are no substantial redevelopment opportunities for that site in the near future;
 3. No redevelopment has occurred in the vicinity of the site; and
 4. The use for which the extension is being requested will not have a detrimental impact on the surrounding uses or potential redevelopment.

- C. A nonconforming use shall not be changed to another nonconforming use. However, the Director, for good cause shown, may permit a change to another nonconforming use based upon the following criteria:
 - 1. The configuration and design of the site and/or building significantly limit redevelopment and reuse opportunities;
 - 2. No redevelopment has occurred in the vicinity of the site; and
 - 3. The use for which the extension is being requested will have less adverse impact than the previous nonconforming use or than a vacant building on the site.
- D. The Director, at the Director's discretion, may require certain site improvements as a condition of approval in accordance with other standards of this Zoning Code.
- E. The Director, at the Director's discretion, may subject the proposed nonconforming use to a special use permit process as described in Article 2 of this Zoning Code.
- F. A nonconforming use, if changed to a conforming use, may not thereafter be changed to any nonconforming use.

17.12.4: Nonconforming Fences

- A. A nonconforming fence must be brought into conformity if the fence is damaged or destroyed by more than sixty (60) percent of its total replacement value.
- B. A nonconforming fence that does not meet the minimum two (2) foot setback from back of abutting sidewalk may be replaced in the same location to preserve the street tree canopy as long as it does not encroach into any easements or right of way.

17.12.5: Nonconforming Signs

A nonconforming sign must be brought into conformity with any of the following:

- A. The sign is damaged or destroyed by more than sixty (60) percent of its total replacement value;
- B. There is a request made for a permit to alter the structural support of the sign; or
- C. There is a request made for a permit to change a portion of the sign to a digital display sign.

17.12.6: Signs on Nonconforming Buildings

17.12.6.1: Purpose & Intent

The purpose of providing sign standards for nonconforming buildings is to allow flexibility in regard to the location and size of wall signs for existing buildings that do not currently meet the dimensional standards of the zone district.

17.12.6.2: Applicability & Standards

- A. The Director may modify the sign standards on Wall Signs on nonconforming buildings that are setback from the public street greater than eighty-five (85) feet. The Director shall evaluate, and may approve with or without conditions, a request to modify the Wall Sign standards based on the following:
 - 1. The applicant demonstrates that the proposed Wall Sign will achieve a comparable result in visibility from the street as the unmodified standards on conforming buildings in the same zone district; and
 - 2. The proposed Wall Sign is the minimum signage necessary to communicate a message as compared to the unmodified standards on conforming buildings in the same zone district.
- B. If the Director does not approve modifications to the sign standards for a sign located upon a nonconforming building, by default the building shall be allowed signage per the current sign standards for that zone district and use.

17.12.7: Nonconforming Parking

Nonconforming parking in the mid-form residential, mixed-use, commercial, and light industrial zone districts may be continued except that when any building or structure is enlarged, extended or altered, the parking shall meet the minimum parking standards identified in Table 15.

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ARTICLE 13: SUSTAINABLE DEVELOPMENT

17.13.1: General

17.13.1.1: Purpose and Intent

This Article establishes standards for sustainable development in the City of Lakewood (the “City”). The purpose of these standards is to ensure that development implements the goals articulated in the community’s adopted plans for resilient and efficient development that is adaptable to infrastructure changes in the face of climate change, minimizes its impact on limited resources, contributes to communitywide greenhouse gas emissions (GHG) Science-Based Targets, and becomes a positive asset within the community. The City has Science-Based Targets to reduce community-wide GHG emissions by sixty-point seven (60.7) percent below 2018 levels by 2030 and achieve net zero GHG emissions by 2050.

17.13.1.2: Authority

- A. Unless otherwise specifically designated, the Director shall have the authority to determine whether a project has met the standards and requirements set forth in this Article. Where an applicant seeks to demonstrate compliance with the provisions of this Article in a manner not explicitly prescribed herein such as through an open option, emissions modeling, or similar proposal, the Director may request independent verification of compliance by a consultant of the City’s choosing, whose services shall be paid by the applicant. Development proposals under this Article may be referred to the Planning Commission at the Director’s discretion.
- B. The Director shall publish the Article 13 Technical Manual, which is a guide containing the quantitative values and methods used in this Article. Values will be periodically updated administratively upon approval by the Director as new data becomes available, except for those values explicitly set by City Council.

17.13.2: Enhanced Development Menu

17.13.2.1: Purpose and Intent

The Enhanced Development Menu (EDM) is intended to promote responsible development that supports the community goals identified in the City’s Comprehensive Plan through sustainable site features that provide community benefits and amenities to adjacent properties and surrounding neighborhoods.

17.13.2.2: Applicability

- A. The EDM shall be applied to all development projects with cumulative GFA of two thousand five hundred (2,500) square feet or greater for all proposed

buildings and parking structures (not including single-level open parking lots) on the site and which meet the major site plan applicability criteria in 17.2.7.1.

1. New construction must achieve one (1) point per one thousand (1,000) square feet of GFA, rounded to the nearest one thousand (1,000) square feet, with a minimum of ten (10) points and a maximum of one hundred and fifty (150) points, as shown in [Table 39](#).
2. Existing development undergoing site modifications that require major site plan review shall achieve one (1) point per one thousand (1,000) square feet of new or modified floor area, rounded to the nearest one thousand (1,000) square feet, with a maximum of one hundred and fifty (150) points, as shown in [Table 39](#).

Table 39: EDM Applicability	
Project Cumulative GFA (rounded to nearest 1,000 sf)	Required Points
< 2,500 sf	N/A (0 points)
2,500 sq. ft. – 10,000 sf	10 points
11,000 sq. ft. – 150,000 sf	11 – 150 points (1 point per 1,000 sf)
Over 150,000 sf	150 points <i>and</i> select one option set forth in 17.13.2.3

Table 39: EDM Applicability; 17.13.2.2

B. Exceptions:

1. The GFA of any proposed Affordable Housing, as defined in Article 14, may be subtracted from the project cumulative GFA for the purpose of determining required points. For example, a residential building that includes twenty (20) percent affordable units can reduce the total GFA by the square footage of those units when determining how many EDM points are required.
2. Proposed projects which include existing designated historic landmarks on the local, state, or national registers and/or which receive approval of the proposed project from the Lakewood Historic Preservation Commission may reduce the number of required EDM points by fifty (50) percent.

C. Projects required to earn more than fifty (50) points may choose to pay a fee in lieu of compliance for any number of those points exceeding fifty (50) at the rate established by City Council resolution and updated as needed but not more frequently than annually. Fee-in-lieu payments are subject to the following:

1. Fees-in-lieu shall be due to the City prior to building permit issuance.

2. Fees-in-lieu shall be used to support sustainable built environment projects as part of the Climate Protection & Sustainability Program as described in [17.13.5.](#)

- D. Projects that earn more than the minimum number of points required for such project shall not receive a refund, rebate or any other form of compensation.

17.13.2.3: Prerequisites for Large Developments Above 150,000 GFA

- A. Development projects over one hundred and fifty thousand (150,000) square feet in proposed GFA must obtain one hundred and fifty (150) points pursuant to [17.13.2.2.](#), and shall select from the following menu items:

1. Leadership in Energy and Environmental Design (LEED) or National Green Building Standard (NGBS) Gold or higher certifications;

OR

2. Earn a minimum of forty (40) points, twenty (20) points from each category, from the menu items identified in 2.a. and 2.b. below. The remaining required points may be earned from these or any other item(s) in [Table 40](#);

- a. Environmental Impacts. Minimum twenty (20) points:

- i. Renewable Energy: EDM Items two (2), four (4), and five (5); or
- ii. Electrification: EDM Item six (6);

AND

- b. Social Impacts. Minimum twenty (20) points:

- i. Social Connection Amenities: EDM Item twenty-two (22);
- ii. Public Art: EDM Item twenty-three (23); or
- iii. Community Garden: EDM Item twenty-five (25)

OR

3. Additional fee-in-lieu for prerequisite items. For any points not earned through the prerequisite items above, a fee in lieu of compliance shall be applied for up to forty (40) points at the rate of one and a half (1.5) times the per-point value for the size of the development.

- a. For example, if a project selects twenty (20) points from environmental impacts and zero (0) points from social impacts, the fee in lieu due for the

twenty (20) missing prerequisite points is one and a half (1.5) times the regular fee in lieu rate per point.

- b. Up to forty (40) prerequisite points may be achieved via fee in lieu. This Section does not change any other fee in lieu requirements in [17.13.2.2:C](#).

17.13.2.4: Menu

All proposed points are subject to review for alignment with existing City plans and site-specific availability. Detailed documentation and methodology requirements can be found in the EDM Applicant Resource Guide, as may be amended from time to time upon approval of the Director. For existing developments undergoing additions, renovations, or other improvements which require major site plan review, selected EDM items may be located where practical on the site not limited to the area of disturbance, upon approval of the City.

Table 40: Enhanced Development Menu Items; 17.13.2.4

Table 40: Enhanced Development Menu Items				
* Eligible Greenhouse Gas Mitigation Strategy under 17.13.3 : Greenhouse Gas Performance Standard.				
Menu Item		Description	Points	Scoring Notes
Energy & Building Systems: Items 1-6				
1	Green Building Certification	Achieve LEED or NGBS Silver-level certification or higher. Identify in the Major Site Plan how the certification criteria will be achieved.	75% –100% of required points	<u>LEED or NGBS Silver:</u> 75% of required points 25% of points must be from EDM items that are distinct from strategies used for certification purposes <u>LEED Gold or Platinum or NGBS Gold or Emerald:</u> 100% of required points
2	Renewable electricity production* (on-site installation)	Provide on-site renewable electricity (solar photovoltaic or wind) beyond Xcel Energy's Colorado Certified Renewable Percentage to offset the project's projected electricity use by at least ten (10) percent.	20 – 38	Twenty (20) points for 10% of electricity use offset by on-site renewable sources. An additional one (1) point per additional 5% offset, up to thirty-eight (38) points maximum.
3	Electric Battery Storage	Include on-site electric battery storage devices that are integrated into an on-site renewable solar energy system to provide power for critical loads (emergency lighting, heating, cooling, and internet access) for at least forty-eight (48) hours in the event of an extended power outage to support greater building resilience.	10	

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
4	Renewable electricity production* (off-site subscription or community solar garden)	Procure renewable electricity (solar photovoltaic or wind) from off-site sources for electricity use beyond Xcel Energy's Colorado Certified Renewable Percentage to offset a minimum of ten (10) percent of projected electricity use.	10 – 28	Ten (10) points for 10% of electricity use offset by off-site renewable sources. Additional one (1) point per additional 5% offset, up to twenty-eight (28) points maximum.
5	On-site renewable energy systems and design*	Provide on-site renewable energy systems (not including solar or wind electricity production) that reduce energy use intensity (EUI) by a minimum of ten (10) percent. Examples of specific technologies may include solar thermal, geothermal, and passive solar design.	10 – 28	Ten (10) points for 10% EUI reduction through energy use offset by renewable energy systems. Additional one (1) point per additional 5% offset, up to twenty-eight (28) points maximum. Points may be earned for either Item 5 or Item 6, but not both.
6	Building Electrification*	Use all electric space conditioning, water heating, and appliances to eliminate natural gas usage within the project.	50% of required points	Points may be earned for either Item 5 or Item 6, but not both.
Water & Landscape: Items 7-9				
7	Site Assessment	Provide a site survey and assessment report summarizing the site conditions and local context of the subject property. Include topography, hydrology, climate, vegetation, soils, human use, and human health effects. Demonstrate the relationships between these topics and indicate how the project will address or mitigate anticipated impacts in the site design.	5	Must be submitted with pre-planning application to be eligible for points.

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
8	Pollinator-Friendly Landscaping	Use a landscape architect registered in the State of Colorado to design pollinator gardens that provide food and habitat for pollinators such as bees, wasps, butterflies, and birds throughout the year. Identify species, bloom periods, and purpose of plants (e.g. nectar, larval host, etc.). Native species should be used whenever possible. Mixing in some annuals can help support year-round bloom time. Use environmentally sensitive and pollinator-friendly land management practices whenever possible, such as avoiding pesticides that harm pollinators, weeding out invasives, providing pollinators a water source, and allowing some leaves and hollow plant stems six to eight (6-8) inches above the ground over winter to remain support nesting habitat in stems and underground. Install interpretive signage in compliance with 17.9.2.2: Exempt Signs to identify the intentional pollinator habitat to the community.	2 – 8	Two (2) points per one hundred and fifty (150) contiguous square feet of pollinator-friendly landscape design. Maximum of eight (8) points (600 sf). Individual one hundred and fifty (150) square foot pollinator gardens do not have to be contiguous with each other to earn points, but each garden area must be complete with year-round food sources and habitat.
9	Above-Code Water Quality	For projects not otherwise required to install stormwater drainage improvements, provide water quality capture volume in accordance with Mile High Flood District Urban Storm Drainage Criteria Manual Volume 3, utilizing site-	5, See EDM Item 27	

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
		appropriate best management practices to be approved by the City's Public Works Dept. For projects that are required to install stormwater drainage improvements, particularly innovative or creative drainage solutions or impactful off-site drainage improvements may be eligible for points under EDM Item 27: Innovation Option.		
Zero Waste: Items 10 & 11				
10	Recycling & Composting Services*	Provide a two-year minimum contract for both recycling and composting collection services. An alternative waste stream may be submitted if applicant demonstrates sufficient volumes. Alternative recycled waste streams cannot be those mandated or otherwise required by other regulatory agencies unless the applicant demonstrates going above and beyond the default mandated waste management practice for regulated waste streams to keep the material at its highest and best use.	10	
11	Deconstruction	Use a deconstruction contractor instead of demolition to remove existing structures. Reuse, donate, or recycle a minimum of fifty (50) percent by weight of the materials.	5 - 20	Five (5) points per 2,500 square feet deconstructed, up to twenty (20) points.

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
		Points for EDM Item 14: Reclaimed/Recycled Materials may include documented deconstructed materials reused on-site.		
Materials: Items 12-15				
12	Urban Heat Island Reduction	Use any combination of the following measures to reduce urban heat island effects for a minimum of fifty (50) percent of the combined square footage of the roof and hardscaped area: a. Cool Roof Rating Council (CRRC) compliant roofing; b. A “green” (vegetated) roof; c. Reflective materials with minimum certified aged solar reflective index (SRI) of thirty-two (32) or greater; d. Open-grid pavement; and/or e. Shade trees with a caliper size of three (3) inches or greater.	5 - 20	Five (5) points for 50% of hardscaped area covered by UHI reduction measures. Additional three (3) points per additional 5% coverage, up to twenty (20) points maximum.
13	Low-Carbon Pavement	For all on-site exterior flatwork, use paving products with CO₂e less than or equal to the “Achievable (Low)” category of the Carbon Leadership Forum Material Baselines Report, as amended. Structural uses of concrete products with CO₂e less than or equal to the “Achievable (Low)” category of the Carbon Leadership Forum	5, See EDM Item 27	

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
		Material Baselines Report, as amended, may be eligible for points under EDM Item 27: Innovation Option.		
14	Reclaimed / Recycled Materials	Incorporate a minimum of ten (10) percent reclaimed and/or recycled materials into the exterior facades, open space hardscape, or other areas as determined by the Director.	8	
15	Adaptive Reuse	Repurpose existing primary buildings for new uses rather than demolishing and constructing new buildings to help preserve the urban fabric of neighborhoods. Points may be earned for either: a. Full Building Reuse: all exterior walls are maintained as part of the proposed development; or b. Partial Building Reuse: a minimum of 50% of the street-facing façade of the existing primary building structure is maintained as part of the street-facing façade of the proposed development.	15 - 20	Full Building Reuse: twenty (20) points Partial Building Reuse: fifteen (15) points for 50% of existing street-facing façade. Additional one (1) point for each additional 10% up to twenty (20) points (100%).
Transportation: Items 16-21				
16	Multimodal Transportation Assessment (Residential)	Identify available pedestrian, bicycle, and transit connections from the site to essential destinations (including grocery stores, parks, schools, libraries, and transit stations/bus stops) within a half (0.5) a mile radius in order to inform	2	Must be submitted with pre-planning application to be eligible for points.

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
		wayfinding, connectivity with the existing transportation network, and other infrastructure improvements to benefit new residents.		
17	Multimodal Transportation Assessment (Non-Residential)	Identify available pedestrian, bicycle, and transit connections to the site within a half (0.5) mile radius in order to inform wayfinding, connectivity with the existing transportation network, and other infrastructure improvements or amenities to benefit employees and business patrons. Consider how people of all abilities would access the site as pedestrians, by bicycle, and by transit from the surrounding area, such as from transit stops, neighborhoods, and trails.	2	Must be submitted with pre-planning application to be eligible for points.
18	Bike Amenities	Provide a minimum of two (2) bike amenities that are available to the community, such as fix-it stations with air pumps, bicycle vending machines, bicycle parking cover, e-bike charging station, designated space for dock less bike share parking, water bottle refill stations, custom bike racks in areas of the City where a specific streetscape design package or adopted design guidelines are implemented, etc.	2 - 5	One (1) point per amenity, up to five (5) points maximum. Must provide a minimum of two (2) amenities.
19	Public EV Charging Infrastructure*	Install publicly available Electric Vehicle Supply Equipment (EVSE) with universal connectors for designated parking spaces in addition to the EV parking minimum required in Article 8 of this	3 - 36	All points below are per publicly available EVSE installed space, and can be combined up to a maximum of thirty-six (36) points. Spaces used to earn

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
		Zoning Code. All EVSE installed spaces must meet the design standards in Article 5 and 8. This item is not available for EV charging as a primary use (Fueling Station – Non-Petroleum).		points for this item do not qualify for points in Item 20. Level 2 and DCFC <50kW: three (3) points DCFC 50kW – 99kW: six (6) points DCFC 100kW+: nine (9) points
20	Above-Code EV Charging Infrastructure*	Install Electric Vehicle Supply Equipment (EVSE) with universal connectors in addition to the minimum number of EVSE installed spaces required in Article 8 of this Zoning Code. These spaces are not required to be publicly available, and may be reserved for building residents, tenants, and employees. All EVSE installed spaces must meet the applicable design standards contained in Articles 5 and 8. This item is not available for EV charging as a primary use (Fueling Station – Non-Petroleum).	3 - 36	Three (3) points per EVSE installed space in addition to the minimum requirements in Article 8, up to a maximum of thirty-six (36) points (twelve (12) additional EVSE installed spaces). Spaces used to earn points for this item do not qualify for points in Item 19.

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
21	Enhanced Streetscapes	Provide enhanced streetscape design within Hubs and Corridors as identified in the Comprehensive Plan in support of and consistent with citywide, neighborhood, or strategic plans. Enhanced design shall include a minimum of four (4) of the following elements: - Street trees in addition to any required elsewhere in this zoning code; - Shrub/perennial beds within the tree lawn; - Masonry seat walls; - Pedestrian-scale lighting; - Transit stop improvements; - Pedestrian amenities such as trash receptacles, benches, etc.; and/or - Placemaking features as identified in specific area plans. All enhanced streetscape elements shall be maintained by the property owner, unless other arrangements are made with the City at time of Site Plan approval. A revocable License Agreement with the City is required for any non-landscape elements located within the right-of-way.	5 – 40 +5 bonus	One (1) point per ten (10) linear feet of enhanced streetscape frontage. Minimum five (5) points (fifty (50) linear feet) required, up to a maximum of forty (40) points (four hundred (400) linear feet). At a minimum, enhanced streetscape must be installed along the entire length of the primary frontage, unless otherwise approved. Bonus five (5) points for implementation of a specific streetscape design package or adopted design guidelines.
Community Cohesion & Public Health: Items 22-26				

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item	Description	Points	Scoring Notes
22	Social Connection Amenities Provide above-code amenities that support community interaction and are accessible by the general public through a parkland dedication agreement and/or public access easement. Small amenities (<\$5,000) may include little free libraries, community bulletin boards, picnic tables, permanent games such as corn hole, ping pong, or bocce, etc. Medium amenities (approx. \$5,000 - \$30,000) may include outdoor exercise equipment, small shade structures, benches, water bottle filling stations, play elements such as musical instruments and game tables, small dog runs, etc. Large amenities (approx. \$ 30,000+) may include trail connections, large shelters, playground equipment, sport courts, nature play elements, plazas/open lawn areas, dog parks, etc. All social connection amenities shall be maintained by the property owner, unless other arrangements are made with the City at time of Site Plan approval. A revocable License Agreement with the City is required for any amenities located within the right-of-way.	2 - 20	One (1) point per small amenity Two (2) points per medium amenity Five (5) points per large amenity Must earn a minimum of two (2) points, up to a maximum of twenty (20) points. Developments over one hundred thousand (100,000) sf must earn a minimum of five (5) points if this item is selected. Where a proposed amenity does not clearly fit within one of the suggested categories, the Director shall determine the appropriate category (small, medium, or large) of the proposed amenity.

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
		Other public recreation amenities may also be considered under Item 27: Innovation Option in collaboration with Community Resources staff.		
23	Public Art	The City's Public Art Plan encourages public art in private development projects to support placemaking and economic development. In coordination with the City's Arts Programming Curator, use the Public Art Plan Guidelines & Process Manual to provide art that is permanent and viewable/accessible from public or semi-public areas, and plan for the acquisition of public art during the development process. Approximate size and medium of art must be indicated on the major site plan. Artwork installation must be completed prior to issuance of a Certificate of Occupancy. All public art shall be maintained by the property owner, unless other arrangements are made with the City at time of Site Plan approval. A revocable License Agreement with the City is required for any art located within the right-of-way.	3 – 35 +3 – 5 bonus	Points shall be awarded based on the art budget (inclusive of artist fees, materials, and installation) as shown below: \$10,000: six (6) points \$15,000: ten (10) points \$25,000: fifteen (15) points \$50,000: twenty (20) points \$100,000: twenty-five (25) points \$150,000: thirty-five (35) points Bonus points (shall not be combined): +3 within designated arts or creative districts. +5 adjacent to the ArtLine (unless required by 40 West ArtLine Design Standards and Guidelines). +5 in an art desert as identified in the Public Art Plan and in consultation with the City's Arts Programming Curator. Developments over one hundred thousand (100,000) sf must earn a

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
				minimum of fifteen (15) points if this item is selected.
24	Adaptability / Universal Design	Provide a minimum of fifteen (15) percent of housing units with universal design features to accommodate people of all ages and ability levels in addition to the minimum number of accessible units required by law.	5	
25	Community Garden (public or private)	Use a landscape architect registered in the State of Colorado to design community-serving food plots for vegetable gardens and fruit trees to foster local food production for a minimum of ten (10) percent of multifamily units (or commercial equivalent). Plots shall be a minimum of twenty (20) sf each and in a location that is easily accessible, of appropriate slope, and receives a minimum of six (6) hours of direct sunlight during the growing season. Plots shall contain appropriate soil for food production and an available water source for irrigation.	15	
26	Neighborhood Meeting	Before submission of a major site plan application, host a neighborhood meeting in accordance with 17.2.2.2.A: Neighborhood Meeting to encourage dialogue between the	2 -20	Two (2) points for projects up to twenty thousand (20,000) sf. Five (5) points for projects twenty thousand (20,000) sf or greater.

Table 40: Enhanced Development Menu Items

* Eligible Greenhouse Gas Mitigation Strategy under [17.13.3](#): Greenhouse Gas Performance Standard.

Menu Item		Description	Points	Scoring Notes
		developer and the broader community with the goal of finding opportunities to create mutually beneficial amenities, programs, or experiences to add to development projects, and innovative ways to support the City's Comprehensive Plan goals. Projects otherwise required to have a neighborhood meeting for the Major Site Plan are not eligible for this item. Amenities or features suggested by the community that are not part of any other EDM item may be considered through Item 27: Innovation Option.		Additional one (1) point for each EDM item incorporated based on feedback received at the neighborhood meeting, up to twenty (20) points maximum or one third (1/3) of total points, whichever is least. Must be completed prior to Major Site Plan application to be eligible for points.
Other: Item 27				
27	Innovation Option	Provide enhanced amenities that are in addition to other Zoning Code requirements and approved by the Director or Planning Commission.	2 - 150	Two to fourteen (2-14) points may be approved by the Director; projects requesting fifteen (15) or more points must be approved by Planning Commission.

17.13.3: Greenhouse Gas Emissions Performance Standard

17.13.3.1: Purpose and Intent

The Greenhouse Gas Mitigation Program (GHGMP) is intended to ensure all new development, including low-form residential, is aligned with the City's climate goals and Science-Based Targets to help the community do its part to meet climate commitments by preventing excess GHG emissions.

17.13.3.2: Applicability

- A. All new development, including residential dwelling units, and all remodels, alterations, and additions requiring a major site plan application, shall comply with the standards of this Section. A fee-in-lieu of compliance will be available where full compliance is impractical or infeasible or where preferred by the applicant.
- B. These standards do not apply to remodels, alterations, and additions to existing one (1) and two (2) unit residential dwellings, unless new dwelling units are created. This shall not be interpreted to exclude complete reconstruction (scrape and rebuild) from compliance with the GHGMP.

17.13.3.3: Performance Standards

- A. **Residential Uses.** All new residential development shall demonstrate projected annual GHG emissions not to exceed the Performance Standard, which is the maximum permitted annual amount of GHG emissions, calculated using the following formula:

$$\text{Residential Performance Standard} = \text{Target Emissions Per Capita} \times \text{Projected Residents}$$

1. Target Emissions per Capita equals the sum of emissions from residential energy, residential waste, and transportation as reported in the City's most recent GHG inventory, divided by the City's population for the year of the inventory, and then multiplied by the reduction value needed to meet the City's climate commitments (Emissions Reduction Factor as defined in Article 14). Current commitments are published in the Article 13 Technical Manual and updated as needed in accordance [17.13.1.2:](#)

$$\text{Target Emissions per Capita} = (\text{Emissions from: Residential Energy} + \text{Residential Waste} + \text{Transportation}) / \text{Citywide Population} \times \text{Emissions Reduction Factor}$$

2. Projected Residents is determined based on the average number of individuals per dwelling unit by number of units in a residential building as calculated from the most recent available Census Bureau data.

