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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 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 17.2.1 summarizes the procedures for planning applications.

| Table 17.2.1: Procedures Summary Table | | | | | | |
|---|-----------------------|---------------------------|--|------------------------------------|------------------------------------|-----------------------------|
| Planning Applications | Application Processes | | Review, Decision, and Appeal Authority | | | |
| | Preplanning Review | Formal Application Review | Director | Board of Adjustment Public Hearing | Planning Commission Public Hearing | City Council Public Hearing |
| Initial 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 | |
| <i>✓ = Required Application R = Review D = Decision A = Appeal</i> | | | | | | |

17.2.2.1: Application Process

This Section describes steps in the application processes that are common to more than one planning application.

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 17.2.1](#) or as determined by the Director. The Director may waive the requirement for a preplanning application.
2. The applicant shall submit a preplanning application form and all supplemental materials identified in the preplanning application form.
3. The City shall respond in writing to preplanning applications. The written response shall include, but is not limited to, feedback regarding the following:
 - a. Consistency of the proposed land development with the Lakewood Comprehensive Plan and how well the project interacts with the context of the area; and
 - b. Consistency of the proposed land development with the standards in this Zoning Ordinance; and
 - c. The need, if any, to complete a land subdivision pursuant to the Lakewood Subdivision Ordinance; and
 - d. Anticipated impact and requirements of the proposed land development on the public right-of-way and public improvements; and
 - 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 Ordinance.

1. The applicant shall be all owners of the property, or any person, firm or corporation with written consent of the property owner(s).
2. The applicant shall submit a complete formal application for the planning application identified in [Table 17.2.1](#) or as determined by the Director. The City shall not proceed with an incomplete application.
3. If a formal application is not received within six months after completion of the preplanning review as identified in [Section 17.2.2.1:A](#) above, the Director may require a new