- B. **Non-Residential Uses.** All new non-residential development shall demonstrate projected annual GHG emissions not to exceed the Performance Standard, which is the maximum permitted annual GHG emissions, calculated using the following formula:

$$\text{Non-Residential Performance Standard} = \text{Target Emissions Per Square Foot} \times \text{Proposed Gross Floor Area}$$

Target Emissions per Square Foot equals the sum of emissions from non-residential energy and non-residential waste as reported in the City's most recent GHG inventory, divided by the total citywide non-residential square footage of the year of the inventory as determined from Jefferson County Assessor's data, and then multiplied by the percentage reduction needed to meet the City's climate commitments (Emissions Reduction Factor).

$$\text{Target Emissions per Square Foot} = ((\text{Emissions from Non-Residential Energy} + \text{Emissions from Non-Residential Waste}) / \text{Citywide Non-Residential Square Footage}) \times \text{Emissions Reduction Factor}$$

- C. **Mixed-Uses.** Developments with a mix of residential and non-residential uses shall demonstrate projected annual GHG emissions not to exceed the total Performance Standard calculated as shown in [17.13.3.3:A](#) and [17.13.3.3:B](#) for the respective square footages of the residential and non-residential portions of the building(s).

17.13.3.4: Baseline Projected Emissions

Applicants shall submit the City's GHG Emissions Worksheet with development and/or building permit applications. This worksheet will determine the projected annual emissions (Baseline Projected Emissions) for the size and type of development assuming no mitigation efforts are made, based on the latest available data and methods published in the Article 13 Technical Manual and updated as needed in accordance with [17.13.1.2](#):

- A. **Residential Uses.** Baseline Projected Emissions for each residential development shall be calculated for the residential energy, residential waste, and transportation sectors using the methods published in the Article 13 Technical Manual and updated as needed in accordance with [17.13.1.2](#). Projected emissions from the transportation sector are reduced by twenty (20) percent for residential developments within Transit context zone districts and for age-restricted communities.

- B. **Non-Residential Uses.** Baseline Projected Emissions for each non-residential development shall be calculated for the non-residential energy and non-residential waste sectors using the methods published in the Article 13 Technical Manual and updated as needed in accordance with [17.13.1.2](#).

17.13.3.5: Compliance

- A. If the Baseline Projected Emissions calculated pursuant to [17.13.3.4](#) is less than the Performance Standard established in [17.13.3.3](#), then the proposed development is compliant, and no further action is needed.
- B. If the Baseline Projected Emissions exceeds the Performance Standard, Final Projected Emissions must be calculated in accordance with the following formula:

$$\text{Final Projected Emissions} = \text{Baseline Projected Emissions} - \text{Mitigated Emissions}$$

1. At least one (1) Mitigation Strategy must be included and/or an approved Energy Model may be submitted as an alternative method of demonstrating the residential or non-residential energy portion of the Final Projected Emissions.
2. Mitigation Strategies. Implement approved emission reduction strategies identified in the Article 13 Technical Manual to reduce Baseline Projected Emissions such that the Final Projected Emissions meets the Performance Standard. Applicants submit their proposed mitigation strategies using the GHG Emissions Worksheet and identify such strategies on the applicable site plan and building permit documents. Identified mitigation strategies include one or more of the following:
 - a. EDM Items 2 or 3 : Renewable Electricity Production (on-site installation or off-site subscription).
 - b. EDM Item 5: On-Site Renewable Energy Systems and Design (not including electricity production).
 - c. EDM Item 6: Building Electrification.
 - d. EDM Item 10 : Recycling and Composting Services.
 - e. EDM Item 19 : Public EV Charging Infrastructure.
 - f. EDM Item 22 : Above-code EV Charging Infrastructure (may be private spaces).

- g. Mitigation Innovation Option: alternative strategies that demonstrate reduced GHG emissions as compared to the baseline projected emissions.
- 3. Fee-in-Lieu. After including at least one (1) mitigation strategy listed above and/or submitting an approved energy model, applicants may pay a fee-in-lieu of compliance prior to building permit issuance equivalent to ten (10) cumulative years' worth of annual emissions exceeding the Performance Standard in accordance with the following formula:

$$\text{Fee In Lieu} = ((\text{Final Projected Emissions} - \text{Performance Standard}) \times 10 \text{ years}) \times \text{Social Cost of Carbon}$$

- a. An Electrical Grid Discount Factor, which accounts for anticipated changes to the electrical grid mix, is applied only to the Final Projected Emissions from electricity. It is determined based on the most recent available Xcel Energy Community Report and Xcel Energy's most recently adopted carbon emissions reduction goals. The current Electrical Grid Discount Factor is published in the Article 13 Technical Manual and updated as needed in accordance with [17.13.1.2](#).
- b. The Social Cost of Carbon is the estimated value of economic damages resulting from one (1) ton of GHG emissions, including increased risk of infrastructure and property damage due to natural disasters, and impacts on human health, agricultural productivity, and ecosystem health. This value is determined based on state and federal guidance and published in the Article 13 Technical Manual and updated as needed in accordance with [17.13.1.2](#). In no case shall the Social Cost of Carbon be less than seventy-six (76) dollars per metric ton of carbon dioxide emissions equivalence (CO₂e).
- c. Fees-in-lieu collected by the City shall be used solely to offset the cost to the City to provide the Climate Protection & Sustainability program, as described in [17.13.5](#), which will fund programs and projects within the City to reduce the community's overall GHG emissions, adapt to changing climate conditions, and support related workforce and technology innovations.

17.13.4: Construction & Demolition Waste Recycling

17.13.4.1: Purpose and Intent

The Construction & Demolition (C&D) Waste Recycling Supplemental Standards are intended to achieve reduction and/or recycling of debris generated by construction and demolition projects, thereby diverting debris from area landfills, reducing environmental impacts, and advancing the City's waste diversion goals. Additionally, these standards

support compliance with construction and demolition waste recycling requirements set forth in Title 14 of the Lakewood Municipal Code.

17.13.4.2: Applicability

The standards in this Section shall apply to demolition of all structures and any development project that must also comply with [17.13.2.](#) Upon six (6) months written notice posted on the City's website, the Director may expand applicability of [17.13.4:](#) to any project that is subject to the construction and demolition recycling standards set forth in Title 14 of the Lakewood Municipal Code.

17.13.4.3: Waste Management Plan Requirements

Prior to issuance of a building or demolition permit, the applicant shall submit and receive approval of a waste management plan, which shall contain, at a minimum, the following information:

- A. Designated project manager for the construction and demolition waste management plan.
- B. Acknowledgment of all Required Materials as defined in Article 14 to be donated, reused, or recycled as set forth in Title 14 of the Lakewood Municipal Code, and the identification of the specific Required Materials that will be generated by the project.
- C. Collection and disposal strategy for all Required Materials and landfilled waste including.
 - 1. The method of collection.
 - 2. Waste hauler(s).
 - 3. Selection of disposal, recycling, and/or reuse facilities.
- D. Compliance tracking and reporting strategy.

17.13.4.4: Performance Security Deposit

- A. For applicable projects, the applicant shall post a performance security deposit prior to issuance of a building or demolition permit in accordance with the following:
 - 1. **New construction, additions, and remodels.** One (1) dollar per square foot of interior building space, with a maximum performance security deposit of one hundred thousand (100,000) dollars.

2. **Demolition projects:** One (1) dollar per square foot for the area of disturbance as identified in the permit application, including any parking areas to be removed, with a maximum performance security deposit of one hundred thousand (100,000) dollars.
- B. The form of the performance security deposit shall be cash, check, or letter of credit and shall meet the requirements identified in Lakewood Municipal Code 14.13.080(A).

17.13.4.5: Performance Security Deposit Refund and Forfeiture

Any project required to submit a waste management plan or performance security deposit shall submit documentation of diversion compliance for final review within sixty (60) days of issuance of a certificate of completion (for demolition projects) or the last certificate of occupancy (for construction projects).

- A. Documentation shall demonstrate that the diversion requirements for the project have been satisfied and shall include the following:
1. A copy of the approved Comprehensive Waste Management Plan;
 2. Individual weight tickets from the vendor or facility that received each Required Material clearly listing the type of material that was recycled, reused, or landfilled and the actual volume or weight of that material;
 3. Weight tickets for all landfill disposal;
 4. Receipts from donation or sale of materials for reuse to a third party; and
 5. Narrative and photographic documentation of the applicant's reuse/salvage activities not accounted for with receipts or weight tickets.
- B. Upon receipt of the diversion documentation, the City will have sixty (60) days to confirm that the diversion requirements have been met and, if met, will release the applicant's performance security deposit or a portion thereof.
- C. The performance security deposit will be refunded according to the following schedule, based on how well the project met the diversion requirements identified in the waste management plan, and the completeness of the diversion documentation submitted:
1. Full compliance with documentation equates to one hundred percent (100%) refund of the performance security bond.
 2. Partial compliance with documentation equates to a prorated refund of the performance security bond based on the percentage of Required Materials documented and recovered through reuse or recycling as compared to the

number of Required Materials identified in the waste management plan. The City may also conduct on-site inspections to verify compliance and may prorate the refund based on the results of the inspection.

3. Non-compliance or incomplete documentation equates to no refund of the performance security bond.
- D. If an applicant fails to submit diversion documentation within the required sixty (60) day reporting period, the entire performance security deposit will be forfeited.
- E. Any fully or partially forfeited deposits shall be directed to the Climate Protection & Sustainability Program as described [17.13.5](#): to promote waste diversion, material recovery and reuse, and related projects and programs.

17.13.5: Climate Protection & Sustainability Program and Fund

17.13.5.1: Purpose and Intent

The Climate Protection & Sustainability Program (the “Program”) is intended to offset the impacts of development and climate change on the community. Using funds from the Climate Protection & Sustainability Fund herein established (Fund), the Program will engage in projects that reduce the community’s overall GHG emissions and build a climate resilient community through a lens of environmental justice and equity for our most underserved populations and historically marginalized communities.

17.13.5.2: Program and Fund Established; Authorizations

- A. The Program is hereby established for the purposes set forth in this Article.
- B. The Fund is hereby established to retain and expend fees-in-lieu collected through the EDM and GHGMP, and to hold performance security deposits related to the C&D waste recycling supplemental standards and expend monies forfeited pursuant to [17.13.4.5](#):
 1. Fund monies shall be tracked separately by their source and, except as expressly provided herein, shall be expended solely on programs and projects within the following “Program Areas”:
 - a. EDM fees-in-lieu: sustainable built environment.
 - b. GHGMP fees-in-lieu: emissions reduction and adaptation.
 - c. C&D deposits forfeited pursuant to [17.13.4.5](#): waste diversion, material recovery and reuse.

2. Fund monies from more than one (1) source may be expended on programs or projects that span multiple Program Areas.
3. Fund monies may also be used to support administration of the Program.

17.13.5.3: Administration

- A. Fund monies shall be appropriated annually through the City's budgeting process, solely to pay for programs and projects in accordance with [17.13.5:](#)
- B. The Program shall be administered by the Sustainability, Climate, and Zero Waste Division, with approval by the Director of Sustainability and Community Development.
- C. All funds deposited into the Climate Protection and Sustainability Program Fund, and any interest earned on said funds, shall not revert to the unrestricted fund balance of the City's General Fund at any time and shall only be used to further the goals of climate protection and sustainability.

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ARTICLE 14: DEFINITIONS AND INTERPRETATIONS

17.14.1: General Interpretations

As used in this Zoning Code, 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 "days" means calendar days.
- E. The words "shall" and "must" are mandatory. The words "should" and "encouraged" are advisory.
- F. The masculine shall include the feminine.
- G. Where not defined herein, the words used in this Zoning Code shall have the common and customary meaning.

17.14.2: Definitions

As used in this Zoning Code, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivations shall have the following meanings:

Accessory Dwelling Unit: See Dwelling Unit, Detached Accessory

Accessory Structure: See Structure, Accessory.

Accessory Use: See Use, Accessory.

Advertise: To announce or promote a product, service, etc. in some public medium of communication in order to induce people to buy or use it.

Adult Business: See Chapter 5.47 of the Lakewood Municipal Code.

Affordable Housing: Housing for which, pursuant to a recorded deed restriction in place for not less than 20 years, the occupants cannot be required to pay more than 30 percent of their gross monthly household income in rent/mortgage and utilities, and includes rental housing where the occupant earns below 60 percent of Area Median

Income or ownership housing where the occupant earns below 100 percent of Area Median Income.

Adjacent Property: A property that meets or touches the subject property at some point or line.

Alteration: A physical change in a structure including an expansion or change in use.

Alteration Certificate: An authorization from the Historic Preservation Commission to alter or demolish a historic property or archaeological site, or to construct a new building or structure in a historic district consistent with specified criteria.

Amateur Radio Towers and Antennae: Broadcasting and receiving structures or devices used for personal pleasure or as a hobby.

Animal Care: Any facility where animals may be groomed, treated, trained, exercised, boarded or socialized.

Animal, Large: Domestic animals limited to livestock, emus, and ostriches.

Animal, Small: Domestic animals include but are not limited to rabbits, chinchillas, chickens, ducks, geese, turkeys, pigeons, and dwarf goats.

Awning: An architectural projection permanently affixed to a building that uses canvas or other material stretched on a frame to keep the sun or rain off a storefront, window, doorway, deck or building wall. An Awning is not a Canopy.

Bar: A commercial establishment offering on-site consumption of alcoholic beverages for sale by the unit or drink and may include on-site accessory production of alcohol.

Baseline Projected Emissions: The projected annual greenhouse gas emissions for the size and type of development assuming no mitigation efforts are made, based on the latest available data and methods published in the Article 13 Technical Manual.

Bed and Breakfast: A single-family dwelling unit where short-term lodging is provided through the rental of individual rooms to the general public, with common dining and cooking facilities.

Beehive: A structure designed to contain one colony of honeybees.

Berm: A raised earthen mound used to provide visual interest, screen undesirable views, reduce noise, or fulfill other such purposes.

Block: A tract of land bounded by platted streets, public parks, cemeteries, railroad right-of-way, shorelines, or corporate boundaries of a city.

Build-to-Zone: The percentage of lot width that must contain a building or portion of a building located between the minimum and maximum setbacks. Plaza and outdoor patio areas that comply with 17.7.5.2.B may be used to satisfy the build-to-zone requirement.

Building: Any structure having a roof supported by columns or walls and used or intended for supporting or sheltering any use or occupancy.

Building, Historic: A building individually listed on the Lakewood Historic Register through the procedural requirements of this Zoning Code.

Building Code: The building code, as adopted and amended from time to time by the City of Lakewood.

Building Footprint: The outline of the total horizontal area that is covered by a building's perimeter at the ground level.

Building Frontage: The length of the front façade of a building facing a private street, public street, or sidewalk.

Building, Nonconforming: Any building that was legally established prior to the effective date of this Zoning Code, or any subsequent amendment, that fails to conform to the present requirements of this Zoning Code.

Caliper: The diameter of a tree trunk measured four (4) feet above the ground.

Canopy: A structure or architectural projection of rigid construction that *does not* use canvas or other material stretched on a frame to keep the sun or rain off a storefront, window, doorway, deck or building wall. A Canopy is not an Awning.

Carport: A structure, open on a minimum of two (2) sides designed or used to shelter vehicles.

Car Wash: Any building, premises or portions thereof used for the washing, polishing or detailing of automobiles and other light motor vehicles.

Cemetery: A place for interning the dead.

Center, Convention or Exposition: A facility designed to accommodate five hundred (500) or more individuals and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.

Center, Multi-tenant: Two (2) or more businesses in one (1) or more buildings on a lot.

Certificate Of Occupancy: An official certificate issued by the City through the Building Official which indicates conformance with, or approved conditional waiver from, the

zoning regulations and other applicable regulations, and authorizes legal use of the premises for which it is issued.

Clubs, Lodge, Service Organizations: A meeting, recreational, or social facility of a private or nonprofit organization primarily for use by members or guests.

Commercial Speech: Speech that proposes a commercial transaction, includes a commercial name, or includes a commercial logo.

Common Area/Commonly Owned Land: Land, or land and improvements, held in common ownership by a group of people who individually own dwellings or businesses within the same development and are responsible for the upkeep and maintenance of the commonly owned land and/or improvements.

Common Facilities: Land, facilities, or improvements such as open space, a clubhouse, tennis court, swimming pool, roads, driveways, or parking areas which are located within a development and in which the owners of the development have an undivided interest and/or a common responsibility for maintenance and repair.

Community Building: A building used for educational, governmental, or non-profit recreational purposes. A community building may include, but is not limited to, libraries, museums, police stations, fire stations, city offices, and post offices.

Community Garden: An area of land, either private or public, used for the cultivation of fruits, flowers, vegetables, or plants by more than one (1) person or family.

Community Service Facility: A building or campus used by a government, non-profit organization, or non-commercial institution that offers a collective public or social benefit by providing free goods, services, support, or assistance to and for vulnerable populations. Services and goods offered by the organization may include, but are not limited to, assistance with food, housing, childcare or health care insecurities, job and skills training, alcohol or drug abuse services, mental health care, consumer and credit counseling, and the collection and distribution of clothing, shoes, personal care, and hygienic items. Facilities may also include offices, donation drop-off, sorting, food preparation, classrooms, and athletic facilities. This definition shall not include any college or university use.

Composting: The managed, aerobic (oxygen-required) biological decomposition of organic materials by microorganisms. Organic (carbon-based) materials include grass clippings, leaves, yard and tree trimmings, and food scraps. The end product is compost, a biologically stable soil amendment that can be used to build soil health and provide nutrients to plants (US EPA). Composting is a form of organics recycling.

Comprehensive Plan: The Lakewood Comprehensive Plan, as adopted by the Planning Commission and approved by the Lakewood City Council, including all amendments thereto.

Construction Trailer: A mobile home, travel trailer, or other temporary structure used as an office in conjunction with a construction project.

Containment Area: The portion of a property that is fenced and used to contain or keep domestic livestock.

Contractor Shop: A commercial business intended to provide indoor storage and maintenance or repair of a contractor's vehicles, equipment, and/or materials, and may include the contractor's business office.

Contributing Property: A classification applied to an individual property within a designated historic district, signifying that the property contributes generally to the distinctive character of the district.

Correctional Institution: A building or group of buildings in which persons are confined for an indeterminate period of time while awaiting or on trial for an offense, or while serving a sentence for punishment of a crime.

Crematorium: A commercial establishment for the burning of corpses, human or animal, to ashes. Crematoriums do not include establishments where incinerators are used to dispose of toxic or hazardous materials, infectious materials, or narcotics.

DarkSky International: A global non-profit organization that provides leadership, tools, and resources in order to reduce light pollution and promote responsible outdoor lighting.

Day Care Facility: A facility licensed by the State of Colorado providing care for children under the age of sixteen (16) or the elderly and/or functionally impaired adults in a protective setting for a portion of a twenty-four (24) hour day.

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.

Decorative Lighting Display: Holiday or other light displays that do not display a commercial message.

Deconstruction: A method of demolition. Specifically, the process of methodically disassembling a building or structure in the reverse order from how it was built for the purpose of reusing materials on site, donating materials to a non-profit organization, or recycling waste materials at appropriate recycling facilities. Deconstruction can refer to completely removing a structure or partially removing a portion of a structure or interior or exterior finishes.

Demolition: The destruction or removal, in whole or in part, of a building or structure. In the context of a historic property, demolition means the destruction or removal, in whole or in part, of a building or structure that is a historic landmark.

Density: The number of dwelling units per acre of total lot area.

Department: Sustainability and Community Development Department for the City of Lakewood.

Designation, Historic: The formal recognition of a historic building, structure, site, object, or district that is listed as a landmark on the Lakewood Historic Register through the provisions of this Zoning Code.

Detention Area: An area which is designed to capture stormwater and to gradually release it to reduce or avert flooding.

Development: All activities involving earth disturbance and requiring a building or grading permit; the placement, construction, erection, reconstruction, movement, and alteration of structures or buildings; construction of roads, driveways, and parking areas; placement of paved areas; construction of drainage improvements or alterations of the historic flow of drainage patterns and amounts; installation of utilities; division of a parcel of land into two (2) or more parcels where the division is subject to subdivision regulations; any mining or excavation; and any use or extension of any use of land.

Digital Display Sign: See Sign, Digital Display.

Director: The Chief of Sustainability and Community Development, or that person's designee, or other official authorized by the City Manager to enforce and interpret this Zoning Code.

District, Historic: A geographically defined area possessing a significant concentration of sites, buildings, structures, and/or objects united by past events or physical development of any building, site, structure, or improvement and its surrounding environments, or a group of sites, structures, or improvements, or both, and their surrounding environs, that has been listed on the Lakewood Historic Register through the procedural requirements of this Zoning Code.

DLC (DesignLights Consortium): An independent non-profit organization that provides decision makers with data and resources on quality lighting, controls, and integrated building systems to reduce energy, carbon, and light pollution.

Drive-Through: An establishment that sells products or provides services to occupants in vehicles, including drive-in or drive-up windows and drive-through services.

Driveway: A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling, Residential: A building, with a permanent foundation, used for housing. This includes permanent and temporary housing arrangements, including but not limited to, single family homes, duplexes, triplexes, fourplexes, attached homes, multi-family

buildings, group housing, emergency shelters, etc. This use does not include uses defined as hotels or motels.

Dwelling Unit, Accessory: A detached residential building that is permitted with limitations in conjunction with a principal permitted use.

Dwelling Unit, Temporary: A potentially movable residential dwelling without a permanent foundation. This definition includes, but is not limited to, manufactured homes, pallet homes, and tiny homes.

Easement: A non-possessory interest in real property generally established in a real estate document or on a recorded plat to reserve, convey, or dedicate the use of land for a specialized or limited purpose without the transfer of fee title. Such specified uses may include, but are not limited to, transportation facilities, utilities, access, storm water drainage, signage, pedestrian uses, and solar exposure.

Electric Vehicle Related Definitions:

Direct Current Fast Charger (DCFC) EVSE: Equipment capable of fast charging on a 100A or higher 480VAC three-phase branch circuit. AC power is converted into a controlled DC voltage and current within the EVSE that will then directly charge the electric vehicle.

Electric Vehicle (EV): An automotive-type vehicle for on-road use, including but not limited to, passenger automobiles, buses, trucks, vans, neighborhood electric vehicles, and electric motorcycles, primarily powered by an electric motor that draws current from a building electrical service, EVSE, a rechargeable storage battery, a fuel cell, a photovoltaic array, or another source of electric current. Off-road, self-propelled electric mobile equipment, including but not limited to, industrial trucks, hoists, lifts, transports, golf carts, airline ground support equipment, tractors, and boats are not considered electric vehicles.

Electric Vehicle Supply Equipment (EVSE): An electric vehicle charging system or device that is used to provide electricity to a plug-in electric vehicle or plug-in hybrid electric vehicle, is designed to ensure that a safe connection has been made between the electrical grid and the vehicle, and is able to communicate with the vehicle's control system so that electricity flows at an appropriate voltage and current level.

Electric Vehicle Supply Infrastructure (EVS): All equipment necessary to provide electrical current charging for EVs, except for the EVSE. This may include power conversion equipment, electrical distribution equipment such as transformers and switchgear boxes, and other supportive equipment.

Electric Vehicle Supply Equipment Installed Space (EVSE Installed Space): A vehicle parking space that is provided with a dedicated EVSE connection.

Level 1 Charging: Slow charging providing about 1-2kW of power per hour and uses a 120V outlet.

Level 2 Charging: Mid-speed charging providing about 7-19kW of power per hour and uses a 240V outlet.

Emergency Medical Facility: An establishment having as its sole purpose the provision of emergency health care and emergency medical treatment for human ailments on an out-patient basis, which does not include ambulance service facilities.

Emissions Reduction Factor: The value applied to residential and non-residential emissions from the City's latest greenhouse gas inventory to reduce annual citywide greenhouse gas emissions needed to meet the City's Science-Based Target or future climate commitments as adopted by City Council. The current climate commitment and Emissions Reduction Factor are published in the Article 13 Technical Manual.

Employee: Any person who does any type of work for the benefit of another in consideration of direct or indirect wages or profit or provides uncompensated work of services to a business or nonprofit entity. "Employee" includes every person described in this paragraph, regardless of whether such person is referred to as an employee, contractor, independent contractor, or volunteer or by any other designation or title.

Entertainment Facility:

Indoor: A commercial establishment offering recreational and entertainment activities including, but not limited to, bowling alleys, nightclubs, theatres, video games, coin-operated amusement or entertainment devices, or other games of skill or scoring within an enclosed structure. An indoor entertainment facility may include customary accessory uses such as the sale of food and beverages.

Outdoor: Land and facilities designed to be used by members of the public, for a fee, that contain outdoor amusement facilities such as miniature golf courses, racetracks and outdoor amusement parks and theatres in which some part of the recreational activity takes place outside of an enclosed structure.

Energy Model: A method of calculating projected energy use of a building based on the proposed building design and equipment specifications. Such modeling shall conform to the International Energy Conservation Code (IECC) or the American Society of Heating and Air-Conditioning Engineers (ASHRAE) standards or similar as approved by the Director. For low-form residential buildings, a Home Energy Rating System (HERS) report that includes projected energy use can be considered an energy model.

Façade: Any exterior face of a building.

Fence: A free-standing structure made of metal, masonry, composition, wood, a free-standing wall or any combination thereof, which may be resting on or may be partially

buried in the ground and rising above ground level. It is generally used for confinement, screening, partition or ornamental purposes.

Fence, Nonconforming: Any fence that was legally established prior to the effective date of this Zoning Code, or any subsequent amendment, that fails to conform to the present requirements of this Zoning Code.

Fence, Open: A fence, including gates, where each one (1)-foot-wide segment for the full length and height of the fence contains at least fifty (50) percent open space which affords a direct view through the fence.

Fence, Solid: A fence, including gates, which does not provide for open space along its length or height and conceals the activity conducted behind it from view from adjoining properties, public or private streets, or alleyways. An example includes, but is not limited to, a solid cedar fence.

Fitness or Athletic Facility: A private business providing aerobics, exercise classes, weightlifting, and swimming, and which may include onsite spa services and limited food and beverage sales.

Flag: Any fabric, banner or bunting containing distinctive colors, patterns or symbols, and does not contain a commercial message, that is attached to a pole intended to be permanently affixed to the ground or attached to a building.

Floor Area, Gross (GFA): The area within the exterior façade of a building, including all covered and enclosed space on all floor levels of a building, halls, corridors, lobbies, mezzanines, display areas, stairways, elevator shafts, escalators, utility cores, air conditioning and heating areas, and common facilities for use of all tenants, except that gross floor area shall not include any open exterior plazas which are eligible for inclusion in covered open space, partially enclosed crosswalks, ramps, bridges, or other such buildings or structures intended for pedestrian use, loading areas, underground truck roads and service facilities. Where specified, GFA may be measured utilizing different methods for different purposes throughout this Zoning Code.

Freestanding Work of Art: See Work of Art, Freestanding.

Frontage: Frontage is that side of a lot abutting on a public or private right-of-way, or tract designated for access to the subject lot. Primary frontage is the right-of-way from which the access to the lot is taken and the address of the lot is assigned.

Front Yard: See Yard, Front.

Fueling Station: See Motor Vehicle Service.

Garage: A building or portion of a building designed to accommodate the storage or parking of vehicles.

Garage Sales: A sale of personal belongings or household effects held outside at a person's home in a residential zone or in parking lots of a commercial zone.

Greenhouse Gas (GHG Emissions or GHG): The release of gases into the atmosphere that trap heat, contributing to the greenhouse effect and global warming. These gases, including carbon dioxide, methane, and nitrous oxide, are primarily caused by human activities like burning fossil fuels and industrial processes.

Golf Course: A large tract of land developed for the game of golf which may include a clubhouse containing locker rooms, food and beverage services, and retail sale of clothing and sporting goods associated with golf.

Grade: The finished surface of ground abutting a building or other structure.

Gross Floor Area: See Floor Area, Gross.

Ground Cover: Any of a wide variety of living plants which lie close to and cover the ground to form a dense mat, preventing soil from being blown or washed away, and intended to prevent growth of unwanted plants.

Habitable Space: Space in a building for living, sleeping, eating, or cooking. Bathrooms, closets, halls, storage space and other similar areas are not considered habitable space.

Historic Context Statement: A statement or report that focuses specifically on historic, cultural, or social themes and patterns that shaped the built environment including themes such as exploration, settlement, education, transportation, and commerce and trade.

Historic Preservation: The protection, rehabilitation, restoration, and/or reconstruction of districts, sites, buildings, structures, and objects significant within the City of Lakewood or that has national or state influence in history, architecture, archaeology, geography, engineering, or culture.

Home Business: Any occupation of a service character which is clearly accessory to the main use of the premises as a dwelling unit, and which does not change the residential character.

Major: The commercial activity exceeds twenty-five (25) percent but is not greater than fifty (50) percent of the combined square footage of the dwelling unit, garage, and accessory structures.

Minor: The commercial activity does not exceed twenty-five (25) of the combined square footage of the dwelling unit, garage, and accessory structures.

Horticulture: The cultivation of fruits, flowers, vegetables or plants and may include on-site sales.

Hospital: An institution licensed by the state department of health, providing health services and medical or surgical care to persons. Provided services are generally on an inpatient basis, but associated care and related services may include diagnostic and laboratory services on an outpatient basis. Staff offices and central services facilities are integral parts of the facility.

Hotel: A building designed and used as sleeping accommodation for usually transient occupancy for compensation, with access to the rooms available through a lobby. A hotel also may provide additional services such as restaurants, meeting rooms, and recreational facilities.

Ideological Sign: See Sign, Ideological.

Illuminated Sign: See Sign, Illuminated.

Individual Letter Sign: See Sign, Individual Letter.

Inventory, Historic: The listing of buildings, objects, sites, and structures within the City, which contribute to the overall historic, architectural, or archaeological character and heritage of an area, district, or the heritage of the City of Lakewood, including a list of historic properties and archaeological sites determined to meet specific criteria of significance.

Joint Identification Sign: See Sign, Joint Identification.

Junkyard: Any establishment or place of business which is maintained, operated or used for storing, keeping, buying or selling junk, including scrap metal processors, auto-wrecking yards, salvage and scrap yards, and the storage of automobile bodies or parts awaiting disposal as a normal part of a business operation when the business has such materials located on the premises on a customary basis.

Lakewood Historic Register: A listing of all historic landmarks, including historic buildings, historic structures, historic objects, historic sites, and historic districts, which have received historic designation under the provisions of this Zoning Code.

Landmark, Historic: Any historic building, historic structure, historic object, historic site, or historic district which has received historic designation and has been listed on the Lakewood Historic Register under the provisions of this Zoning Code.

LEED (Leadership in Energy and Environmental Design): A globally recognized green building rating system and certification program administered by the U.S. Green Building Council (USGBC) that offers a framework for healthy, efficient, and cost-effective green buildings, providing environmental and social benefits.

Limited Use: See Use, Limited.

License Agreement: An instrument by which the City of Lakewood can permit private encroachments onto City-owned land, easements, or rights-of-way. The license agreement generally establishes the identified parties, the nature of the improvements, and the responsibilities for maintenance and liability.

Livestock: Domestic animals limited to horses, cattle, goats, llamas, alpaca, and sheep.

Lot: An area of land to be built upon or developed that has been created by one of the following:

1. Within a legal subdivision;
2. By a valid and recorded instrument of conveyance effective prior to subdivision requirements adopted on January 22, 1975;
3. Prior to annexation to the City of Lakewood; or
4. As otherwise permitted by law.

Lot Area, Open: The total horizontal area of a lot not covered by a dwelling unit or garage exclusive of accessory structures.

Lot, Corner: A lot, where at least two (2) adjacent sides abut for the full length upon a public right-of-way other than an alley, and at least one (1) side of which abuts either another property or a third public right-of-way.

Lot Coverage: Determined by dividing that area of a lot which is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, and parking and drives, by the gross area of that lot.

Lot Depth: The average distance between the front and rear lot lines or between the front line and the intersection of the two side lines, if there is no rear line (See [Figure 79](#)).

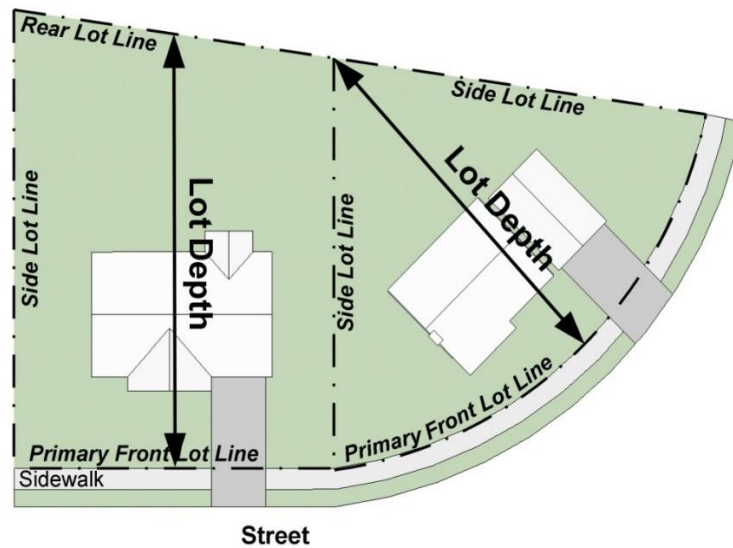


Figure 79: Lot Depth Measurement; 17.14.2

Lot Frontage: The portion of the lot contiguous to a public right-of-way or private street or tract created for access to the subject lot.

Lot, Illegal: A lot which did not comply with the provisions of the law or regulations in effect at the time it was created.

Lot, Interior: A lot abutting only one (1) street, and generally having at least two (2) sides abutting adjacent properties, and a rear lot line.

Lot Line, Front: Any lot line which abuts a public right-of-way, private right-of-way, or tract designated for access. For single family and duplex uses front lot lines may be either primary front lot lines or non-primary front lot lines.

Non-Primary Front Lot Line: A front lot line which is not the primary front lot line.

Primary Front Lot Line: The front lot line closest to that face of the primary, principal, or main 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.

Lot Line, Rear: Any lot line which is not a front or side lot line.

Lot Line, Side: Any lot line that intersects a front lot line.

Lot, Minimum Size: The minimum square footage that a lot is required to have under the zoning, as described in Article 5, in order to meet the requirements for issuance of a building permit. The area of the lot extension for flag lots is not included into the area of the lot.

Lot Size: The area contained within the legal boundaries of a lot including any easements which restrict surface use of the property. The area of the lot extension for flag lots is not computed into the area of the lot.

Lot Width: The horizontal distance between side lot lines measured along the shortest straight line that is generally parallel to the front lot line and located at the minimum front setback distance. For corner lots or irregular lots, the Director shall determine the lot width. (See [Figure 80](#)).

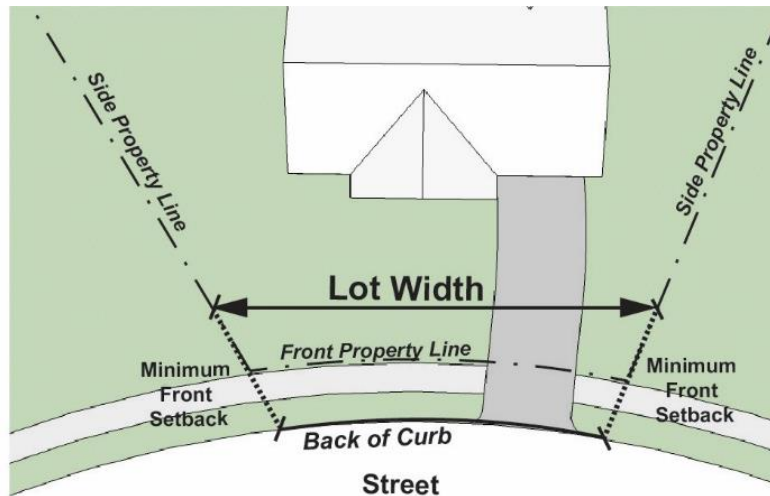


Figure 80: Lot Width; 17.14.2

Lot, Zoning: A zoning lot is a parcel of land comprising more than one (1) lot of record located within a single block. A zoning lot must be designated by its owner or owners as a parcel of land to be used, developed, or built upon as a single development site.

Low-Carbon Pavement: Concrete or other paving products that are produced with a lower carbon footprint than traditional concrete through methods such as using a fuel source that generates less emissions, replacing some of the cement content with mineral compounds, and installing carbon capture and storage technologies.

Manufacturing:

Light: The manufacture of products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental sales and distribution of such products, provided all manufacturing activities are contained entirely within a building. The building must be indistinguishable from a retail or office building in terms of exterior appearance, truck or delivery traffic, and the potential to produce noise, dust, odor, smoke, heat, glare, or vibrations.

Heavy: The manufacture assembly, fabrication, packaging, or other industrial processing of products or parts primarily from extracted or raw materials or the bulk

storage and handling of such products and materials, or an industrial establishment producing significant truck traffic or having potential to produce noise, dust, odor, smoke, heat, glare, or vibration beyond its property line.

Mechanical Equipment: Equipment or extensions thereof used to operate mechanical facilities within a building, including air vents and air heating/cooling/conditioning units.

Medical Marijuana Business: A business operated by a Primary Care-giver on any property or in any structure within the City of Lakewood for the purpose of cultivating, processing, preparing, distributing, transmitting, dispensing, or otherwise providing marijuana in any manner or form to patients in accordance with Amendment 20 to the Colorado Constitution and the implementing state statutes and administrative regulations.

Minimum Lot Size: See Lot, Minimum Size.

Mini-Warehouse/Storage: Enclosed warehouse units which are rented or leased to second parties for storage purposes, and which have no outside storage.

Mixed Use: The term “mixed-use” is commonly used in zoning to describe districts where more than one use is allowed. This is different from historical zoning practices that segregated the uses, e.g. residential zones contained only domiciles which were in turn not allowed in commercial or industrial zones. Modern zoning practices have sought to find ways to blend the uses to provide benefits such as walkability, live-work, and flexibility to accommodate neighborhood amenities. To accomplish those goals, “Mixed Use” zones have been created to allow a variety of uses. The purpose of these districts is to allow for – *but not require* – development of more than one (1) use. There are exceptions where individual parcels are required to have more than one (1) use based on location or size. See 17.5.3 for the specific requirements of those types of parcels.

Monument Sign: See Sign, Monument.

Mortuary: A commercial establishment where human corpses are prepared for burial or cremation, and ceremonies are held in connection with burial or cremation of the dead.

Motel: A building designed and generally used as sleeping accommodations for transient occupancy offered to the public for compensation, and where access to and from each room or unit is through an exterior door.

Motor Vehicle Rental: A retail establishment where vehicles are rented to the general public for a specific period of time.

Motor Vehicle Sales:

With indoor display and storage: A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities

for body work, painting, restoration, and retail sales of parts and in which all display and storage of available vehicles takes place within an enclosed structure.

With outdoor display and storage: A retail establishment where vehicles are sold to the general public, which may include office space, vehicle repair facilities, facilities for body work, painting, restoration, retail sales of parts, and in which some or all of the available vehicles are displayed or stored on parking lots or other outdoor areas.

Motor Vehicle Service:

Car Wash: A facility for the washing, waxing, vacuuming, and interior steam cleaning of motor vehicles, not including commercial fleets, heavy trucks, and buses.

Fueling Station – Petroleum: A retail establishment at which vehicles are fueled as a primary use. Ancillary maintenance services are allowed as defined in motor vehicle service, minor repair. A fueling station does not include any facility meeting the definition of a major repair facility below. Fuel types may include a mix of petroleum and non-petroleum fuels.

Fueling Station – Non-Petroleum: A retail establishment at which non-petroleum vehicles can be charged or filled as a primary use. Fuel types may include electricity, hydrogen, or other non-petroleum-based sources, but does not include any petroleum-based fuels. Ancillary maintenance services are allowed as defined in motor vehicle service, minor repair. A fueling station does not include any facility meeting the definition of a major repair facility below. A fueling station does not include electric vehicle supply equipment (EVSE) that is accessory to a different primary use, for example, EVSE installed to support a retail or multifamily development.

Major Repair: General repair or reconditioning of engines, air-conditioning systems, and transmissions for automobiles and commercial vehicles, wrecker/tow service; collision services including body, frame or fender straightening or repair, customizing, painting; undercoating and rust proofing; and including those uses listed under minor auto repair or any other similar use.

Minor Repair: Minor repair or replacement of parts, tires, tubes, and batteries; diagnostic services; minor motor services such as changing grease, oil, spark plug, and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses, brake parts; performing state inspections and making minor repairs necessary to pass inspection; normal servicing of air conditioning systems; and other such similar minor services for automobiles, but not including any operations or uses listed under major auto repair or any other similar use.

Multimodal Transportation: Refers to the integration of various modes of transportation, including walking, biking, bus, light rail, and automobiles, within a city or

region to provide efficient, sustainable, and accessible options for residents and commuters.

Neighborhood Organization: An organization which is registered on an annual basis with the Department for the purpose of land development application notification.

Noncommercial Speech: Speech that does not meet the definition of Commercial Speech.

Nonconforming Building or Structure: See Building or Structure, Nonconforming.

Nonconforming Fence: See Fence, Nonconforming.

Nonconforming Sign: See Sign, Nonconforming.

Nonconforming Use: See Use, Nonconforming.

Noncontributing: A classification applied to an individual building, structure, or object located within a designated historic district, signifying that the building, structure, or object does not contribute to the distinctive character of the district.

Non-primary Front Yard: See Yard, Non-primary Front.

Object, Historic: Those items other than buildings, structures, or sites that have functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment, and that has been listed on the Lakewood Historic Register through the procedural requirements of this Zoning Code. Examples of historic objects may include, but are not limited to sculpture, monuments, statuary, fountains, and vehicles.

Office: A building or portion of a building used for conducting the administration and management of a business, profession, service, enterprise, or government. An office includes, but is not limited to, financial institutions, medical and dental offices, outpatient clinics, laboratories, and communication centers.

Off-Premises Sign: See Sign, Off-Premises.

Off-site: Located outside the boundaries of the subject property.

Open Lot Area: See Lot Area, Open.

Open Space: Areas on a lot, or combination of lots, that are designed and intended for the use and enjoyment of residents and or the use and enjoyment of the public in general, and that are not occupied by primary or accessory structures, automobile parking spaces, parking aisles, or driveways. Open space may include walkways, pedestrian paths, plazas, natural and landscaped areas, playgrounds, improved roof

tops, detention that is integrated into landscaped areas, and other similar amenities designed specifically for active or passive use.

Ordinary Maintenance: In the context of work done on a historic property, means any work that does not constitute a change in design, material, or outward appearance, and includes in-kind replacement or repair, as determined by the Director.

Ordinary Repairs: In the context of work done on a historic property, means routine work done on a building, structure, site, or object to prevent it from deterioration or to replace any part thereof in order to correct any deterioration, decay of, or damage to a building, structure, site, or object on any part thereof in order to restore to same as nearly as practicable to its condition prior to such deterioration, decay, or damage, as determined by the Director.

Parcel: Any part or portion of land.

Park: A public area of land intended for indoor or outdoor active or passive recreational uses and all ancillary uses, or for open space.

Parking Lot: A site or a portion of a site, devoted to the off-street parking of vehicles, including parking spaces, aisles, access drives, and landscaped areas, and areas providing vehicular access to a public street.

Parking, Shared: A common parking area, or a series of interconnected parking areas, which are utilized by two (2) or more buildings, and where any owner, occupant, patron, customer, employee, or other person utilizing any of the buildings served has the right to park a motor vehicle within any of the parking areas.

Parking Structure: A building or structure, consisting of one (1) or more levels or floors used as a common or shared facility for the parking or storage of vehicles. A parking structure may be below grade or either partially or totally above grade with those levels or floors being either open or enclosed.

Parking, Stand-Alone Surface: A parking lot located on a lot as a primary use.

Parking Structure, Stand-Alone: A parking structure located on a lot as a primary use.

Patio: See Deck.

Pawnbroker: See Chapter 5.24 of the Lakewood Municipal Code.

Permitted Use: See Use, Permitted.

Personal Services: An establishment engaged in providing individual services generally related to personal needs such as beauty and barber shops, spa services, shoe repair, nail salons, dry cleaning drop-off facilities, and tailor shops. These uses may also include accessory retail sales of products related to the services provided.

Plant Nursery: The retail handling of any article, substance, or commodity related to the planting, maintenance, or harvesting of garden plants, shrubs, packaged fertilizers, soils, chemicals, or other nursery goods and related products in small quantities to the consumer and having outdoor storage. A plant nursery does not include a retail store where these activities are a minor part of the business.

Plaza: An improved open space area provided for the users of the site, which includes landscaping, benches, and other site amenities.

Porch: A roofed structure attached to a building and opened on three (3) sides except for wire screening.

Poultry and Fowl: Domesticated birds, especially those valued for their meat or eggs, as chickens, turkeys, ducks, geese, and guinea fowl.

Primary Front Yard: See Yard, Primary Front.

Principal Use: See Use, Principal.

Prohibited Use: See Use, Prohibited.

Projecting Sign: See Sign, Projecting.

Property, Historic: A site, building, structure, or object which is designated individually or as a group as a historic landmark on the Lakewood Historic Register through the procedural requirements of this Zoning Code.

Property Lines: The boundaries of a tract of land established either by a recorded subdivision plat or by a written recorded conveyance prior to January 22, 1975. Lot and parcel lines are included.

Property Owner: A person or persons holding legal fee title to a parcel of property; includes landowner.

Public Hearing, Quasi-Judicial: A quasi-judicial decision making process is required when a governmental decision is likely to adversely affect protected interests through the application of preexisting legal standards or policy considerations as applied to present or past facts. A quasi-judicial public hearing includes rules established to protect the due process rights of the applicant/property owner including, but not limited to, providing the applicant with a full opportunity to be heard on the subject. Additionally, limitations are placed upon the decision maker to assure that their decision is based on evidence presented during the hearing and not on information received through ex parte communications. All quasi-judicial hearings shall be conducted in accordance with established procedures for quasi-judicial hearings.

Public Hearing, Legislative: Public hearings in association with legislative acts, such as code updates or other actions that are not specifically in response to an individual's

personal property rights, are commonly referred to as legislative public hearings. Generally, the goal of a legislative public hearing is to provide an opportunity for anyone who is interested in a topic to give voice to their thoughts to the entity responsible for deciding the matter. All legislative hearings shall be conducted in accordance with established procedures for legislative public hearings.

Radio Antenna, Amateur: A noncommercial device that is used for transmitting and receiving electro-magnetic waves.

Radio Tower, Amateur: A structure that supports an antenna.

Rear Yard: See Yard, Rear.

Reclaimed: Salvaged materials or products otherwise destined to become waste or a less valuable product or material.

Reconstruction: The act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

Recycling: The process of collecting and processing waste materials and turning them into raw materials for manufacturing or industrial processes or new products.

Recycled: Products or materials containing a significant percentage of post-consumer recycled content instead of being made from one hundred (100) percent new, unprocessed raw materials.

Rehabilitation: The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, archaeological, and cultural values.

Religious Institution: A place of worship or religious assembly with related facilities including, but not limited to, a rectory, convent, meeting hall, offices for administration of the institution, licensed child or adult day care, temporary shelters for the homeless, playground and cemetery. This use does not include a school associated with the religious institution, which is included in "School, Public or Private," "School, Vocational or Trade," or "University/College."

Renewable Energy Systems and Design: On-site systems and/or design features that reduce a building's operational energy use from natural gas and grid electricity through the use of renewable energy sources. Examples include solar thermal, geothermal, biomass systems, and passive solar design. For the purposes of Section 17.13.2: Enhanced Development Menu, on-site solar photovoltaic and wind energy installations are excluded from this definition.

Rental, Sales and Leasing of Large Items: A retail establishment that rents, services or repairs machinery or tools, such as air compressors, chain saws, concrete mixers, ladders, scaffolding, power tools, trailers, bobcats, welders, etc. It does not include the rental, sales or leasing of motor vehicles.

Residential Zone: Any property with an “R” zoning designation (R-L-A, R-L-B, R-L-C, R-M, or R-MH).

Restaurant: A commercial establishment where meals are prepared and served to the public, which may or may not include seating facilities, a bar or lounge, or accessory on-site food or alcohol production.

Restoration: The process or product of returning, as nearly as possible, an existing site, building, structure, or object to its condition at a particular time in its history, using the same construction materials and methods as the original, where possible, and may include removing later additions, making hidden repairs, and replacing missing period work.

Retail: A place of business devoted in whole or in part to the sale, rental, or servicing of goods or commodities which are normally delivered or provided on the premises to the consumer.

Retaining Wall: A structure composed of concrete, block, rock or wood designed to act as a support barrier between a drop or rise in the grade of the land on either side of the structure.

Reuse: The use of a product or material again for the same purpose in its original form or with little enhancement or change.

Roadside Stands: The placement of a structure for the sale of farm products produced or made on the premises.

Sales Trailer: A trailer, mobile home, or other temporary structure used as a sales office in conjunction with a project where buildings or property are being sold.

Satellite Dish Antenna: A parabolic antenna intended to receive signals from orbiting satellites and other sources. Non-commercial dish antennas are defined as being less than four (4) meters in diameter, while commercial dish antennas are usually those larger than four (4) meters and typically used by broadcasting stations.

School, Public or Private: An institution or place of instruction or education. For purposes of this Zoning Code, schools are classified by the type of instruction provided and by student grade level, and includes schools for the developmentally disabled.

K-12 School: A place of learning, whether public or private, which meets State standards for providing instruction for students in kindergarten and grades one (1) through twelve (12) which may include but is not limited to: classrooms, offices,

administrative buildings, athletic facilities and fields, cafeteria, bookstore, library, and auditorium.

Preschool: A place of learning, whether public or private, which provides direct education to children to enhance school experiences and opportunities for children in advance of or through K-12 education.

School, Vocational or Trade: A place of learning, providing instruction in specialized skills such as, but not limited to, drafting, computer technology, welding, carpentry, beauty and barber schooling, or auto repair to prepare students for a specific occupation.

Science-based Target: A greenhouse gas reduction goal that is aligned with the latest climate science to determine a community's fair share of emissions reductions needed to meet the Paris Climate Agreement's goal of limiting global warming to 1.5°C above pre-industrial levels. The City of Lakewood has a Science-Based Target (SBT) commitment to reduce communitywide GHG emissions by sixty point seven (60.7) percent below 2018 levels by 2030 and achieve net zero GHG emissions by 2050. Interpolating these SBTs to 2040 results in an interim target of reducing emissions by eighty point four (80.4) percent below 2018 levels.

Scoreboard: A sign in a ballpark, sports arena, or similar venue, that is typically associated with the display of information pertaining to athletic contests.

Screening: The method by which a view of one (1) site from another adjacent site is shielded, concealed or hidden. Screening techniques include fences, walls, hedges, berm, or other features.

Setback: The minimum distance a building or structure must be separated from a specified point.

Shared Parking: See Parking, Shared.

Sign Setback: The distance between the property line and the edge of a sign closest to the property line.

Sign Structure: A 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 sign face, containing the message conveyed by the sign.

Sign Without Backing: A sign without backing includes individual letters mounted on a building wall or raceway or panel where the letters protrude and are three-dimensional.

Sign, Abandoned: 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.

Sign, A-frame: A moveable ground sign constructed in such a manner as to form an “A” or tent-like shape, hinged or not hinged at the top.

Sign, Awning: A sign that is attached to, affixed to, or painted on an Awning or Canopy.

Sign, Banner Flag: A temporary sign generally constructed of lightweight plastic, fabric, or other similar material mounted to a pole designed to move or flutter in the wind.

Sign, Banner Pole: A non-permanent sign made from a fabric or vinyl material that is attached to a light pole.

Sign, Banner: Any sign hung either with or without frames, possessing characters, letters, illustrations, or ornamentations applied to paper, plastic, vinyl, or fabric of any kind.

Sign, Blade: A sign mounted on the building perpendicular with walkways and streets.

Sign, Bus Bench: A sign mounted on a bench adjacent to a bus stop.

Sign, Cabinet: A sign that contains all the text and/or logo symbols within a single enclosed cabinet and may or may not be illuminated.

Sign, Canopy: A sign that is attached to or affixed to a Canopy.

Sign, City: Signs located on any City-owned property not specifically addressed in Article 9.

Sign, Commercial Post: A sign that is used when a property is for sale or for lease within a non-residential zone district.

Sign, De Minimus Area: A sign is affixed to a building or structure that does not exceed one (1) square foot in sign area.

Sign, Directional: Any sign on private property that is installed and maintained for the purpose of directing the movement of pedestrians or vehicular traffic, with or without reference to the name of a product sold or service performed, to a property or building, structure, or business enterprise.

Sign, Electronic Message: A sign with a fixed display and fixed or changing text message composed of a series of lights that may be changed through electronic means.

Sign, Freestanding: Any non-movable sign not affixed to a building.

Sign, Home Business: A sign in a residential zone district where there is a use tax license for a home business.

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

Sign, Individual Letters: Letters or figures individually fashioned from metal or other materials and attached to the wall of a building or other surface.

Sign, Interior: A sign that is not visible from the public right-of-way or adjacent properties.

Sign, Major Tenant Identification Sign: Any wall sign located above the second floor of a building with three (3) or more floors.

Sign, Menu Board: See Sign, Freestanding.

Sign, Monument: A freestanding sign supported primarily by an internal structural framework or integrated into landscaping or other solid structural features other than support poles.

Sign, Neighborhood: A permanent freestanding sign used in a residential development that does not contain a commercial message.

Sign, Nonconforming: Any sign which was legally established prior to the effective date of this Zoning Code, but that does not conform to the present standards of this Zoning Code or any amendment thereto.

Sign, Off-Premises: A sign displaying advertising copy that pertains to a business, person, organization, activity, event, place, service, or product not principally located or primarily manufactured or sold on the premises on which the sign is located.

Sign, Painted Wall: A sign painted or applied on the side of a building that has no sign structure.

Sign, Pole: A sign which is affixed to, or mounted on a freestanding wood or metal pole, and anchored in the ground.

Sign, Portable: A sign, other than an A-frame sign, that is not permanently affixed to a structure or the ground.

Sign, Projecting: A sign attached to a face of a building, other than a Wall Sign, and extending outward including but not limited to Awning, Blade, and Canopy signs.

Sign, Public: A sign required or authorized for a public purpose by any law, statute, ordinance or authorized by the Director.

Sign, Residential Business: A sign in a residential zone district for a non-residential use that is allowed as a permitted, limited, or special use.

Sign, Residential Property Transition: A sign that is used when a property is for sale or for lease within a residential zone district.

Sign, Roof: Any sign that is on or above a roofline or extends above the parapet line.

Sign, Temporary: A sign intended for display for a short period of time.

Sign, Transit: Any sign located on a bench, site furnishing, or structure surrounding a bench at a bus stop.

Sign, Transit Shelter: A sign mounted on a shelter adjacent to a bus stop.

Sign, Wall: A sign attached to, painted on, or erected against a building, structure or fence and is constructed of durable materials such as wood, metal, or rigid plastic.

Sign, Wind: Any sign with a commercial message set in motion by wind or breeze, such as flags, pennants, or other objects or material.

Sign, Window: A sign which is applied to, or attached to, or located within one (1) foot of the interior of a window, which sign can be seen through the window from a public right-of-way.

Sign, Yard: A temporary portable sign designed or intended to be displayed for a short period of time on a property in a residential zone district.

Sign: Any structure, which requires a permanent or temporary location, that has a visual display visible from a public right-of-way and is designed to identify, announce, direct, or inform.

Signable Area: The area of a building façade, excluding doors and windows, where a sign may be mounted.

Significance, Historic: Generally, refers to the aesthetic, cultural, educational, or scientific importance of an archaeological, architectural, historical, or scenic heritage resource.

Site, Historic: A specific location or place of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structures or improvements located upon it, and that has been listed as a historic landmark on the Lakewood Historic Register through the procedural requirements of this Zoning Code. Examples of an historic site include, but are not limited to: habitation sites, funerary sites, rocks shelters, village sites, hunting and fishing sites, ceremonial sites, petroglyphs, rock carvings, gardens, grounds, battlefields, ruins of historic buildings and structures, campsites, sites of treaty signings, trails, areas of land, cemeteries, designed landscapes, and natural features, such as springs and rock formations, and land areas having cultural significance.

Solar Collection System: A fixed device or structure, or part of a device or structure, which is used primarily to transform solar energy into thermal, chemical or electrical energy.

Solar Garden: A free-standing solar electric generation facility where the beneficial use of the electricity generated by the facility belongs to the subscribers to the community solar garden.

Special Use: See Use, Special.

Special Use Permit: A permit allowing a discretionary use which may be granted under the provisions of Article 2 of this Zoning Code, and which, when granted, authorizes a specific use to be made of a specific property, subject to compliance with all terms and conditions imposed on the use.

Solar Reflectance Index (SRI): A calculated value that combines solar reflectance and thermal emittance. It is an indicator of the ability of a roof surface to return solar energy to the atmosphere. Material surfaces with a higher SRI will be cooler than surface with a lower SRI under the same solar energy exposure, especially on a sunny day.

Storage, Outdoor: An outdoor area used for the keeping of possessions, belongings, goods, materials, or other items.

Story: The area between the successive floors of a building or from the top floor to the roof.

Street: A public or private thoroughfare for vehicular traffic other than an alley or driveway.

Street Frontage: The distance along which a property line of a lot adjoins a public or private street, road, or highway right-of-way.

Streetscape: The scene taken as a whole, which may be observed along a street. It includes both natural and man-made elements.

Street Trees: Trees generally planted in parkway strips, medians, or along streets to enhance the visual quality of the street.

Structure: Anything built or constructed and located on or in the ground or attached to something on or in the ground, an edifice or building of any kind, or any piece of work built or composed of parts joined together in some definite manner.

Structure, Accessory: A building or structure that is subordinate in purpose, area, and extent to the primary building; contributes to the reasonable and necessary comfort, convenience, and needs of the occupants, business, or industry of the primary building; and is located on the same lot as the primary building or structure.

Structure, Historic: A structure individually listed on the Lakewood Historic Register through the procedural requirements of this Zoning Code.

Structure, Illegal: A structure which did not comply with the provisions of law or regulations in effect at the time it was constructed or established.

Structure, Nonconforming: Any structure which was legally established prior to the effective date of this Zoning Code, or any subsequent amendment, that fails to conform to the present requirements of this Zoning Code.

Structure, Principal: The main structure or structure containing the principal use of land as distinguished from an accessory structure.

Student Living Unit: A dwelling unit that is owned or controlled by a College or University and inhabited by students enrolled in that college or university who are related or unrelated.

Studio: A commercial or service establishment for purposes of tutoring, lessons, or production of creative or artistic goods. A studio allows for limited welding and similar uses for the sole purpose of production of art.

Temporary Use: See Use, Temporary.

Transportation Facility: A structure or facility for use by the public to connect with or use public transportation. Examples include bus benches, transfer facilities, and light rail facilities and associated parking facilities.

Turf: Continuous plant coverage consisting of non-native grasses or grasses that have not been hybridized for arid conditions and which, when regularly mowed, form a dense growth of leaf blades and roots.

Urban Heat Island (UHI): The relative higher temperatures that urbanized areas experience as compared to outlying areas. Structures such as buildings, roads, and other infrastructure absorb and re-emit the sun's heat more than natural landscapes such as forests and water bodies.

Universal Design: The design and composition of an interior or exterior environment so that it can be accessed, understood, and used to the greatest extent possible by all people regardless of their age, size, ability, or disability.

University/College: A place which is accredited by the Colorado Commission on Higher Education providing higher education beyond grade twelve, which offers either a two year or four year degree in specific disciplines that may include a combination of the following uses but is not limited to: higher education classrooms, higher education offices, administrative buildings, athletic facilities and fields, student living units, laboratories, library, cafeteria, student center, bookstore and auditorium that are owned or controlled by the University or College.

Unnamed Use: See Use, Unnamed.

Use: The purpose or activity for which a parcel of land, a building, or structure is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: A use that is customarily incidental, appropriate, and subordinate to the principal use of land or buildings and is located upon the same lot.

Use, Commercial: Use or activity involving the sale of goods or services carried out for profit.

Use, Illegal: A use which did not comply with the provisions of the law or regulations in effect at the time it was created.

Use, Institutional: Uses which serve a community's social, educational, health, cultural, and recreational needs. They may include government-owned and -operated facilities or be privately owned and operated.

Use, Limited: A permitted use subject to compliance with supplemental standards.

Use, Nonconforming: Any use which was legally established prior to the effective date of this Zoning Code, or any subsequent amendment, that fails to conform to the present requirements of this Zoning Code.

Use, Permitted: Land uses allowed in a given zone district as a use by right, upon satisfaction of the standards and requirements of this Zoning Code.

Use, Prohibited: A use not permitted in a specified zone district(s).

Use, Principal: A primary or predominant use of any lot, building, or structure.

Use, Public: Uses and structures, including buildings, lots, and facilities, owned, used, and operated by any governmental agency.

Use, Special: A use authorized in a zone district but permitted only after review and approval by the Planning Commission when certain standards are met.

Use, Temporary: Any use placed on a parcel of land for a limited period of time.

Use, Unnamed: A use not specifically named within a specific zone district as either a permitted, accessory, limited, or special use.

Utility Facilities:

Major: Electric transmission lines, power plants, substations of electrical utilities, wastewater treatment plants, water treatment plants, water storage tanks, pipelines and storage areas of utilities providing natural gas or other petroleum derivatives,

and transmission or reception stations with more than two (2) dish antennas in one (1) location.

Minor: Water, sewer and gas mains; cable, electric and telephone distribution lines, substations, and/or switching facilities; gas regulator stations; public lift or pumping stations for domestic water and sewer service; solar arrays, or wind powered electric generators; transmission or reception stations with no more than two (2) dish antennas in one (1) location with the diameter of any dish antenna limited to ten (10) feet or less.

Utility, Public: A utility regulated by the Colorado Public Utilities Commission.

Variance: A discretionary relaxation by the Director or the Board of Adjustment of the dimensional regulations of this Zoning Code to a particular piece of property, which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone, and which adjustment remedies disparity in privileges.

Variance, Minor: Refer to 17.2.5.2:B

Variance, Major: Refer to 17.2.5.2:A

Vehicle Dispatch Facility: A privately owned facility for the dispatch, storage, or maintenance of vehicles including, but not limited to, ambulances, tow trucks, and snow plows.

Vested Property Right: The right to undertake and complete the development and use of property subject to Article 2 of this Zoning Code.

Vocational or Trade School: See School, Vocational or Trade.

Waiver: A discretionary modification by the Director or the Planning Commission of a dimensional, development, design, or sign standard of this Zoning Code when the modification results in a superior development or design than if the strict application of this Zoning Code is applied.

Waiver, Major: Refer to 17.2.6.2:A

Waiver Minor: Refer to 17.2.6.2:B

Wall Area: The area of a building façade, width multiplied by height.

Warehouse and Distribution: A use engaged in storage, sales, and distribution of manufactured products, supplies, and equipment, but excluding bulk storage of materials that are inflammable, explosive, which create hazardous or commonly recognized offensive conditions. A warehouse may include an ancillary showroom for the purpose of displaying items and commodities for sale.

Wind-powered Electric Generators: A freestanding 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.

Window Area: The area of all windows on the first floor of a building that faces or is visible from one (1) public right-of-way.

Wireless Communications Equipment Shelter: An unattended structure such as a small building or cabinet(s) used to house equipment for a wireless communications facility associated with either a freestanding wireless communications facility or a structure or building mounted wireless communications facility.

Wireless Communications Facility, Freestanding: A telecommunications facility that consists of a stand-alone support structure such as a lattice tower or monopole, antenna(s), and associated equipment storage shelter(s).

Wireless Communications Facility, Stealth: A telecommunications facility that is completely disguised as another object or otherwise concealed from view thereby concealing the intended use and appearance of the facility. Examples of stealth facilities include, but are not limited to, trees, synthetic rocks, flag poles, light pole standards, or architectural elements such as dormers, steeples, and chimneys.

Wireless Communications Facility, Structure or Building Mounted: Any telecommunications facility, antenna, or equipment attached to or mounted upon any structure or building. All structure or building mounted telecommunication facilities shall be deemed an accessory use of the property to which the facility is attached or mounted.

Wireless Communications Provider: A public or private company providing any type of wireless communications or other related technology.

Wireless Communications 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.

Work of Art, Freestanding: A freestanding statue or sculpture or a graphic illustration or design which does not advertise or promote a particular business, service or “branded” product. Work of art includes but is not limited to sculpture, monument, fountain, mosaic, carving, and stained glass.

Xeriscaping: A set of landscape design principles that promote water efficiency and conservation by using plants that are native or adaptable to Colorado’s semi-arid climate.

Yard: An open space which is located on the same lot as a building, and which is unoccupied and unobstructed by a structure over a height of thirty (30) inches (See [Figure 81](#)).

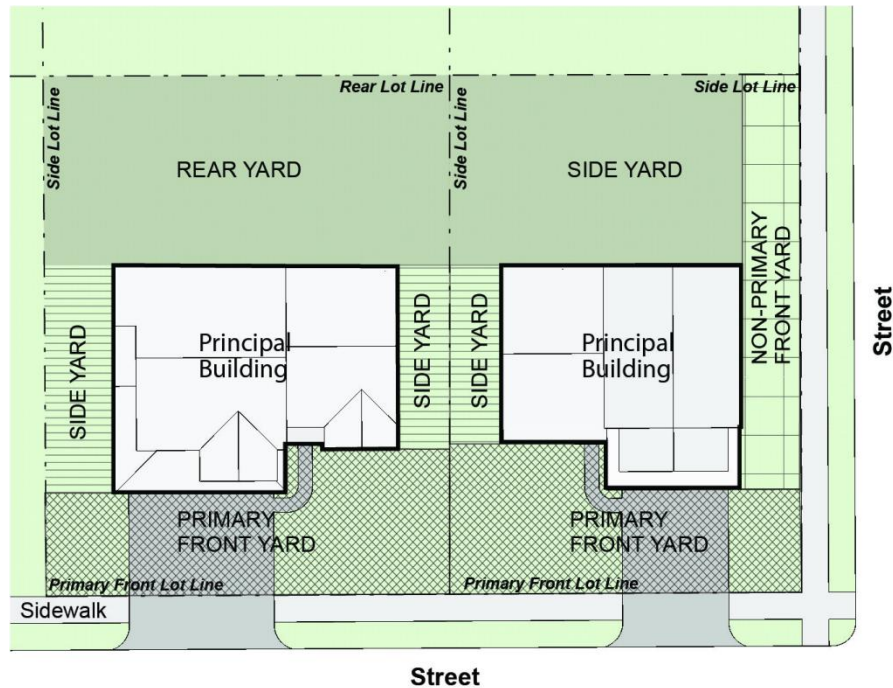


Figure 81: Yard; 17.14.2

Yard, Non-Primary Front: Those front yards which do not have the main entrance of the primary structure oriented toward them.

Yard, Primary Front: That portion of the yard located between the front lot line and the closest wall of the primary structure where the main entrance of the structure is located, or the front setback line of such lot, if vacant.

Yard, Rear: That portion of a yard lying between the rear lot line and the rear wall of the primary structure or rear setback line of the lot, if vacant.

Yard, Side: That portion of a yard lying between a front yard and a rear yard and including all open portions of the lot between the front and rear yards.

Zero Lot Line: The location of a structure on a lot in such a manner that one (1) or more of the structures' sides rests directly on a lot line.

Zoning District: A classification assigned to a particular area or areas of the City of Lakewood as listed in Article 3.

Zoning District Map: The official map upon which the zoning districts of the City of Lakewood are delineated.

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8D

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Calling a Special Election for O-2025-27**

SUMMARY STATEMENT: This resolution calling for a special election is being presented to the City Council as one of two alternative options mandated by Section 13.2(e) of the Charter of the City of Lakewood which provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted by resolution calling for a special election, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

BACKGROUND INFORMATION: In conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-27 regarding Articles 6-14 of Title 17 of the Lakewood Municipal Code was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 11th day of August 2025; published by title in The Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 14th day of August 2025; set for public hearing to be held on the 25th day of August 2025; read, finally passed and adopted by the City Council on the 25th day of August 2025; and signed by the Mayor on the 15th day of September 2025, and published as amended upon the City's website on the 15th day of September 2025.

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

A referendum petition asking for the repeal of Ordinance 2025-27 was circulated for signature within forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on October 31, 2025, such petition asking to hold a referendum on Ordinance 2025-27 (referendum).

A protest of the sufficiency of the referendum petition was filed against such referendum on November 24, 2025. A hearing was held on December 19, 2025, to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3).

In accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of

sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026.

Section 13.2(d) of the Charter of the City of Lakewood provides that upon presentation to the City Council of a referendum petition by the City Clerk, the ordinance shall be suspended from operation.

Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

An ordinance on second reading to repeal Ordinance 2025-27 will be provided as an alternative to this resolution on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: The cost of a special election is generally calculated at \$50,000 per ward.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: The City Council could repeal Ordinance 2025-27 and consider alternative options for revisions of the City's zoning code to better conform to the needs of the City in 2026.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Resolution R-2026-8

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

R-2026-8

A RESOLUTION

CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-27, AN ORDINANCE THAT AMENDS THE CITY'S ZONING CODE BY REPEALING AND REPLACING ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING PROVISIONS CONCERNING RESIDENTIAL BUILDING AND SITE DESIGN STANDARDS; INSTITUTIONAL, MIXED USE, COMMERCIAL, AND LIGHT INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS; PARKING AND LOADING STANDARDS; SIGN STANDARDS; WIRELESS SERVICES AND COMMUNICATIONS; HISTORIC PRESERVATION; NONCONFORMITIES; SUSTAINABLE DEVELOPMENT; AND DEFINITIONS AND INTERPRETATIONS

WHEREAS, on October 31, 2025, referendum petitions were filed with the Lakewood City Clerk's Office, relating to Ordinance 2025-27, an ordinance repealing and replacing articles 6-14 of the Lakewood Municipal Zoning Code which was passed by the City Council as amended on August 25, 2025, and signed by the Mayor on September 15, 2025;

WHEREAS, a protest was filed against the referendum petitions relating to Ordinance 2025-27 on November 24, 2025, a hearing on the protest was held on December 19, 2025, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petitions did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) § 2.52.150(D)/(E)/(F) and Colorado Revised Statutes (C.R.S.) § 31-11-110(3);

WHEREAS, in accordance with Section 13.2(c) of the Lakewood Home Rule Charter ("Charter") and L.M.C. § 2.52.170(A), upon a finding of sufficiency, the City Clerk shall present the referendum petition to the City Council at its first regular or special meeting held more than thirty (30) days after the date the referendum petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the ordinance to the City Council on January 12, 2026;

WHEREAS, in compliance with Section 13.2(d) of the Charter, Ordinance 2025-27 was suspended from operation upon presentation to the City Council, although the ordinance had not officially gone into effect on its effective date of January 1, 2026, due to acknowledgement of this referendum process and the timing conflicts arising out of the protest process;

WHEREAS, pursuant to Section 13.2(e) of the Charter, the City Council did upon presentation of the referendum petition reconsider Ordinance 2025-27 by voting on an ordinance to repeal Ordinance 2025-27, such vote to repeal failed, and therefore Ordinance 2025-27 is required to be submitted, without amendment or alteration, to a

vote of the registered electors at a special election to be held within ninety days, but not less than thirty (30) days, after presentation of the referendum petition to the City Council, or at a regular municipal election held within the ninety-day period;

WHEREAS, pursuant to C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), after an election has been ordered, the legislative body of the municipality shall promptly fix a ballot title for each referendum, allowing the registered electors of the City to vote for the ordinance or against the ordinance;

WHEREAS, C.R.S. § 31-10-108 mandates that all municipal special elections be held on a Tuesday and that no special election may be held within the thirty-two (32) days before or after the date of a primary, general, or congressional vacancy election;

WHEREAS, the window for holding a special election in accordance with both Section 13.2(e) of the Charter and C.R.S. § 31-10-108 includes those Tuesdays that are on or between the dates of Tuesday, February 17, 2026, and Tuesday, April 7, 2026; and

WHEREAS, the City Council hereby finds and determines that submitting the referendum concerning Ordinance 2025-27 to a vote of the registered electors of the City is and shall be in the best interest of the residents of the City.

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

SECTION 1. The City Council hereby calls and sets a special municipal election to be held on MARCH 31, 2026, which shall be a mail ballot, ballot question election.

SECTION 2. It is the intention of the City Council to comply with the election timelines, laws and procedures to conduct the most efficient election possible, and therefore the City Council, in accordance with applicable local and State law, hereby recognizes that the City Clerk is the Designated Election Official who will conduct the special municipal election, appoint election judges, and perform all other duties and responsibilities relating to such election.

SECTION 3. The City Clerk shall take all actions necessary for such ballot question to be presented to the registered electors of the City of Lakewood at the special municipal election to be held on the date set forth in Section 1 of this Resolution.

SECTION 4. The ballot title for the ballot question is hereby set in accordance with C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), which require the ballot for the referred ordinance to have printed on it the ordinance title and submission clause and on separate lines under the submission clause the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE", whereby if a majority of the registered electors voting vote "for" the ordinance, it shall be effective upon certification of the election results, and if a majority of the registered electors voting vote "against" the ordinance, the ordinance shall be repealed upon certification of the election results.

SECTION 5. The ballot title for the ballot question shall be as follows:

“SHALL THE CITY OF LAKEWOOD REPEAL ORDINANCE 2025-27, AN ORDINANCE AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING PROVISIONS CONCERNING RESIDENTIAL BUILDING AND SITE DESIGN STANDARDS; INSTITUTIONAL, MIXED USE, COMMERCIAL, AND LIGHT INDUSTRIAL BUILDING AND SITE DESIGN STANDARDS; PARKING AND LOADING STANDARDS; SIGN STANDARDS; WIRELESS SERVICES AND COMMUNICATIONS; HISTORIC PRESERVATION; NONCONFORMITIES; SUSTAINABLE DEVELOPMENT; AND DEFINITIONS AND INTERPRETATIONS?

_____ YES (AGAINST THE ORDINANCE)

_____ NO (FOR THE ORDINANCE)”

Section 6. This Resolution shall take effect immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on January 26, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8E

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Repealing O-2025-28**

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

BACKGROUND INFORMATION: In conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-28 regarding Articles 1, 2, 4, and 5 of Title 17 of the Lakewood Municipal Code was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 25th day of August 2025; published by title in The Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 28th day of August 2025; set for public hearing to be held on the 8th day of September 2025; read, finally passed and adopted by the City Council on the 8th day of September 2025; and signed by the Mayor on the 18th day of September 2025, and published as amended upon the City's website on the 18th day of September 2025.

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

A petition calling for a referendum of Ordinance 2025-28 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on November 3, 2025, such petition asking to hold a referendum on Ordinance 2025-28 (referendum);

A protest of the sufficiency of the referendum petition was filed against such referendum on November 24, 2025. A hearing was held on December 19, 2025 to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3).

In accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first

regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026. Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council.

A resolution calling for a special municipal election to submit this referendum petition to the registered electors of the City of Lakewood will be provided as an alternative to this ordinance on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: Please review Ordinance 2025-28 to review the processes associated with the year-long effort to establish a zoning code to meet the current and future needs of residents to gauge anticipated costs.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: Hold a special municipal election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-28 or whether to support the legislative determination of the City Council and uphold 2025-28.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If this ordinance is approved the City Council will begin the process to revise the City's zoning code to continue to seek to expand affordable housing, expand housing types to meet the needs of current and future residents of Lakewood.

If this ordinance is not approved the City Council will begin the process of calling for a special election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-28 or whether to support the legislative determination of the City Council and uphold Ordinance 2025-28.

ATTACHMENTS:

1. Ordinance O-2026-4
2. Ordinance O-2025-28_as amended

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

REPEALING IN ITS ENTIRETY ORDINANCE 2025-28, AS ADOPTED ON SEPTEMBER 8, 2025, REGARDING ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, AND REPLACING WITH THOSE VERSIONS OF ARTICLES 1, 2, 4 AND 5 OF TITLE 17 IN EFFECT ON DECEMBER 31, 2025

WHEREAS, in conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-28 regarding Articles 1, 2, 4, and 5 of Title 17 of the Lakewood Municipal Code was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 25th day of August, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 28th day of August, 2025; set for public hearing to be held on the 8th day of September, 2025; read, finally passed and adopted by the City Council on the 8th day of September, 2025; and signed by the Mayor on the 18th day of September, 2025, and published as amended upon the City's website on the 18th day of September, 2025;

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

WHEREAS, a petition calling for a referendum of Ordinance 2025-28 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended;

WHEREAS, the Lakewood City Clerk's Office received the signed petition on November 3, 2025, such petition asking to hold a referendum on Ordinance 2025-28 (referendum);

WHEREAS, a protest was filed against such referendum on November 25, 2025, a hearing was held on December 19, 2025 to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025 finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3);

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

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

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

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

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

SECTION 1. Ordinance 2025-28, as adopted on September 8, 2025, regarding Articles 1, 2, 4 and 5 of Title 17 of the Lakewood Municipal Code is repealed in its entirety, and shall be replaced by those versions of Articles 1, 2, 4 and 5 of Title 17 that were in effect on December 31, 2025.

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

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

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

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

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

O-2025-28

AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 6. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

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

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 25th day of August, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 28th day of August, 2025; set for public hearing to be held on the 8th day of September, 2025; read, finally passed and adopted by the City Council on the 8th day of September, 2025; and signed by the Mayor on the 18th day of September, 2025.

ATTEST:



Jay Robb, City Clerk




Wendi Strom, Mayor

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney

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ARTICLE 1: PURPOSE AND ADMINISTRATION

17.1.1: Title

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

17.1.2: Purpose and Intent

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

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

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

17.1.3: Relationship to Comprehensive Plan

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

17.1.4: Effective Date

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

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

17.1.5: Authority

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

17.1.6: Applicability

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

17.1.7: General Provisions

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

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

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

17.1.7.2: Conflicting Provisions

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

17.1.7.3: Rules of Measurement

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

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

17.1.8: Administration and Roles

17.1.8.1: City Council

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

17.1.8.2: Director

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

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

17.1.8.3: Planning Commission

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

17.1.8.4: Board of Adjustment

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

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

17.1.8.5: Historic Preservation Commission

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

17.1.8.6: Design Review Commission

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

17.1.9: Common Facilities

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

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

The City does not have jurisdiction to review condominium applications.

17.1.10: Building Permits

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

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

17.1.11: Fees

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

17.1.12: Violation and Penalty

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

17.1.13: Severability

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

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ARTICLE 2: PROCEDURES AND APPEALS

17.2.1: General

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

17.2.2: Planning Applications, General

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

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

Table 1: Procedures Summary Table; 17.2.2

17.2.2.1: Application Process

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

A. Preplanning Application Review

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

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

B. Formal Application Review

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

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

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

17.2.2.2: Public Input Process

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

A. Neighborhood Meeting

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

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

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

B. Notification to Adjacent Tenants and Property Owners

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

- 1. A notification is required for land development or redevelopment applications for a minor variance, or as determined by the Director.

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

17.2.2.3: Public Hearings

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

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

A. Setting a Date for a Public Hearing

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

than forty-five (45) days, or within a timeframe agreed upon by the applicant and Director, after all studies and plans submitted with the formal application have been deemed acceptable for the hearing by City staff. The Clerk to the Planning Commission shall provide notice of the date, time, and location of the public hearing to the applicant.

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

B. Notification for a Public Hearing

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

1. Posting of sign(s) on the property is required for public hearings as described below:
 - a. The applicant shall post at least one (1) sign every three hundred (300) feet along each street frontage, or portion thereof, on the subject property.
 - b. The sign shall be in a format approved by the Director.
 - c. The applicant shall post the sign(s) on the property at least fourteen (14) days prior to a public hearing and replace any signs lost or damaged prior to the hearing.
2. The City shall provide notice for a public hearing in the publication of record at least ten (10) days prior to the public hearing.
3. Notification to owners of property in the vicinity of the subject property shall be provided by the applicant as described below:
 - a. For a special use permit, initial zoning or rezoning, a written notice shall be mailed by First Class mail to tenants and owners of property within five hundred (500) feet of the subject property and registered neighborhood organizations within half (1/2) a mile of the subject property.
 - b. For a major variance and major waiver, a written notice shall be mailed by First Class mail to tenants and owners of property within three hundred (300) feet of the subject property and registered neighborhood organizations within a quarter (1/4) mile of the subject property.
 - c. The applicant's written notice shall be in a form prepared by the City and approved by the Director.

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- d. The notice to tenants and owners of property shall be postmarked at least fourteen (14) days, but not more than thirty (30) days, prior to the public hearing.
4. Public hearing notification (posted signs, newspaper notifications, and written notifications to tenants and property owners) shall include the following information:
 - a. Type of land development case, description of the proposal, and proposed land uses;
 - b. Date, time, and place of the public hearing;
 - c. Address of the subject property;
 - d. Name and contact information for the applicant; and
 - e. Name and contact information for assigned member of City staff.
5. All public hearings, notices, staff reports, and written findings shall be posted on the City's official website.

C. Conduct for a Public Hearing

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

quasi-judicial public hearings shall be held in conformance with due process standards set forth by law.

17.2.3: Initial Zoning, Rezoning and Legislative Zoning

17.2.3.1: Applicability

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

17.2.3.2: Types of Zoning Applications

A. Initial Zoning

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

B. Rezoning

1. The rezoning process shall apply when a change to the boundaries or area of any zone district, or when a change to the zoning classification of any parcel

of land within the City as shown on the official zoning map, is proposed for rezoning by one or more owners of such property to allow a change in use.

2. One or more of the following entities shall submit a formal application for rezoning.
 - a. All owners of all real property to which the rezoning would apply; or
 - b. Any person, firm, or corporation with the written consent of all owners of the property.

C. Legislative Zoning

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

17.2.3.3: Review Criteria

A. Review Criteria for Initial Zoning and Rezoning

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

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

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- c. The property proposed for zoning or rezoning was previously zoned in error.

B. Review Criteria for Legislative Zoning

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

1. The legislative zoning affects a large number of properties, and the proposed rezoning is not applicable only to a specific individual or readily identifiable group;
2. The legislative zoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level;
3. It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties in a quasi-judicial manner on a site-by-site basis;
4. The proposed legislative zoning promotes the purposes of this Zoning Code; and
5. The proposed legislative zoning promotes implementation of the goals and policies of the Comprehensive Plan.

17.2.3.4: Review Authority

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

17.2.3.5: Review Procedure

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

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

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

C. Director's Review Authority and Recommendation

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

D. Planning Commission Public Hearing

1. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B](#).
2. The Planning Commission shall hold a public hearing for an initial zoning, rezoning or legislative zoning application after receipt of the Director's recommendation pursuant to [17.2.2.3:C](#).
3. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or applicant's authorized representative, by the Director or any member of City staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, including both documentary and verbal.
4. Following the public hearing, the Planning Commission shall make written findings and a recommendation to the City Council to approve, approve with modifications where appropriate, or deny the application based on the review criteria in [17.2.3.3](#).
5. The Planning Commission shall provide the written findings and a recommendation to the applicant within fourteen (14) days after the public hearing. The written findings and recommendation shall be in the form of a resolution.
6. No substantial amendment to an application may be made after a decision on the application has been made by the Planning Commission unless such amendments are recommended by the Planning Commission.

7. Any person may object to a finding or a recommendation of the Planning Commission by submitting a written statement with the Clerk to the Planning Commission prior to the public hearing before the City Council. Such objection shall become a part of the planning case file.

E. City Council Public Hearing

1. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B.](#)
2. The City Council shall hold a public hearing for consideration of a proposed ordinance for initial zoning, rezoning or legislative zoning after receipt of the Planning Commission's recommendation pursuant to [17.2.2.3:C.](#)
3. During the public hearing, the City Council may hear any relevant evidence or statement provided by the applicant or the applicant's authorized representative, by the Director, and by any person in attendance at the hearing. The City Council may, at its sole discretion, accept and consider any other relevant statement or evidence, including both documentary and verbal.
4. Following the public hearing and based on the rezoning criteria in [17.2.3.3.](#), the City Council shall take one of the following actions:
 - a. **Approve the application.** Approval of the application shall be by ordinance and shall incorporate the Planning Commission's findings as presented or as amended based upon evidence presented to the City Council.
 - b. **Approve the application with modifications.** Approval of the application shall be by ordinance and shall include a clear statement of any modifications or conditions, and shall incorporate the Planning Commission's findings as presented or as amended based upon evidence presented to the City Council.
 - c. **Table the matter.** Continue a decision upon the proposed ordinance to a date certain. This action is appropriate when the public hearing has been completed but due to the lateness of the hour or the length of the balance of the City Council agenda there isn't sufficient time to consider and decide the merits of the application.
 - d. **Deny the application.** Failure to approve an ordinance shall be recognized as a denial of the application. Unless grounds/findings of fact setting forth the reasons for such denial are adopted by the City Council by regular motion, the Planning Commission's findings as presented or as amended, based upon evidence presented to the City Council, shall be recognized as the City Council's grounds for such denial.

e. Remand the application to the Planning Commission.

- i. The City Council may remand the proposed application to the Planning Commission for further consideration if at least one (1) of the following is found to be true:
 - a) One of the written findings from the Planning Commission is based on incorrect information upon which the City Council would like additional information; and/or
 - b) New information, that was not available at the time of the Planning Commission public hearing, is presented and has the potential to change the recommendation of the Planning Commission.
 - ii. When remanding an application to the Planning Commission for further action, the City Council shall provide guidance on what is being asked of the Planning Commission, including but not limited to:
 - a) Identifying which aspects of the application should be reconsidered;
 - b) Identifying those issues which require additional public testimony; and
 - c) Notification of the date certain to which the City Council continued its consideration of the application.
5. Final action by the City Council on the application shall be taken within ninety (90) days after the date of the conclusion of the City Council's hearing on the application, or, if the matter is remanded, within thirty (30) days after the date the City Council receives a supplementary report or recommendation from the Planning Commission, whichever date is later. Failure to approve an ordinance within such period shall be considered, a final decision of the City Council denying the application. If the vote on any application is tabled by the City Council pursuant to the provisions of City of Lakewood Municipal Code 1.20.030, an additional fourteen (14) days shall be added to the time limit for each such occurrence.

F. Vested Property Rights

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

terms and conditions of the approval. Vesting periods are determined according to the following:

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

2. Applicability.

- a. Vested property rights may be obtained through approval of the following site-specific development plans:
 - iii. Official Development Plans (ODPs) associated with Planned Development (PD) zoning;
 - iv. Development Agreements,
 - v. A subdivision plat with an associated Development Agreement,
 - vi. A phased Major Site Plan (MSP) with an associated Development Agreement, and
 - vii. A Comprehensive Sign Plan.
- b. No other plan, plat, draft, preliminary document, or similar document shall be considered a site-specific development plan subject to vested property rights.
- c. Notwithstanding the foregoing in Subsection b above, the City Council may approve or designate additional site-specific development plans as needed.

3. Vested Rights Request.

- a. A vested rights request shall be included with the application for the site-specific development plan.
- b. If an applicant seeks approval of a site-specific development plan to create vested property rights, such plan shall include a statement that it is

being submitted for designation as a site-specific development plan and list the requested vesting period.

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

G. Development Agreements

1. **Generally.** A Development Agreement is a legally binding contract between a property owner or developer and the City. It outlines the specific terms and conditions for development, usually going beyond what is normally required by existing zoning and land use regulations. These agreements can cover various aspects of development such as vested rights, phasing, installation of public improvements and other infrastructure, property dedications, etc.
2. **Vesting.** An applicant may seek to vest the approval of a zoning action for a period of longer than three (3) years through the approval of a Development Agreement. The City Council may enter into a Development Agreement where City Council finds a period of vesting beyond three (3) years to be warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic factors, and market conditions.
3. **Compliance Review.** When a zoning action is modified by an approved Development Agreement the City may conduct periodic subsequent reviews of the development and require the owner of the property to demonstrate compliance with the terms and conditions of the Development Agreement. Failure to establish such compliance may result in the issuance of a notice of forfeiture from the Director.
4. **Forfeiture of Development Agreement; Request for Reconsideration.** Upon receipt of a notice of forfeiture, an owner or owner's authorized representative may file a written request to the Director, within seven (7) days of receipt, that the Director reconsider such decision. The request for reconsideration shall state the reason for reconsideration and shall specifically describe the actions which constitute compliance with the terms and conditions of approval. The Director shall respond to such request, in writing, within fourteen (14) days of said request being filed with the Director.
5. **Appeal of Director's Decision.** Denial by the Director of a timely filed request for reconsideration may be appealed to the Planning Commission.

- a. The owner or owner's authorized representative may submit a written appeal to the Clerk to the Planning Commission within thirty (30) days of the Director's decision.
 - b. The Planning Commission shall review appeals of the Director's notice of decision related to non-compliance with the Development Agreement pursuant to the notification process outlined in [17.2.2.3:B](#) of this Zoning Code. The Planning Commission shall conduct a quasi-judicial public hearing within thirty (30) days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
 - c. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Code and the terms of the Development Agreement.
 - d. Any decision of the Planning Commission on review of an appeal of forfeiture of a Development Agreement shall include the Commission's findings that support its decision for affirming, modifying or reversing the Director's decision.
6. **Covenant; Recording.** All provisions and conditions contained within a Development Agreement shall constitute a covenant running with the land and shall be binding upon the heirs, successors, and assigns of the parties to the agreement. The City shall record all approved Development Agreements and related documentation with the Jefferson County Clerk and Recorder's Office at the expense of the property owner or developer.

17.2.4: Special Use Permits

17.2.4.1: Applicability

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

17.2.4.2: Review Criteria

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

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

17.2.4.3: Review Authority

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

17.2.4.4: Review Procedure

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

A. Application

The applicant shall follow procedures for preplanning and formal applications pursuant to [17.2.2.1:A](#) and [17.2.2.1:B](#). The Director may require that the applicant provide a site plan with an application for a special use permit. The site plan shall illustrate any proposed changes or improvements with the application for a special use permit and shall meet the requirements of this Zoning Code.

B. Neighborhood Meeting

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

C. Director's Review and Recommendation:

1. The Director shall review the application and ensure the following:
 - a. The formal application is complete when submitted;

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

D. Planning Commission Public Hearing:

- 1. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B](#) of this Zoning Code.
- 2. The Planning Commission shall hold a quasi-judicial public hearing for special use permits after receipt of the Director's recommendation pursuant to [17.2.2.3:C](#).
- 3. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or the applicant's authorized representative, by the Director or any member of City staff, and by any person in attendance at the hearing. The Planning Commission may, at its sole discretion, hear and consider any other relevant statement or evidence, including both documentary and verbal.
- 4. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications where appropriate, or deny the application. The decision of the Planning Commission may include conditions for the special use permit in addition to the supplemental standards set forth in Article 4 of this Zoning Code.
- 5. The Planning Commission shall provide the written findings and decision to the applicant within fourteen (14) days after the public hearing. The written findings and decision shall be in the form of a resolution.

17.2.4.5: Expiration of Special Use Permit:

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

17.2.5: Variances

17.2.5.1: Applicability

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

17.2.5.2: Types of Variances

A. Major Variance

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

B. Minor Variance

A minor variance shall apply to any of the following:

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

17.2.5.3: Review Criteria

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

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

17.2.5.4: Review Authority

A. Major Variance

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

B. Minor Variance

1. The Director shall have the authority to review and render a decision on minor variance applications.
2. The Board of Adjustment shall have the authority to hear a referral from the Director and render a decision on a minor variance application.
3. The Board of Adjustment shall have the authority to hear an appeal of the Director's decision and render a decision on a minor variance application.
4. The decision of the Board of Adjustment on a minor variance shall be final.

5. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision.

17.2.5.5: Review Procedure

A. Major Variance

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

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

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- e. The Board of Adjustment shall provide the written findings and decision to the applicant within fourteen (14) days after the public hearing. The written findings and decision shall be in the form of a resolution.

B. Minor Variance:

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

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

7. The Board of Adjustment review shall determine whether the decision of the Director is consistent with this Zoning Code.
8. Any decision of the Board of Adjustment on review of an appeal to a minor variance shall include reasons for affirming, modifying or reversing the Director's decision.

17.2.6: Waivers

17.2.6.1: Applicability

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

17.2.6.2: Types of Waivers

A. Major Waiver

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

B. Minor Waiver

A minor waiver shall apply to any of the following:

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

17.2.6.3: Review Criteria

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

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

17.2.6.4: Review Authority

A. Major Waiver

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

B. Minor Waiver

- 1. The Director has the authority to review and render a decision on applications for a minor waiver.
- 2. The Planning Commission has the authority to hear a referral from the Director and render a decision on a minor waiver application.
- 3. The Planning Commission has the authority to hear an appeal of the Director's decision and render a decision on a minor waiver application.
- 4. The decision of the Planning Commission on a minor waiver application shall be final.

5. All requests that are denied may not be resubmitted for a minimum period of six (6) months from the date of the decision

17.2.6.5: Review Procedure

A. Major Waiver

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

1. Application:

- a. The applicant shall submit a formal application for a major waiver pursuant to [17.2.2.1:B](#).
2. The applicant shall provide sufficient evidence that the request for a waiver meets the review criteria outlined in [17.2.6.3](#).

3. Director's Review and Recommendation:

- a. The Director shall review the application and ensure the following:
 - i. The formal application is complete when submitted to the City;
 - ii. The applicant followed the procedures as stated in this Zoning Code; and
 - iii. The application addresses all criteria in [17.2.6.3](#) and any other applicable City standards.
4. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications where appropriate, or deny the application for a major waiver based on the review criteria in [17.2.6.3](#).

5. Planning Commission Public Hearing:

- a. The applicant shall provide public notice of the public hearing pursuant to [17.2.2.3:B](#) of this Zoning Code.
- b. The Planning Commission shall hold a quasi-judicial public hearing for a major waiver after receipt of the Director's recommendation pursuant to [17.2.2.3:C](#).
- c. During the public hearing, the Planning Commission shall hear any relevant evidence or statement provided by the applicant or the applicant's authorized representative, by the Director or any member of City staff, and by any person in attendance at the hearing. The Planning Commission

may, at its sole discretion, hear and consider any other relevant statement or evidence, including both documentary and verbal.

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

B. Minor Waiver

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

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

5. Appeal of Director's Decision:

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

17.2.6.6: Expiration of Waiver

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

17.2.6.7: Waiver for Disabilities

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

17.2.7: Major Site Plans

17.2.7.1: Applicability

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

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

17.2.7.2: Review Criteria

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

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

17.2.7.3: Review Authority

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

17.2.7.4: Review Procedure

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

A. Application

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

B. Director's Review and Decision

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

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

C. Appeal of Director's Decision

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

17.2.7.5: Expiration of Major Site Plans

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

17.2.8: Revocation of Uses

17.2.8.1: Applicability

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

17.2.8.2: Revocation of a Special Use Permit

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

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

17.2.8.3: Revocation of a Nonconforming Use

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

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

17.2.8.4: Revocation of a Temporary Use

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

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

17.2.9: Comprehensive Sign Plans

17.2.9.1: Purpose and Intent

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

17.2.9.2: Applicability

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

17.2.9.3: Review Authority

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

17.2.9.4: Review Criteria

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

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

17.2.9.5: Review Procedures

A. Application

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

F. Director's Review and Decision

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

G. Appeal of Director's Decision

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

17.2.9.6: Modifications

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

A. Review Criteria

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

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

B. Review Authority

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

C. Review Procedure

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

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

D. Director's Review Authority and Decision

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

E. Appeal of Director's Decision

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

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

17.2.10: Zoning Lot

17.2.10.1: Applicability

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

17.2.10.2: Review Criteria

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

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

17.2.10.3: Review Authority

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

17.2.10.4: Review Procedure

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

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A. Application:

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

B. Director's Review and Decision:

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

C. Appeal of Director's Decision

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

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

17.2.10.5: Amendments

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

17.2.11: Permit Applications, General

17.2.11.1: Application Process and Review Authority

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

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

17.2.12: Review of Supplemental Standards for Limited and Accessory Uses

17.2.12.1: Applicability

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

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

17.2.12.2: Review Procedures

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

A. Application

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

B. Director's Review and Decision:

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

17.2.13: Sign Permit

17.2.13.1: Applicability

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

17.2.13.2: Review Procedures

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

A. Application

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

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

H. Director's Review and Decision

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

I. Compliance with Sign Permit

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

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

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

17.2.14: Fence Permit

17.2.14.1: Applicability

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

17.2.14.2: Review Authority

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

17.2.14.3: Review Procedures

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

A. Application

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

B. Director's Review and Decision

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

C. Compliance with Fence Permit

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

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ARTICLE 4: USE AND SUPPLEMENTAL STANDARDS

17.4.1: General

17.4.1.1: Purpose and Intent

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

17.4.1.2: Uses

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

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

17.4.1.3: Determination of Use

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

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

17.4.1.4: Reuse of Existing Structures

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

17.4.1.5: City Owned Open-Space and Parks

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

17.4.2: Use Table

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

Table 2: Land Use Table; 17.4.2

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

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

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

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

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

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

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

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

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

17.4.3: Supplemental Standards

17.4.3.1: Purpose and Applicability

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

The following standards shall apply to any parcel of property where supplemental standards are required to be met, as indicated in [Table 2](#) for the zone districts identified in this Article. No variance or waiver may be requested for use and supplemental standards.

A. Accessory Dwelling Unit:

Where identified as a limited use in any residential zone district, an Accessory Dwelling Unit (ADU) shall be subject to the following:

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

B. Animal Care:

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

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

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

C. Animals, Large:

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

1. Livestock:

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

2. Emus and Ostriches:

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

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

D. Animals, Small:

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

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

- c. All pigeon coops must be set back a minimum of fifteen (15) feet from the side and rear property lines and behind the front edge of the primary structure.
- d. Owners of pigeons shall be allowed to exercise, train, and race their pigeons outside the coop or house so long as the pigeons do not create a public nuisance pursuant to the Lakewood Municipal Code.

3. Poultry and Fowl:

- a. A maximum of six (6) female chickens, six (6) female ducks, or five (5) female ducks and one (1) male duck shall be allowed on a single property less than six thousand (6,000) square feet in size.
- b. For properties greater than six thousand (6,000) square feet, coops shall contain no more than one (1) bird for every four (4) square feet of gross floor area.
- c. Male chickens, also known as “roosters,” shall be prohibited on lots less than twelve thousand and five hundred (12,500) square feet in size.
- d. A predator-resistant enclosure shall be provided for all poultry and fowl. The enclosure shall have a minimum of four (4) square feet of living space for each animal and shall be secure, roofed, and well ventilated. The total size of an enclosure shall not exceed thirty-six (36) square feet and shall not exceed ten (10) feet in height where limited to six (6) poultry and fowl.
- e. Poultry and fowl shall be kept in the enclosure or in a fenced yard at all times. A fence with a minimum height of four (4) feet shall enclose the yard area.
- f. Any poultry and fowl enclosure or fenced area shall not be located in a front yard or closer to any property lines than the accessory structure setbacks for the applicable zone district identified in Table 4.
- g. In mixed-use districts the keeping of poultry and fowl may be allowed where a residential dwelling exists as a non-conforming use.

4. Dwarf Goats:

- a. A maximum of three (3) female dwarf goats or two (2) females and one (1) male shall be allowed on a single property. Goats shall be counted towards the total number of household pets permitted on a property. Unneutered male dwarf goats shall be prohibited.
- b. A predator-resistant enclosure must be provided for all dwarf goats. The enclosures shall have a minimum of ten (10) square feet of living space for each animal and shall be secure, roofed, and well ventilated. However, the

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

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

E. Apiaries:

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

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

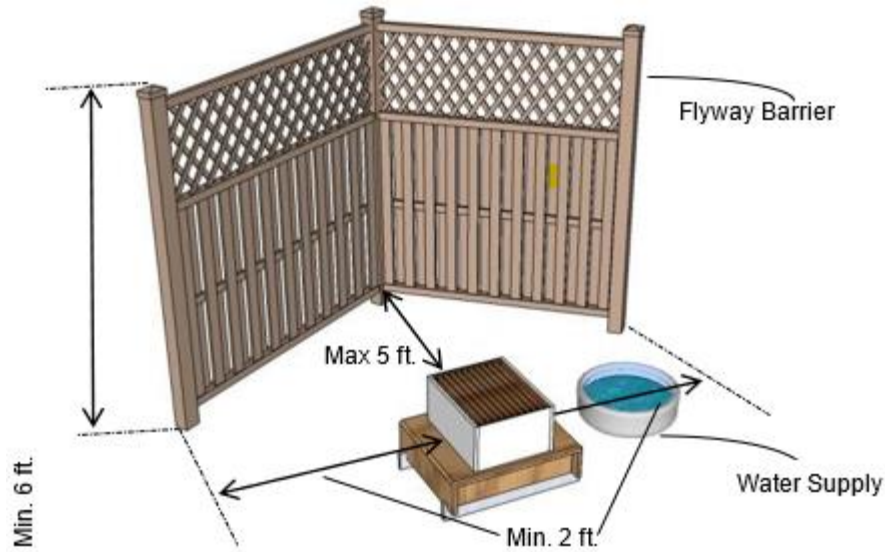


Figure 7: Example of Flyway Barrier; 17.4.3.1:E.6

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

F. Bed and Breakfast:

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

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

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

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

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

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

H. Community Garden:

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

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

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

I. Construction or Sales Trailer:

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

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

J. Contractor Shop:

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

K. Correctional Institution:

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

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

L. Day Care Facility:

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

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

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

M. Fueling Station – Petroleum:

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

N. Fueling Station – Non-Petroleum:

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

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

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

O. Home Business, Minor:

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

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

P. Home Business, Major:

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

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

Q. Mini-Warehouse Storage:

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

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

R. Motor Vehicle Rental:

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

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

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

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

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

S. Motor Vehicle Sales with Outdoor Display and Storage:

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

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

T. Motor Vehicle Service, Major:

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

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

U. Motor Vehicle Service, Minor:

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

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

V. Office:

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

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

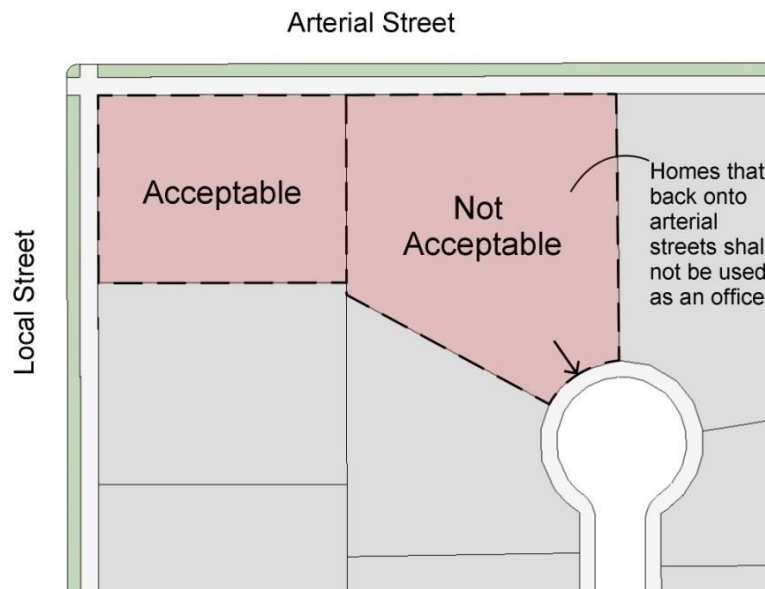


Figure 8: Location restrictions for a limited office land use; 17.4.3.1:V.1

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

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

W. Parking, Stand-Alone Surface

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

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

X. Personal Service:

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

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

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

Y. Rental, Service or Repair of Large Items

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

Z. Retail

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

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

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

AA. Roadside Stand

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

BB. Solar Garden

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

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

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

CC. Storage, Outdoor

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

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

DD. Temporary Use, Long-term

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

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

EE. Temporary Use, Short-term

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

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

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ARTICLE 5: DIMENSIONAL AND DEVELOPMENT STANDARDS

17.5.1: General

17.5.1.1: Purpose and Intent

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

17.5.1.2: Setback Requirements

The following setback requirements apply to all zone districts:

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

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

17.5.1.3: Setback Measurements

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

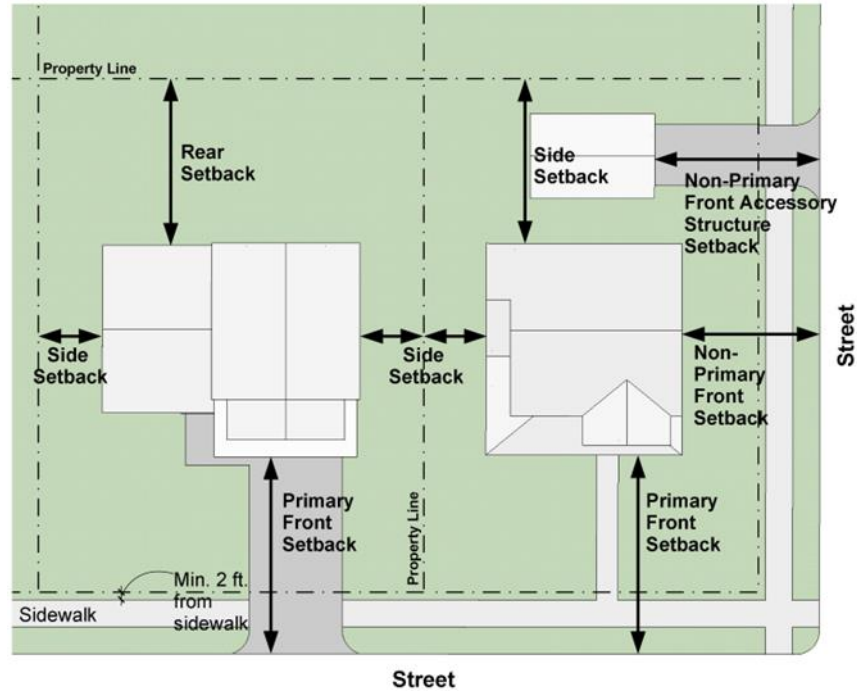


Figure 9: Residential Zone District Setback Measurements; 17.5.1.3:B

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

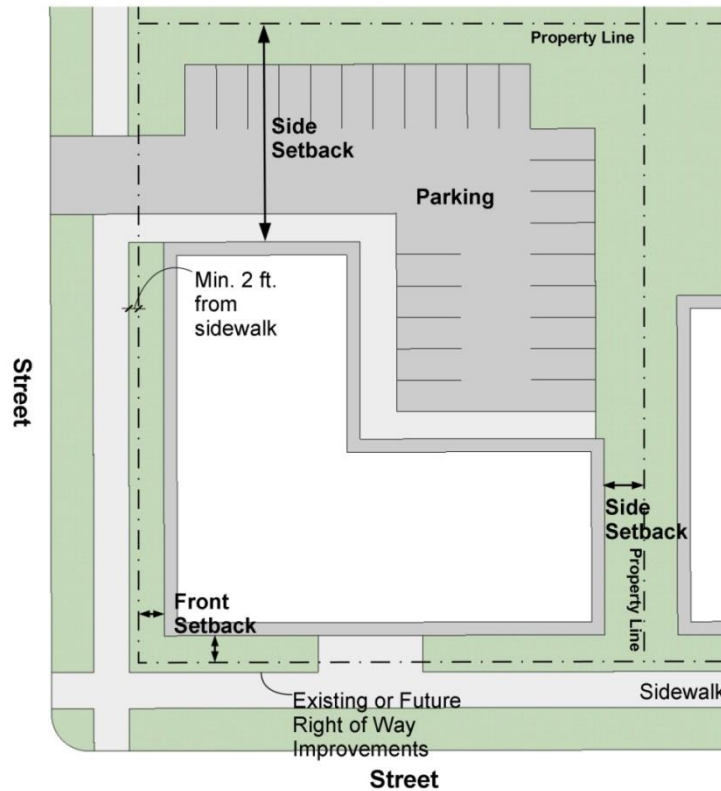


Figure 10: Mid-form Residential, Institutional, Mixed-Use, commercial and Light Industrial Zone District Setback Measurements; 17.5.1.3:C

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

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

17.5.1.4: Height Requirements

The following height requirements apply to all zone districts:

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

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

17.5.1.5: Height Measurements

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

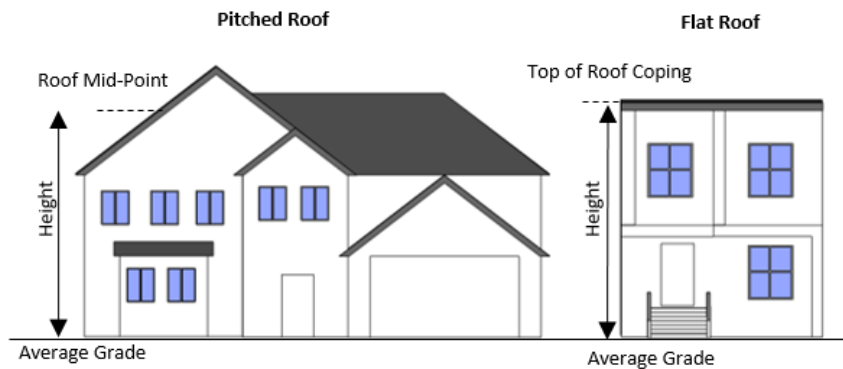


Figure 11: Height Measurement; 17.5.1.5:A.1

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

B. Façade Stepback Requirement:

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

17.5.1.6: Build-To-Zone Measurements

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

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

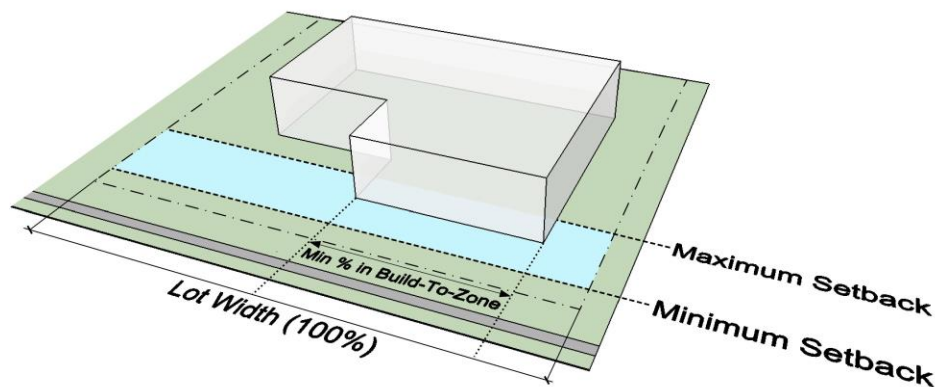


Figure 12: Build-To-Zone Requirement; 17.5.1.6

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

17.5.1.7: Build-To-Zone Plazas

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

17.5.1.8: Sites with More than Two Public Street Frontages

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

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



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

17.5.2: Residential Standards

17.5.2.1: Dimensional Standards

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

Table 4: Residential Dimensional Standards; 17.5.2.1

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

Table 4: Residential Dimensional Standards

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

Table 4: Residential Dimensional Standards

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

17.5.3: Mixed-Use Standards

17.5.3.1: Dimensional Standards

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

Table 5: Mixed-Use Dimensional Standards; 17.5.3.1

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

Table 5: Mixed-Use Dimensional Standards

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

Table 5: Mixed-Use Dimensional Standards

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

17.5.3.2: Minimum Building Story Requirement

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

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

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

Table 6: Minimum Building Story Requirement; 17.5.3.2

17.5.3.3: Maximum Building Height in Defined Station Areas

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

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

Table 7: Maximum Building Height By Station Area; 17.5.3.3

17.5.3.4: Height Transition to Adjacent Residential Districts

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

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

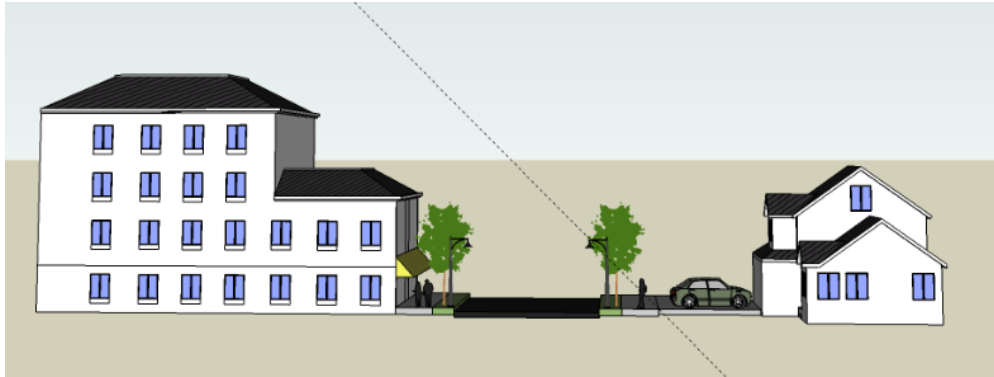


Figure 14: Bulk Plane Height Transition; 17.5.3.4:B

17.5.3.5: Additional Building Setback Regulations

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

17.5.3.6: Requirements for Specific Mixed-Use Zone District Contexts

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

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

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

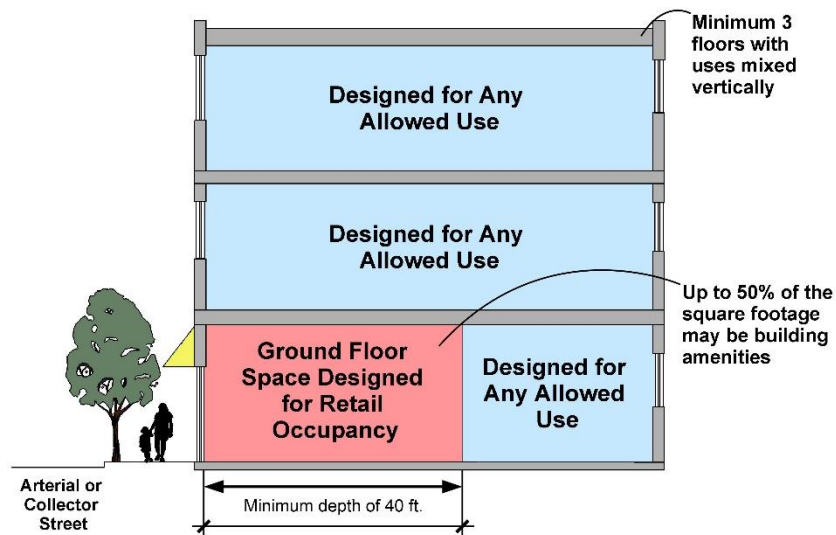


Figure 15: Institutional, Mixed-Use, Commercial, and Light Industrial Requirement and Minimum Commercial Use Depth in M-C-T; 17.5.3.6:A.3

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

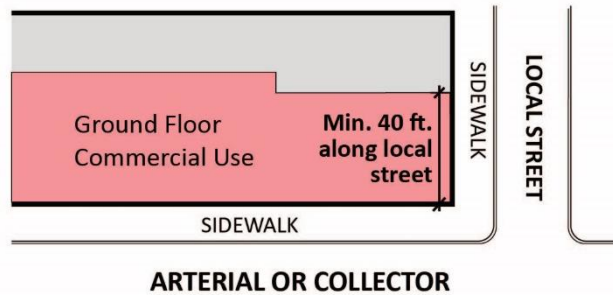


Figure 16: Minimum Commercial Depth Along a Local Street; 17.5.3.6:A.5

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

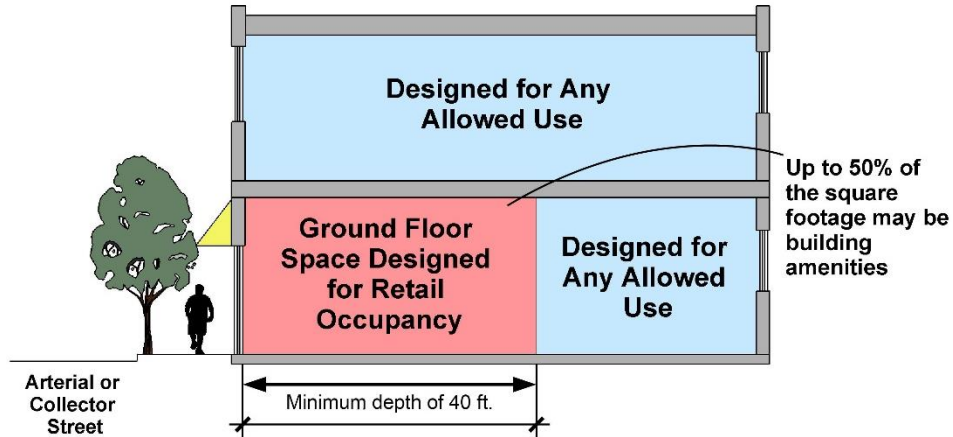


Figure 17: Institutional, Mixed-Use, Commercial and Light Industrial Use Requirement and Minimum Commercial Depth in M-G-T; 17.5.3.6:B.2

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

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

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

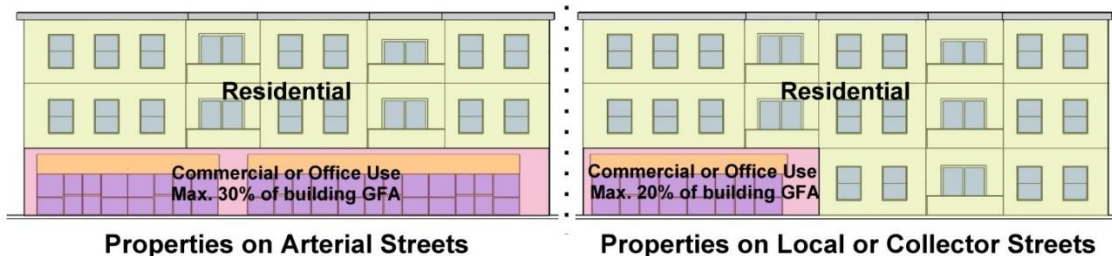


Figure 18: Commercial or Office Space Allowance in M-R Zones; 17.5.3.6:C

17.5.3.7: Incentives for Increased Height

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

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

17.5.4: Commercial and Light Industrial Standards**17.5.4.1: Dimensional Standards**

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

Table 8: Commercial and Light Industrial Dimensional Standards; 17.5.4.1

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

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

17.5.4.2: Height Transition Adjacent to Residential Zone Districts

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

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



Figure 19: Bulk Plane Height Transition; 17.5.4.2:B

17.5.5: Accessory Structures and Elements

17.5.5.1: Detached Structures

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

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

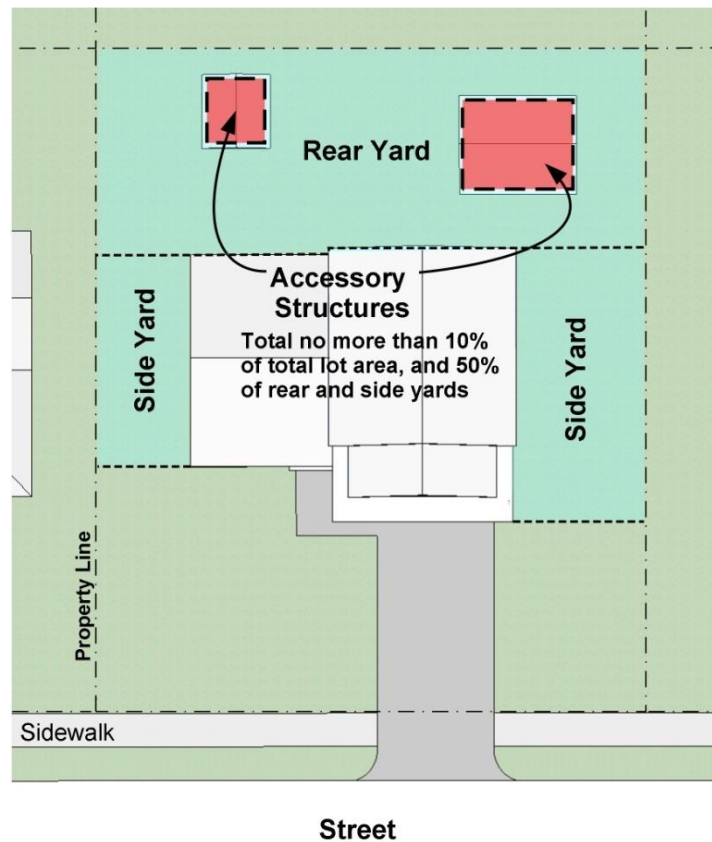


Figure 20: Determination of Accessory Structure Lot Coverage; 17.5.5.1:B.1

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

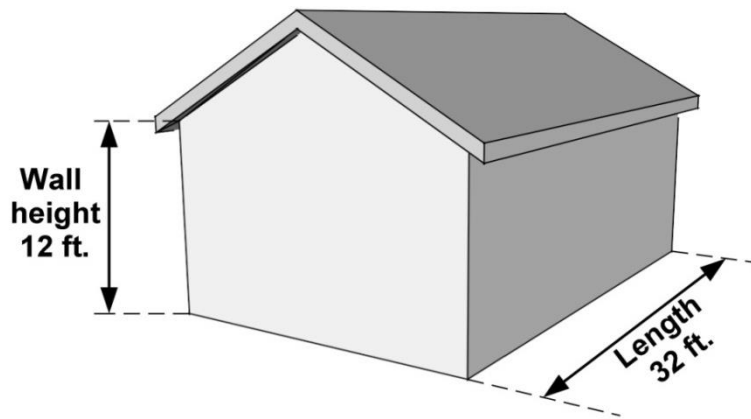


Figure 21: Measurement of Wall Height and Length; 17.5.5.1:B.3

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

17.5.5.2: Satellite Dish Antenna

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

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

17.5.5.3: Solar Collection System

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

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

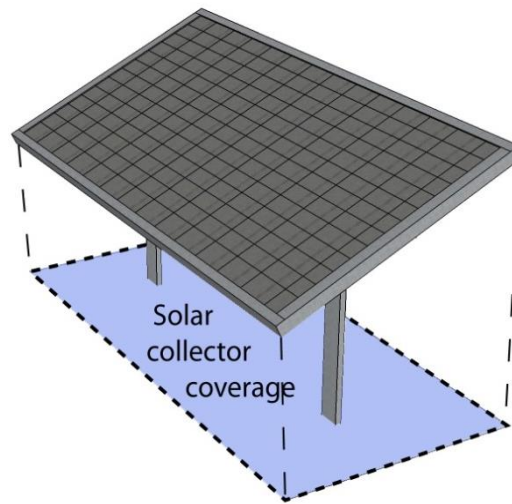


Figure 22: Measurement of Solar Collector Coverage; 17.5.5.3:A.1.d

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

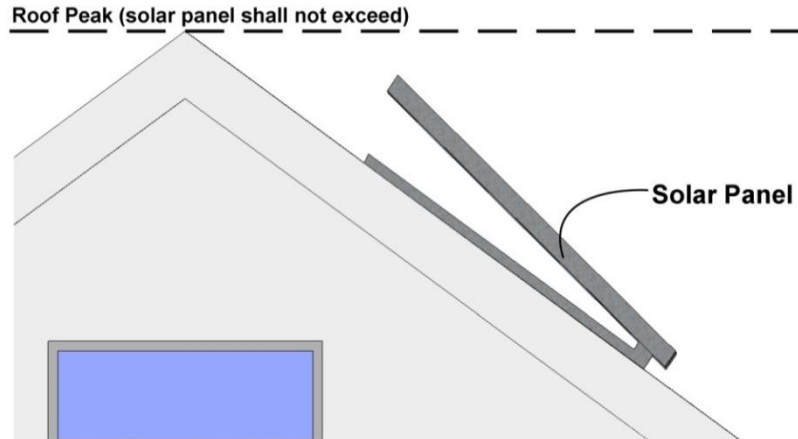


Figure 23: Solar Collector Projection Above Roof Peak; 17.5.5.3:A.2.b

3. Solar easements:
 - a. A property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a collector to protect solar access and shall record the easement with Jefferson County.
 - b. If no such easement is recorded, the owner of the collector shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction will cast shadows on the collector.
 - c. Any recorded solar easement(s) shall not be used to circumvent any requirements of this Zoning Code to include landscaping requirements.
- B. A collector located on a lot, other than those specific listed in [17.5.5.3:A](#) shall be subject to the following:
 1. All collector shall comply with the primary structure dimensional requirements.
 2. Solar easements:
 - a. A property owner shall be responsible for negotiating a solar easement with other adjacent property owners in the vicinity of a collector to protect solar access and shall record the easement with Jefferson County.
 - b. If no such easement is recorded, the owner of the collector shall have no right to prevent the construction of structures or the installation of landscape materials on nearby properties based upon the grounds that the construction would cast shadows on the solar collection system.

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

17.5.5.4: Wind-Powered Electric Generator

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

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

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

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8F

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Calling a Special Election for O-2025-28**

SUMMARY STATEMENT: This resolution calling for a special election is being presented to the City Council as one of two alternative options mandated by Section 13.2(e) of the Charter of the City of Lakewood which provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted by resolution calling for a special election, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

BACKGROUND INFORMATION: In conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-28 regarding Articles 1, 2, 4, and 5 of Title 17 of the Lakewood Municipal Code was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 25th day of August 2025; published by title in The Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 28th day of August 2025; set for public hearing to be held on the 8th day of September 2025; read, finally passed and adopted by the City Council on the 8th day of September 2025; and signed by the Mayor on the 18th day of September 2025, and published as amended upon the City's website on the 18th day of September 2025.

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

A referendum petition asking for the repeal of Ordinance 2025-28 was circulated for signature within forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on October 31, 2025, such petition asking to hold a referendum on Ordinance 2025-28 (referendum).

A protest of the sufficiency of the referendum petition was filed against such referendum on November 24, 2025. A hearing was held on December 19, 2025, to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3).

In accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of

sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026.

Section 13.2(d) of the Charter of the City of Lakewood provides that upon presentation to the City Council of a referendum petition by the City Clerk, the ordinance shall be suspended from operation.

Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

An ordinance on second reading to repeal Ordinance 2025-28 will be provided as an alternative to this resolution on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: The cost of a special election is generally calculated at \$50,000 per ward.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: The City Council could repeal Ordinance 2025-28 and consider alternative options for revisions of the City's zoning code to better conform to the needs of the City in 2026.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Resolution R-2026-9

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

R-2026-9

A RESOLUTION

CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-28, AN ORDINANCE THAT AMENDS THE CITY'S ZONING CODE BY REPEALING AND REPLACING ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING PROVISIONS CONCERNING THE PURPOSE AND ADMINISTRATION OF THE ZONING CODE; PROCEDURES AND APPEALS; USE AND SUPPLEMENTAL STANDARDS; AND DIMENSIONAL AND DEVELOPMENT STANDARDS

WHEREAS, on November 3, 2025, referendum petitions were filed with the Lakewood City Clerk's Office relating to Ordinance 2025-28, an ordinance repealing and replacing articles 1, 2, 4 and 5 of the Lakewood Municipal Zoning Code which was passed by the City Council as amended on September 8, 2025, and signed by the Mayor on September 18, 2025;

WHEREAS, a protest was filed against the referendum petitions relating to Ordinance O-2025-28 on November 25, 2025, a hearing was held on December 19, 2025, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petitions did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) § 2.52.150(D)/(E)/(F) and Colorado Revised Statutes (C.R.S.) § 31-11-110(3);

WHEREAS, in accordance with Section 13.2(c) of the Lakewood Home Rule Charter ("Charter") and L.M.C. § 2.52.170(A), upon a finding of sufficiency, the City Clerk shall present the referendum petition to the City Council at its first regular or special meeting held more than thirty (30) days after the date the referendum petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the referred ordinance to the City Council on January 12, 2026;

WHEREAS, in compliance with Section 13.2(d) of the Charter, Ordinance 2025-28 was suspended from operation upon presentation to the City Council, although the ordinance had not officially gone into effect on its effective date of January 1, 2026, due to acknowledgement of this referendum process and the timing conflicts arising out of the protest process;

WHEREAS, pursuant to Section 13.2(e) of the Charter, the City Council did upon presentation of the referendum petition reconsider Ordinance 2025-28 by voting on an ordinance to repeal Ordinance 2025-28, such vote to repeal failed, and therefore Ordinance 2025-28 is required to be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not

less than thirty (30) days, after presentation of the referendum petition to the City Council; or at a regular municipal election held within the ninety-day period;

WHEREAS, pursuant to C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), after an election has been ordered, the legislative body of the municipality shall promptly fix a ballot title for each referendum, allowing the registered electors of the City to vote for the ordinance or against the ordinance;

WHEREAS, C.R.S. § 31-10-108 mandates that all municipal special elections be held on a Tuesday and that no special election may be held within the thirty-two (32) days before or after the date of a primary, general, or congressional vacancy election;

WHEREAS, the window for holding a special election in accordance with both Section 13.2(e) of the Charter and C.R.S. § 31-10-108 includes those Tuesdays that are on or between the dates of Tuesday, February 17, 2026, and Tuesday, April 7, 2026; and

WHEREAS, the City Council hereby finds and determines that submitting the referendum concerning Ordinance 2025-28 to a vote of the registered electors of the City is and shall be in the best interest of the residents of the City.

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

SECTION 1. The City Council hereby calls and sets a special municipal election to be held on MARCH 31, 2026, which shall be a mail ballot, ballot question election.

SECTION 2. It is the intention of the City Council to comply with the election timelines, laws and procedures to conduct the most efficient election possible, and therefore the City Council, in accordance with applicable local and State law, hereby recognizes that the City Clerk is the Designated Election Official who will conduct the special municipal election, appoint election judges, and perform all other duties and responsibilities relating to such election.

SECTION 3. The City Clerk shall take all actions necessary for such ballot question to be presented to the registered electors of the City of Lakewood at the special municipal election to be held on the date set forth in Section 1 of this Resolution.

SECTION 4. The ballot title for the ballot question is hereby set in accordance with C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), which require the ballot for the referred ordinance to have printed on it the ordinance title and submission clause and on separate lines under the submission clause the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE", whereby if a majority of the registered electors voting vote "for" the ordinance, it shall be effective upon certification of the election results, and if a majority of the registered electors voting vote "against" the ordinance, the ordinance shall be repealed upon certification of the election results.

SECTION 5. The ballot title for the ballot question shall be as follows:

“SHALL THE CITY OF LAKEWOOD REPEAL ORDINANCE 2025-28, AN ORDINANCE AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING PROVISIONS CONCERNING THE PURPOSE AND ADMINISTRATION OF THE ZONING CODE; PROCEDURES AND APPEALS; USE AND SUPPLEMENTAL STANDARDS; AND DIMENSIONAL AND DEVELOPMENT STANDARDS?

_____ YES (AGAINST THE ORDINANCE)

_____ NO (FOR THE ORDINANCE)”

Section 6. This Resolution shall take effect immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on January 26, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8G

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Repealing O-2025-29**

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

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

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

A petition calling for a referendum of Ordinance 2025-29 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on November 10, 2025, such petition asking to hold a referendum on Ordinance 2025-29 (referendum).

A protest of the sufficiency of the referendum petition was filed against such referendum on November 24, 2025. A hearing was held on December 19, 2025, to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3).

In accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first

regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026. Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council.

A resolution calling for a special municipal election to submit this referendum petition to the registered electors of the City of Lakewood will be provided as an alternative to this ordinance on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: Please review Ordinance 2025-29 to review the processes associated with the year-long effort to establish a zoning code to meet the current and future needs of residents to gauge anticipated costs.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: Hold a special municipal election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-29 or whether to support the legislative determination of the City Council and uphold 2025-29.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If this ordinance is approved the City Council will begin the process to revise the City's zoning code to continue to seek to expand affordable housing, and expand housing types to meet the needs of current and future residents of Lakewood.

If this ordinance is not approved the City Council will begin the process of calling for a special election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-29 or whether to support the legislative determination of the City Council and uphold Ordinance 2025-29.

ATTACHMENTS:

1. Ordinance O-2026-5
2. Ordinance O-2025-29_as amended

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

AN ORDINANCE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

O-2025-29

AN ORDINANCE

AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING
ARTICLE 3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE

WHEREAS, the City of Lakewood (the “City”) is a home rule city of the state of Colorado with full authority to legislate in matters of local concern such as zoning and land use matters;

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

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

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

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

1. O-2025-27: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE
2. O-2025-28: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE
3. O-2025-30: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING THE EXISTING ZONING MAP, REPLACING IT WITH THE NEW ZONING MAP, AND REZONING PROPERTIES THEREBY

WHEREAS, the City Council finds and determines that amending Article 3 of Title 17 of the Lakewood Municipal Code (the “Zoning Code”) is a legislative function as recognized by Colorado law and such amendments are therefore not subject to any requirement for individualized notice to specific property owners;

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

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

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

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

WHEREAS, as part of a holistic revision to the City's Zoning Ordinance, it is necessary to repeal and replace Article 3 of the Zoning Code to incorporate updates throughout the Article; and

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

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

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

SECTION 2. The Zoning Code is amended by repealing Article 3 of the existing Zoning Code and replacing it with Article 3 of the new Zoning Code which is attached hereto and made part hereof.

SECTION 3. The proposed legislative amendments to Article 3 promote the purposes of this Zoning Code.

SECTION 4. The proposed legislative amendments to Article 3 promote implementation of the City's new Comprehensive Plan *Envision Lakewood 2040*.

SECTION 5. Article 3 is part of a fully revised Zoning Code and Zoning Map that are being considered for adoption in four parts to allow for a more thorough public review and engagement process. To accommodate this extended process, all four portions of the revised Zoning Code and Zoning Map, including Article 3, will become operative on January 1, 2026 or, at the determination of the Chief of Sustainability & Community Development, up to sixty (60) days subsequent to January 1, 2026 to allow for the entire Zoning Code and Zoning Map to become operative on the same date. If the Chief of Sustainability & Community Development modifies the operational date of Article 3 in conformance with this paragraph, such operational date shall be published on the City's website.

SECTION 6. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

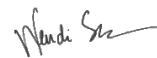
SECTION 7. This Ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 8th day of September, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 11th day of September, 2025; set for public hearing to be held on the 22nd day of September, 2025; read, finally passed and adopted by the City Council on the 22nd day of September, 2025; and signed by the Mayor on the 23rd day of September, 2025.

ATTEST:



Jay Robb, City Clerk



Wendi Strom, Mayor

APPROVED AS TO FORM:



Alison McKenney Brown, City Attorney

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ARTICLE 3: ZONE DISTRICTS

17.3.1: General

17.3.1.1: Purpose and Intent

This Article describes each zone district established within the City of Lakewood (the “City”). The purpose of the various districts is to:

- A. Ensure compatibility of land uses;
- B. Support efficient and economical use and reuse of land;
- C. Provide adequate light and air in development projects;
- D. Encourage development and redevelopment projects and uses of land that are functional and exhibit good design and aesthetics; and
- E. Protect the City’s existing residences, businesses, and infrastructure in a manner that is consistent with the City’s Comprehensive Plan.

17.3.2: Districts and Maps

17.3.2.1: Applicability

- A. Any application for an initial zoning, rezoning or legislative zoning of property filed on or after the effective date of this Zoning Code shall be for a zone district created by this Zoning Code. This Zoning Code governs the application and the use of the property proposing to be zoned or rezoned.
- B. Any application for an initial zoning, rezoning or legislative zoning of property filed prior to and pending on the effective date of this Zoning Code shall be amended to propose a zone district created by this Zoning Code and shall otherwise conform to and be governed by this Zoning Code, unless a hearing on the application has been conducted by the Planning Commission. If a hearing 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 O-2012-24, as amended.

17.3.2.2: Creation of Districts

To carry out the purposes of this Zoning Code, the City of Lakewood shall be divided into several zone districts as defined in this Article.

17.3.2.3: Zoning District Map

- A. The location of land placed within specified zone districts following the effective date of this Zoning Code is shown on the map entitled Official Zoning District Map of the City of Lakewood, hereby designated as the official City zoning district map. The map is part of this Zoning Code by this reference, and the districts set forth and shown therein are hereby approved. The official map shall be maintained by the Clerk to the Planning Commission.
- B. When land is zoned or rezoned pursuant to this Zoning Code, such changes shall be made on the Official Zoning District Map of the City of Lakewood pursuant to the Lakewood Municipal Code.
- C. The Planning Commission and City Council may, by resolution, authorize staff to correct drafting or other errors or omissions in the Official Zoning District Map of the City of Lakewood, but no such correction shall have the effect of amending the original Zoning Code or any subsequent amendment thereto.

17.3.2.4: Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of the various districts as shown on the zoning district maps, the Director shall determine the boundary by applying the following rules:

- A. In subdivided areas, unless otherwise shown on the maps, the district boundary is the centerline of said street, alley or record lot line. Where a district boundary line is approximately along a street, alley or record lot line, the centerline of said street, alley or lot line shall be construed to be the boundary.
- B. In un-subdivided areas, unless otherwise shown on the maps, the district boundary is the centerline of said street, highway or land survey line. Where a district boundary line is not indicated as following a street, alley, or land survey line, the zoning boundary line shall be determined by the scale designated on the zoning map.
- C. In the case of a district boundary that divides property without relying on lot lines, the location of the boundary shall be determined by the scale designated on the zoning map.

17.3.2.5: Lot Line Changes

When lot line boundaries are, or have been, altered through the subdivision process, the Director may determine that the zoning boundaries shift to match the nearest new lot line based on the following criteria:

- A. The determination shall not result in a significant change in the overall land use permissions for the altered property;

- B. The area of change shall not be sufficient, in and of itself, to result in a new building or use that was not previously allowed; and
- C. No change shall be made without the knowledge and permission of the impacted landowner.

17.3.3: Residential Districts

17.3.3.1: Purpose and Intent

The residential zone districts are primarily intended to:

- A. Create, maintain and promote a variety of housing opportunities that meet the diverse economic and social needs of residents;
- B. Maintain and promote the desired physical character of existing and developing neighborhoods;
- C. Protect the scale, character and unique appeal of existing residential neighborhoods; and
- D. Allow for appropriate public and institutional services and facilities, such as schools, parks and recreational uses, religious institutions, and transportation infrastructure.

While the districts primarily accommodate residential use types, some institutional, limited commercial, and home business uses are also allowed.

17.3.3.2: Residential District Descriptions

The general objective of each residential (R) zone district within the City is identified by the descriptions below.

- A. **Low-form Residential – A (R-L-A):** This zone district is intended to support incremental development that aligns with the City’s rural character. Development primarily consists of mostly small residential dwellings on large lots.

Consistent with low-form residential areas, this zone district allows housing options that reinforce the rural landscape while allowing a variety of housing options beyond single-unit homes (See [Figure 1](#)).

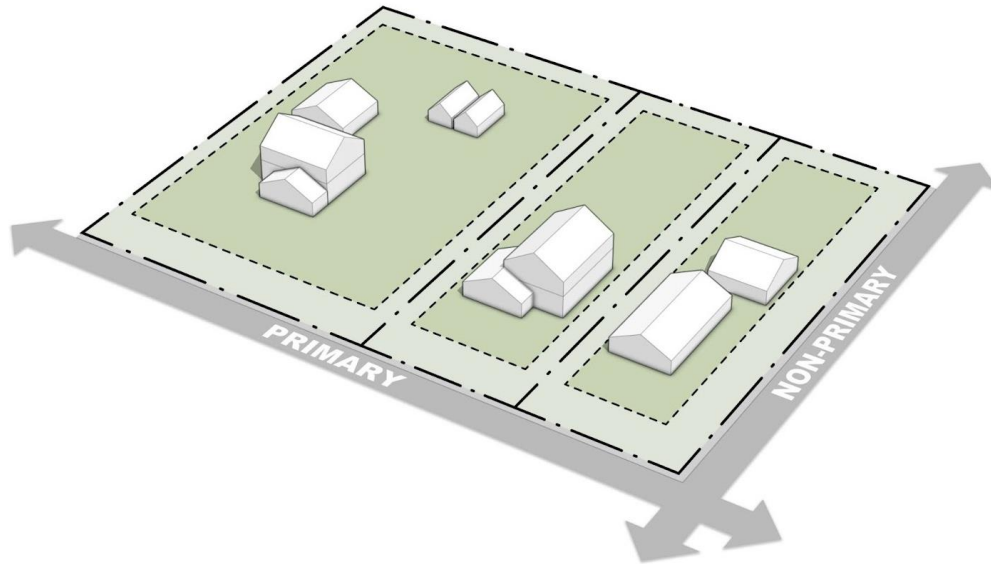


Figure 1: Example of Low-form Residential – A; 17.3.3.2:A

- B. **Low-form Residential – B (R-L-B):** This zone district is intended to maintain the residential character of traditional suburban neighborhoods, while expanding the range of housing options available. Development primarily consists of small residential dwellings on medium to large-sized lots. The shape of a typical lot varies widely and may be square, trapezoidal, rectangular, or irregular.

This zone district allows for multiple units with a single house-scale building, and on larger lots, multiple house-scale buildings on a lot (See [Figure 2](#)).

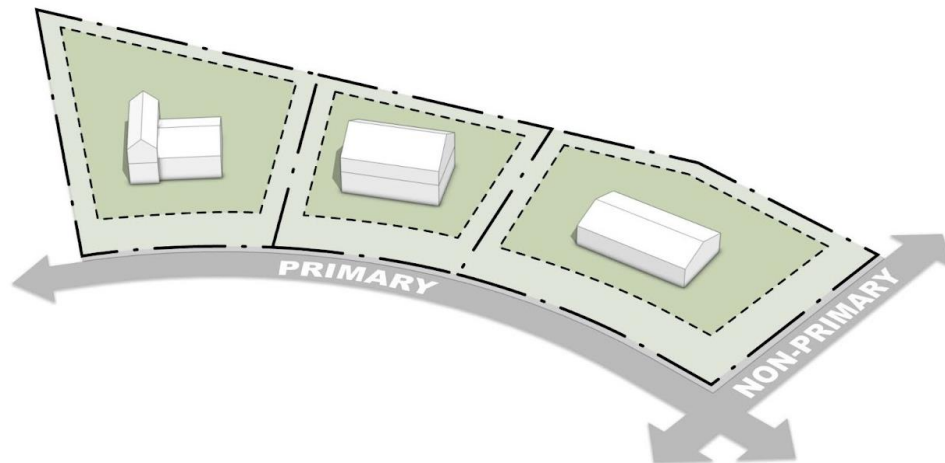


Figure 2: Example of Low-form Residential – B; 17.3.3.2:B

- C. **Low-form Residential – C (R-L-C):** This zone district is intended to support compact, walkable neighborhoods with a range of housing options. Development includes small-scale attached and detached housing, and lots are typically deeper than they are wide.

This zone district controls the building form over the number of units, allowing for gentle density increases without drastic changes to the neighborhood scale (See [Figure 3](#)).

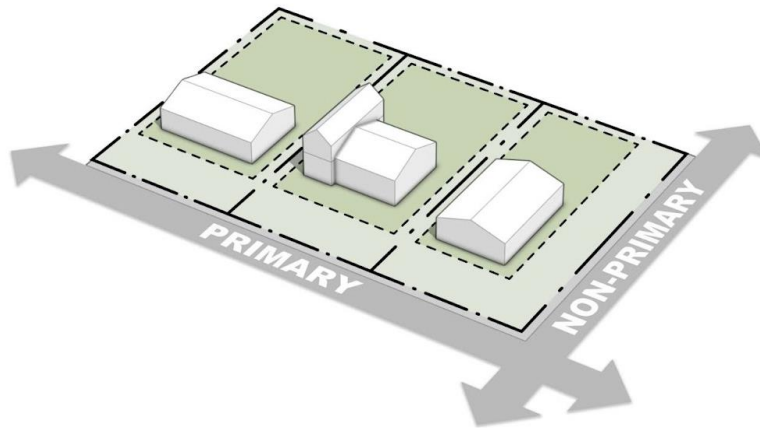


Figure 3: Example of Low-form Residential – C; 17.3.3.2:C

- D. **Low-form Residential - Manufactured Home (R-L-MH):** The R-L-MH district is intended to allow for developments where spaces are either sold or rented for the placement of a mobile home in a park-like setting, where the homes are used as seasonal or permanent residences, or other movable housing types.
- E. **Mid-form Residential (R-M):** The R-M district is intended to provide for a mixture of medium-density housing types including but not limited to attached housing, and multifamily buildings.

17.3.4: Mixed-Use Districts

17.3.4.1: Purpose and Intent

The Mixed-Use (M) zone districts are intended to:

- A. Accommodate and promote a mix of commercial (e.g., retail, service, office) and residential uses;

Lakewood Zoning Code – 2025

- B. Encourage pedestrian-friendly development consisting of business, retail, and residential uses in the same building or on the same site;
- C. Maintain the integrity and viability of the adjacent residential neighborhoods;
- D. Provide areas for public and semi-public uses, such as utilities and telecommunications infrastructure needed to support the community; and
- E. Provide development flexibility, while ensuring that new development and redevelopment interacts appropriately with adjoining land uses.

17.3.4.2: Mixed-Use District Descriptions

Mixed-Use districts are established to allow a range of district types, from the small neighborhood center to regional-level centers. The general objective of each mixed-use (M) zone district within the City is identified by the descriptions below.

- A. **M-N – Mixed-Use-Neighborhood:** The M-N district is intended to allow and accommodate a mix of lower-intensity neighborhood-scale commercial uses and a range of residential uses generally along collector streets and adjacent to light rail stations with walk-up access. Typical non-residential uses include those that provide goods and services to the residents of the surrounding neighborhoods. The district is intended to accommodate a high level of pedestrian activity and scale. Mixed-use buildings and projects are encouraged and not required.
- B. **M-G – Mixed-Use-General:** The M-G district is intended to allow for mixed-use and community commercial development generally along arterial streets. Typical non-residential uses include those necessary to support the community. The district is intended to accommodate a higher level of motor vehicle activity, although pedestrian activity will still be accommodated and encouraged.
- C. **M-C – Mixed-Use-Core:** The M-C district is intended to allow and accommodate opportunities for higher density mixed-use development in areas developed or planned with the most intense urban characteristics, such as downtown Lakewood and adjacent to light rail stations with associated parking facilities. Typical non-residential uses include those generally intended to support the entire City. The district is intended to accommodate a high level of pedestrian activity, although motor vehicle activity will still be accommodated. Mixed-use buildings and projects are key components of this district and are required in certain contexts.
- D. **M-R – Mixed-Use-Residential:** The M-R district is intended to allow for compact multifamily residential development with a variety of densities. This district will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of the district to maximize the potential number of transit riders and business users within adjacent transit and urban development areas, while limiting the impact on existing surrounding neighborhoods.

17.3.4.3: Mixed-Use District Contexts

Each mixed-use zone district within the City is assigned a context, based on the existing or planned characteristic of the area in which it is located. The zone district contexts address the following:

- A. Indicate the appropriate development pattern for a given area of the City;
- B. Provide for appropriate levels of pedestrian and auto access; and

- C. Establish maximum building heights to reflect the existing or proposed characteristics of the surrounding development.
- D. Assigned mixed-use zone districts descriptions include:
 - 1. **S – Suburban:** The Suburban context reflects a more auto-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is not conducive to the highest level of pedestrian connectivity. The context allows for a limited amount of parking to be provided between adjacent public streets and the development. Additionally, auto-oriented design elements, such as drive-through facilities, are permitted (See [Figure 4](#)).

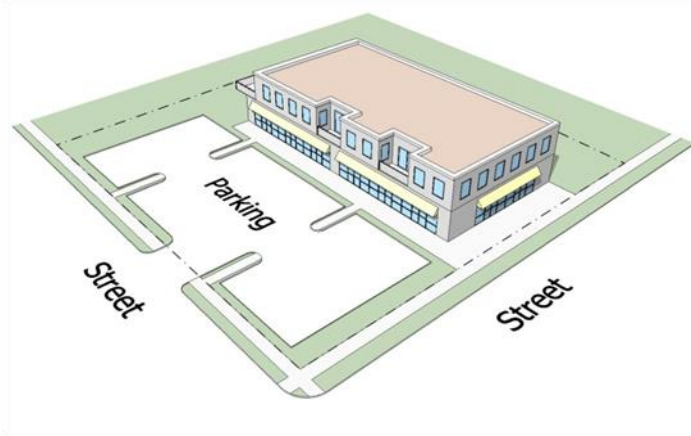


Figure 4: Example of Suburban Context; 17.3.4.3:D.1

2. **U – Urban:** The Urban context reflects a more pedestrian-oriented environment, where the existing surrounding street pattern and access to adjacent residential neighborhoods is more conducive to pedestrian and bicycle access. The context requires that buildings be located within a short distance of adjacent public streets, with parking located behind or to the side of buildings. Auto-oriented design elements, such as drive-through facilities, generally have specific design requirements (See [Figure 5](#)).



Figure 5: Example of Urban Context; 17.3.4.3:D.2

3. **T – Transit:** The Transit context reflects the most pedestrian-oriented environment, where the existing surrounding street pattern, access to adjacent neighborhoods, and access to transit is conducive to pedestrian and bicycle access. The context requires that buildings be located within a short distance of adjacent public streets, with parking located only behind buildings, or in above or below grade structures. Auto-oriented design elements are restricted and have specific design requirements (See [Figure 6](#)).

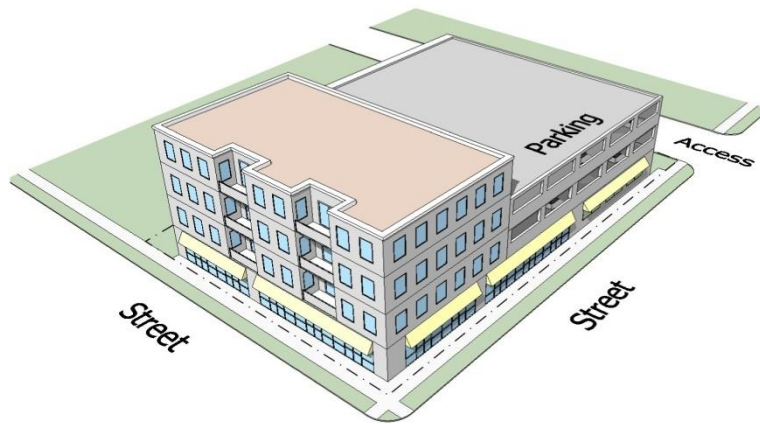


Figure 6: Example of Transit Context; 17.3.4.3:D.3

17.3.5: Commercial and Light Industrial Districts

17.3.5.1: Purpose and Intent

The commercial and light industrial districts are intended to:

- A. Promote and accommodate larger-scale auto-oriented commercial and light industrial uses;
- B. Provide opportunities for single-use commercial and light industrial development; and
- C. Strengthen and diversify the City's economic base and provide basic employment opportunities.

17.3.5.2: Commercial and Light Industrial Descriptions

The general objective of each commercial (C) and light industrial (L-I) zone districts within the City is identified by the descriptions below.

- A. **C-R – Commercial-Regional:** The C-R district is intended to provide for regional commercial development along major street corridors and near highway interchanges. Typical uses include those needed to support the community and

create a regional draw. The district is intended to accommodate the highest levels of motor vehicle activity, although pedestrian activity will still be an important element of design. The district reflects a more suburban character, with parking allowed in front of buildings, and commercial buildings separated from residential uses.

- B. **C-L – Commercial-Limited:** The C-L district is intended to provide a mix of lower-intensity commercial uses along major street corridors and is generally appropriate within commercial corridors and community activity areas. The district will accommodate a balance of motor vehicle and pedestrian related activity. It reflects a suburban character, with parking allowed in front of buildings. Auto-oriented design elements, such as drive-through facilities are also permitted; however, sidewalk connections that support pedestrian circulation patterns from adjacent residential neighborhoods and other pedestrian-oriented facilities are of equal importance.
- C. **LI – Light Industrial:** The LI district is intended to allow for existing and future light industrial uses that provide for the employment needs of the City. Typical uses include facilities producing medical, high technology, and environmentally sustainable products, as well as traditional industrial facilities including warehousing and distribution. Some heavy manufacturing is also allowed. The district allows for a suburban development pattern.

17.3.6: Planned Development District

17.3.6.1: Purpose and Intent

The Planned Development (PD) district is intended to permit the planning and development of substantial parcels of land which are suitable in location and character for the uses proposed and are suitable to be developed as a unified and integrated project in accordance with detailed development plans. The PD zone district is intended to:

- A. Provide for large-scale, unified, and unique development concepts not otherwise permitted within standard zone districts identified in this Article of the Zoning Code;
- B. Promote more efficient use of land and public services, encourage creative and innovative site design, and provide an increased level of amenities and aesthetic enhancement, while meeting the policies and goals of the City's Comprehensive Plan;
- C. Promote development that is individually designed for a specific site in order to more appropriately address the physical context and/or specific features associated with the property;

- D. Encourage innovations in residential, commercial, and industrial development and redevelopment so that the needs of the population may be met by greater variety in the type, design, and layout of buildings, and by the conservation and more efficient use of open space ancillary to buildings;
- E. Encourage a more efficient use of land and of public or private services, and to reflect changes in the technology of land development;
- F. Reduce the burden of traffic associated with a development on streets and highways located in the vicinity of the development; and
- G. Provide a procedure which can better relate the type, design, and layout of residential, commercial, and industrial development to the particular site, thereby encouraging preservation of the natural characteristics of a site.

In return for flexibility in site design and development, PD districts are expected to include exceptional design that preserves critical environmental resources; provide above-average open space and recreational amenities; incorporate creative design in the layout of buildings, open space, and circulation; assure compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

17.3.6.2: Applicability

The PD district shall be applied only to sites of five (5) acres or larger, provided that the site may be composed of multiple adjacent properties to be governed by a single Official Development Plan (ODP) and may thereafter be subdivided in compliance with the approved ODP.

17.3.6.3: Official Development Plan

All PD zone districts shall be governed by an ODP. The ODP shall contain written stipulations and, when appropriate, graphic representation generally addressing land use, density, signage, fencing, lighting, access and circulation, architectural and landscape design requirements, and public and private improvements.

17.3.6.4: Allowed uses

A PD district shall include multiple land uses, and define the following:

- A. **Base Zone District:** All PD districts shall allow the uses identified for at least one (1) zone district described in this Zoning Code. The base zone district or districts shall be chosen based upon compatibility with surrounding land uses and most closely relate to the uses proposed as part of the PD. The base zone district or districts shall be specifically identified as part of the PD.

- B. **Additional Uses:** A PD district may include uses not allowed in the base zone district. However, the use or uses added to the based district shall be listed in Table 2, or determined to be permitted, subject to 17.4.3. Addition of uses to the base zone district shall be based on compatibility with the surrounding land uses.

17.3.6.5: Other Standards and Modifications

The standards of the applicable base zone district or districts included in the PD, as identified in this Zoning Code, shall apply to the PD district unless specifically modified as part of the PD. Any modification to the standards shall be identified as part of an ODP.

- A. Redevelopment within a PD district may apply either the standards of the base zone district or the standards of the ODP.
- B. Where an ODP contains specific provisions regarding the ODP modification process, the provisions outlined in the ODP shall be used to modify the ODP.

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8H

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Calling a Special Election for O-2025-29**

SUMMARY STATEMENT: This resolution calling for a special election is being presented to the City Council as one of two alternative options mandated by Section 13.2(e) of the Charter of the City of Lakewood which provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted by resolution calling for a special election, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

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

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

A referendum petition asking for the repeal of Ordinance 2025-29 was circulated for signature within forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on October 31, 2025, such petition asking to hold a referendum on Ordinance 2025-29 (referendum).

A protest of the sufficiency of the referendum petition was filed against such referendum on November 24, 2025. A hearing was held on December 19, 2025, to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3).

In accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of

sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026.

Section 13.2(d) of the Charter of the City of Lakewood provides that upon presentation to the City Council of a referendum petition by the City Clerk, the ordinance shall be suspended from operation.

Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

An ordinance on second reading to repeal Ordinance 2025-29 will be provided as an alternative to this resolution on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: The cost of a special election is generally calculated at \$50,000 per ward.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: The City Council could repeal Ordinance 2025-29 and consider alternative options for revisions of the City's zoning code to better conform to the needs of the City in 2026.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Resolution R-2026-10

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

R-2026-10

A RESOLUTION

CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO
SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF
LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-29, AN
ORDINANCE THAT AMENDS THE CITY'S ZONING CODE BY REPEALING AND
REPLACING ARTICLE 3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE,
INCLUDING PROVISIONS CONCERNING THE ESTABLISHMENT OF ZONE
DISTRICTS

WHEREAS, on November 10, 2025, referendum petitions were filed with the Lakewood City Clerk's Office relating to Ordinance 2025-29, an ordinance repealing and replacing article 3 of the Lakewood Municipal Zoning Code which was passed by the City Council as amended on September 22, 2025, signed by the Mayor on September 23, 2025, and published as amended upon the City's website on September 25, 2025;

WHEREAS, a protest was filed against the referendum petitions relating to Ordinance 2025-29 on December 8, 2025, a hearing on the protest was held on December 19, 2025, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petitions did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) § 2.52.150(D)/(E)/(F) and Colorado Revised Statutes (C.R.S.) § 31-11-110(3);

WHEREAS, in accordance with Section 13.2(c) of the Lakewood Home Rule Charter ("Charter"), and L.M.C. § 2.52.170(A), upon a finding of sufficiency, the City Clerk shall present the referendum petition to the City Council at its first regular or special meeting held more than thirty (30) days after the date the referendum petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the referred ordinance to the City Council on January 12, 2026;

WHEREAS, in compliance with Section 13.2(d) of the Charter, Ordinance 2025-29 was suspended from operation upon presentation to the City Council, although the ordinance had not officially gone into effect on its effective date of January 1, 2026, due to acknowledgement of this referendum process and the timing conflicts arising out of the protest process;

WHEREAS, pursuant to Section 13.2(e) of the Charter, the City Council did upon presentation of the referendum petition reconsider Ordinance 2025-29 by voting on an ordinance to repeal Ordinance 2025-29, such vote to of repeal failed, and therefore Ordinance 2025-29 is required to be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty (30) days, after presentation of the referendum petition to the City Council; or at a regular municipal election held within the ninety-day period;

WHEREAS, pursuant to C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), after an election has been ordered, the legislative body of the municipality shall promptly fix a ballot title for each referendum, allowing the registered electors of the City to vote for the ordinance or against the ordinance;

WHEREAS, C.R.S. § 31-10-108 mandates that all municipal special elections be held on a Tuesday and that no special election may be held within the thirty-two (32) days before or after the date of a primary, general, or congressional vacancy election;

WHEREAS, the window for holding a special election in accordance with both Section 13.2(e) of the Charter and C.R.S. § 31-10-108 includes those Tuesdays that are on or between the dates of Tuesday, February 17, 2026, and Tuesday, April 7, 2026; and

WHEREAS, the City Council hereby finds and determines that submitting the referendum concerning Ordinance 2025-29 to a vote of the registered electors of the City is and shall be in the best interest of the residents of the City.

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

SECTION 1. The City Council hereby calls and sets a special municipal election to be held on MARCH 31, 2026, which shall be a mail ballot, ballot question election.

SECTION 2. It is the intention of the City Council to comply with the election timelines, laws and procedures to conduct the most efficient election possible, and therefore the City Council, in accordance with applicable local and State law, hereby recognizes that the City Clerk is the Designated Election Official who will conduct the special municipal election, appoint election judges, and perform all other duties and responsibilities relating to such election.

SECTION 3. The City Clerk shall take all actions necessary for such ballot question to be presented to the registered electors of the City of Lakewood at the special municipal election to be held on the date set forth in Section 1 of this Resolution.

SECTION 4. The ballot title for the ballot question is hereby set in accordance with C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), which require the ballot for the referred ordinance to have printed on it the ordinance title and submission clause and on separate lines under the submission clause the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE", whereby if a majority of the registered electors voting vote "for" the ordinance, it shall be effective upon certification of the election results, and if a majority of the registered electors voting vote "against" the ordinance, the ordinance shall be repealed upon certification of the election results.

SECTION 5. The ballot title for the ballot question shall be as follows:

“SHALL THE CITY OF LAKEWOOD REPEAL ORDINANCE 2025-29, AN ORDINANCE AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLE 3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE, INCLUDING PROVISIONS CONCERNING THE ESTABLISHMENT OF ZONE DISTRICTS?

_____ YES (AGAINST THE ORDINANCE)

_____ NO (FOR THE ORDINANCE)”

Section 6. This Resolution shall take effect immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on January 26, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8I

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Repealing O-2025-30**

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

BACKGROUND INFORMATION: In conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-30 regarding the Zoning Map that was adopted as part of a fully revised Zoning Code as set forth within Title 17 of the Lakewood Municipal Code (L.M.C.), which was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 22nd day of September 2025; published by title in The Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 25th day of September 2025; set for public hearing to be held on the 13th day of October 2025; read, finally passed and adopted by the City Council on the 13th day of October 2025; and signed by the Mayor on the 20th day of October 2025, and published as amended upon the City's website on the 20th day of October 2025.

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

A petition calling for a referendum of Ordinance 2025-30 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on December 5, 2025, such petition asking to hold a referendum on Ordinance 2025-30 (referendum).

In accordance with Section 13.2(c) of the Charter, and L.M.C. § 2.52.170, upon a finding of sufficiency, the City Clerk shall present the petition to the City Council at its first regular or special meeting held more than thirty days after the date the petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the initiated ordinance to the City Council on January 12, 2026. Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but

not less than thirty days, after presentation of the referendum petition to the City Council.

A resolution calling for a special municipal election to submit this referendum petition to the registered electors of the City of Lakewood will be provided as an alternative to this ordinance on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: Please review Ordinance 2025-30 to review the processes associated with the year-long effort to establish a zoning code to meet the current and future needs of residents to gauge anticipated costs.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: Hold a special municipal election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-27 or whether to support the legislative determination of the City Council and uphold 2025-30.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: If this ordinance is approved, the City Council will begin the process to revise the City's zoning code to continue to seek to expand affordable housing, and expand housing types to meet the needs of current and future residents of Lakewood.

If this ordinance is not approved, the City Council will begin the process of calling for a special election to submit to a vote of the registered electors of the City of Lakewood the question of whether to support the referendum to repeal Ordinance 2025-27 or whether to support the legislative determination of the City Council and uphold Ordinance 2025-27.

ATTACHMENTS:

1. Ordinance O-2026-6
2. Ordinance O-2025-30_as amended

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

O-2026-6

AN ORDINANCE

REPEALING IN ITS ENTIRETY ORDINANCE 2025-30, AS ADOPTED ON OCTOBER 13, 2025, REGARDING ADOPTION OF A NEW ZONING MAP, AND REPLACING WITH THAT ZONING MAP THAT WAS IN EFFECT ON DECEMBER 31, 2025

WHEREAS, in conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-30 regarding the Zoning Map that was adopted as part of a fully revised Zoning Code as set forth within Title 17 of the Lakewood Municipal Code (L.M.C.), which was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 22nd day of September, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 25th day of September, 2025; set for public hearing to be held on the 13th day of October, 2025; read, finally passed and adopted by the City Council on the 13th day of October, 2025; and signed by the Mayor on the 20th day of October, 2025, and published as amended upon the City's website on the 20th day of October, 2025;

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

WHEREAS, a petition calling for a referendum of Ordinance 2025-30 was circulated for signature within the forty-five (45) days following its adoption by the City Council and final publication as amended;

WHEREAS, the Lakewood City Clerk's Office received the signed petition on December 5, 2025, such petition asking to hold a referendum on Ordinance 2025-30 (referendum);

WHEREAS, no protest was filed within thirty (30) days following the filing of the petition for referendum in accordance with L.M.C. 2.52.150(D);

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

WHEREAS, Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without

amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council.

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

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

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

SECTION 1. Ordinance 2025-30, as adopted on October 13, 2025, regarding the Zoning Map of the Lakewood Municipal Code is repealed in its entirety, and shall be replaced by that version of the Zoning Map that was in effect on December 31, 2025.

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

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

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

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

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

O-2025-30

AN ORDINANCE

AMENDING THE LAKEWOOD ZONING CODE BY REPEALING THE EXISTING
ZONING MAP, REPLACING IT WITH THE NEW ZONING MAP, AND REZONING
PROPERTIES THEREBY

WHEREAS, the City of Lakewood (the “City”) is a home rule city of the state of Colorado with full authority to legislate in matters of local concern such as zoning and land use matters;

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

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

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

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

1. O-2025-27: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLES 6-14 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE
2. O-2025-28: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLES 1, 2, 4 AND 5 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE
3. O-2025-29: AMENDING THE LAKEWOOD ZONING CODE BY REPEALING AND REPLACING ARTICLE 3 OF TITLE 17 OF THE LAKEWOOD MUNICIPAL CODE

WHEREAS, the City Council finds and determines that amending the Zoning Map of the City is a legislative function as recognized by Colorado law and such amendments are therefore not subject to any requirement for individualized notice to specific property owners;

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

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

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

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

WHEREAS, as part of a holistic revision to the City's Zoning Ordinance and Zoning Map, it is necessary to repeal and replace the City's Zoning Map through the adoption of a new Zoning Map; and

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

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

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

SECTION 2. Per 17.2.3.3 of the current Zoning Code, the City Council finds and determines:

- A. The proposed rezoning promotes the purposes of this Zoning Code as stated in 17.1.2;
- B. The proposed rezoning is compatible with existing surrounding land uses or the land uses envisioned in the Comprehensive Plan *Envision Lakewood 2040*;
- C. The proposed rezoning meets at least one of the following additional criteria;
 - The proposed rezoning promotes implementation of the Comprehensive Plan *Envision Lakewood 2040*;
 - There has been a material change in the character of the neighborhood or in the City generally, such that the proposed rezoning is in the public interest and consistent with the change; and
 - Some of the properties proposed for rezoning were previously rezoned in error.
- D. The proposed rezoning affects a large number of properties and is not applicable only to a specific individual or readily identifiable group.
- E. The rezoning is prospective in nature and reflects public policy of a permanent or general character impacting the City on a scale greater than at the individual property level;
- F. It would be inefficient, cumbersome, and unduly burdensome on the resources of the City to rezone the potentially affected properties in a quasi-judicial manner on a site-by-site basis; and
- G. The proposed rezoning promotes implementation of the City's new Comprehensive Plan *Envision Lakewood 2040*.

SECTION 3. The City's Zoning Map is amended by repealing the existing Zoning Map and replacing it with the new Zoning Map which is attached hereto and made part hereof.

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

SECTION 5. If any provision of this Ordinance should be found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or

applications of this Ordinance that can be given effect without the invalid portion, provided such remaining portions or application of the Ordinance are not determined by the court to be inoperable.

SECTION 6. This Ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that within and foregoing Ordinance was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 22nd day of September, 2025; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 25th day of September, 2025; set for public hearing to be held on the 13th day of October, 2025; read, finally passed and adopted by the City Council on the 13th day of October, 2025; and signed by the Mayor on the 20th day of October, 2025.



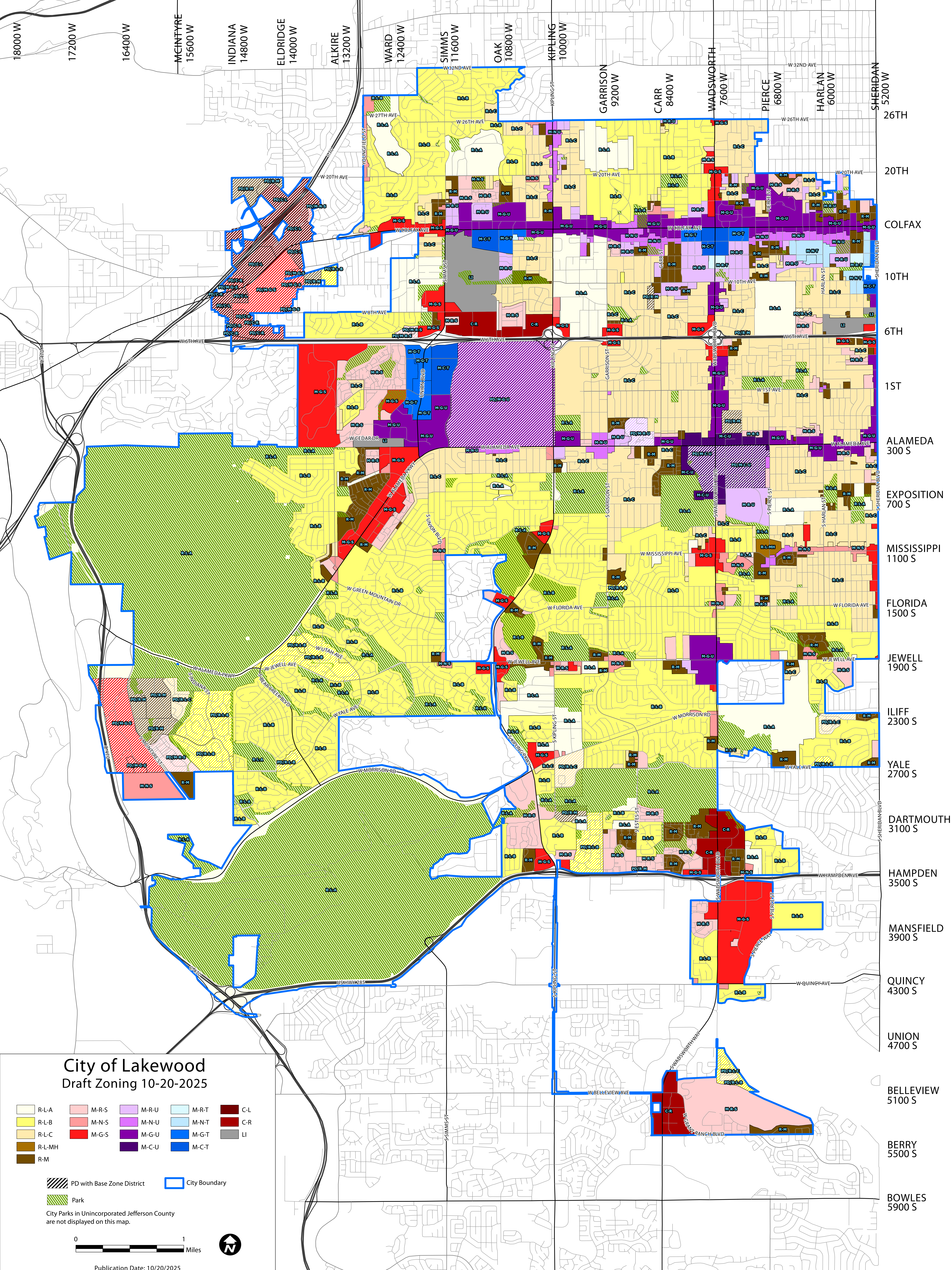
ATTEST:

Jay Robb, City Clerk

Wendi Strom, Mayor

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney



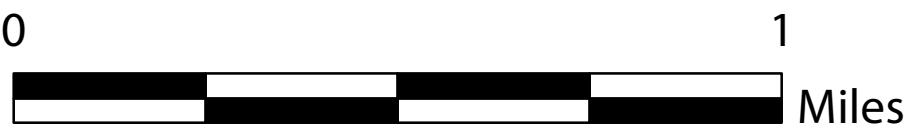
City of Lakewood
Draft Zoning 10-20-2025

R-L-A	M-R-S	M-R-U	M-R-T	C-L
R-L-B	M-N-S	M-N-U	M-N-T	C-R
R-L-C	M-G-S	M-G-U	M-G-T	LI
R-L-MH		M-C-U	M-C-T	
R-M				

PD with Base Zone District City Boundary

Park

City Parks in Unincorporated Jefferson County are not displayed on this map.



Publication Date: 10/20/2025

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 8J

To: Mayor and City Council
From: Jay Robb, City Clerk
Subject: **Calling a Special Election for O-2025-30**

SUMMARY STATEMENT: This resolution calling for a special election is being presented to the City Council as one of two alternative options mandated by Section 13.2(e) of the Charter of the City of Lakewood which provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted by resolution calling for a special election, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

BACKGROUND INFORMATION: In conformance with the provisions of Article VII of the Charter of the City of Lakewood, Ordinance 2025-30 regarding the Zoning Map that was adopted as part of a fully revised Zoning Code as set forth within Title 17 of the Lakewood Municipal Code (L.M.C.), which was introduced and read on first reading at a hybrid regular meeting of the Lakewood City Council on the 22nd day of September 2025; published by title in The Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 25th day of September 2025; set for public hearing to be held on the 13th day of October 2025; read, finally passed and adopted by the City Council on the 13th day of October 2025; and signed by the Mayor on the 20th day of October 2025, and published as amended upon the City's website on the 20th day of October 2025.

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

A referendum petition asking for the repeal of Ordinance 2025-30 was circulated for signature within forty-five (45) days following its adoption by the City Council and final publication as amended. The Lakewood City Clerk's Office received the signed petition on October 31, 2025, such petition asking to hold a referendum on Ordinance 2025-30 (referendum).

A protest of the sufficiency of the referendum petition was filed against such referendum on November 24, 2025. A hearing was held on December 19, 2025, to determine the validity of the matters subject to protest, and a decision was rendered by the hearing officer on December 31, 2025, finding that the referendum petition did meet all legal sufficiency requirements, all in conformance with Lakewood Municipal Code (L.M.C.) 2.52.150(D) and the Colorado Revised Statutes (C.R.S.) § 31-11-110(3).

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

Section 13.2(d) of the Charter of the City of Lakewood provides that upon presentation to the City Council of a referendum petition by the City Clerk, the ordinance shall be suspended from operation.

Section 13.2(e) of the Charter of the City of Lakewood provides that the City Council shall upon presentation of the referendum petition reconsider the ordinance, but if upon reconsideration the ordinance is not repealed in its entirety by a majority of all members of City Council, the ordinance shall be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty days, after presentation of the referendum petition to the City Council. The City Council will need to approve the item title and set the date of the special election as part of approving this resolution.

An ordinance on second reading to repeal Ordinance 2025-30 will be provided as an alternative to this resolution on the January 26, 2026, agenda of the City Council.

BUDGETARY IMPACTS: The cost of a special election is generally calculated at \$50,000 per ward.

STAFF RECOMMENDATIONS: None

ALTERNATIVES: The City Council could repeal Ordinance 2025-30 and consider alternative options for revisions of the City's zoning code to better conform to the needs of the City in 2026.

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: 1. Resolution R-2026-11

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

R-2026-11

A RESOLUTION

CALLING A SPECIAL MUNICIPAL ELECTION TO BE HELD ON MARCH 31, 2026, TO
SUBMIT TO A VOTE OF THE REGISTERED ELECTORS OF THE CITY OF
LAKEWOOD A REFERENDUM CONCERNING ORDINANCE 2025-30, AN
ORDINANCE AMENDING THE LAKEWOOD ZONING CODE BY REPEALING THE
EXISTING ZONING MAP, REPLACING IT WITH THE NEW ZONING MAP, AND
REZONING PROPERTIES THEREBY

WHEREAS, on December 5, 2025, referendum petitions were filed with the Lakewood City Clerk's Office relating to Ordinance 2025-30, an ordinance repealing and replacing the Zoning Map incorporated into the Lakewood Municipal Zoning Code, which was passed by the City Council as amended on October 13, 2025, and signed by the Mayor on October 20, 2025;

WHEREAS, in accordance with Section 13.2(c) of the Lakewood Home Rule Charter ("Charter") and L.M.C. § 2.52.170(A), upon a finding of sufficiency, the City Clerk shall present the referendum petition to the City Council at its first regular or special meeting held more than thirty (30) days after the date the referendum petition is filed, or, if a protest is filed, at the first regular meeting following determination of sufficiency, and the City Clerk did comply by presenting the referred ordinance to the City Council on January 12, 2026;

WHEREAS, in compliance with Section 13.2(d) of the Charter, Ordinance 2025-30 was suspended from operation upon presentation to the City Council, although the ordinance had not officially gone into effect on its effective date of January 1, 2026, due to acknowledgement of this referendum process and the timing conflicts arising out of the protest process;

WHEREAS, pursuant to Section 13.2(e) of the Charter, the City Council did upon presentation of the referendum petition reconsider Ordinance 2025-30 by voting on an ordinance to repeal Ordinance 2025-30, such vote to repeal failed, and therefore Ordinance 2025-30 is required to be submitted, without amendment or alteration, to a vote of the registered electors at a special election to be held within ninety days, but not less than thirty (30) days, after presentation of the referendum petition to the City Council; or at a regular municipal election held within the ninety-day period;

WHEREAS, pursuant to C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), after an election has been ordered, the legislative body of the municipality shall promptly fix a ballot title for each referendum, allowing the registered electors of the City to vote for the ordinance or against the ordinance;

WHEREAS, C.R.S. § 31-10-108 mandates that all municipal special elections be held on a Tuesday and that no special election may be held within the thirty-two (32) days before or after the date of a primary, general, or congressional vacancy election;

WHEREAS, the window for holding a special election in accordance with both Section 13.2(e) of the Charter and C.R.S. § 31-10-108 includes those Tuesdays that are on or between the dates of Tuesday, February 17, 2026, and Tuesday, April 7, 2026; and

WHEREAS, the City Council hereby finds and determines that submitting the referendum concerning Ordinance 2025-30 to a vote of the registered electors of the City is and shall be in the best interest of the residents of the City.

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

SECTION 1. The City Council hereby calls and sets a special municipal election to be held on MARCH 31, 2026, which shall be a mail ballot, ballot question election.

SECTION 2. It is the intention of the City Council to comply with the election timelines, laws and procedures to conduct the most efficient election possible, and therefore the City Council, in accordance with applicable local and State law, hereby recognizes that the City Clerk is the Designated Election Official who will conduct the special municipal election, appoint election judges, and perform all other duties and responsibilities relating to such election.

SECTION 3. The City Clerk shall take all actions necessary for such ballot question to be presented to the registered electors of the City of Lakewood at the special municipal election to be held on the date set forth in Section 1 of this Resolution.

SECTION 4. The ballot title for the ballot question is hereby set in accordance with C.R.S. § 31-11-111, Section 13.2(f) of the Charter and L.M.C. § 2.52.170(B), which require the ballot for the referred ordinance to have printed on it the ordinance title and submission clause and on separate lines under the submission clause the words, "FOR THE ORDINANCE" and "AGAINST THE ORDINANCE", whereby if a majority of the registered electors voting vote "for" the ordinance, it shall be effective upon certification of the election results, and if a majority of the registered electors voting vote "against" the ordinance, the ordinance shall be repealed upon certification of the election results.

SECTION 5. The ballot title for the ballot question shall be as follows:

"SHALL THE CITY OF LAKEWOOD REPEAL ORDINANCE 2025-30, AN ORDINANCE AMENDING THE LAKEWOOD ZONING CODE BY REPEALING THE EXISTING ZONING MAP, REPLACING IT WITH THE NEW ZONING MAP, AND REZONING PROPERTIES THEREBY?

_____ YES (AGAINST THE ORDINANCE)

_____ NO (FOR THE ORDINANCE)"

Section 6. This Resolution shall take effect immediately upon its adoption.

INTRODUCED, READ, AND ADOPTED by a vote of _ for and _ against at a hybrid regular meeting of the Lakewood City Council on January 26, 2026, at 7 o'clock p.m. at the Lakewood Civic Center, 480 S. Allison Parkway, Lakewood, Colorado.

Wendi Strom, Mayor

ATTEST:

Jay Robb, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 9

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney

STAFF MEMO

DATE OF MEETING: JANUARY 26, 2026 / AGENDA ITEM NO. 9A

To: Mayor and City Council

From:

Subject:

SUMMARY STATEMENT:

BACKGROUND INFORMATION:

BUDGETARY IMPACTS: None

STAFF RECOMMENDATIONS: None

ALTERNATIVES: None

PUBLIC OUTREACH: This item has been promoted through the regular communication channels to be considered by the Lakewood City Council.

NEXT STEPS: None

ATTACHMENTS: None

REVIEWED BY: Kathleen E. Hodgson, City Manager
Benjamin B. Goldstein, Deputy City Manager
Alison McKenney Brown, City Attorney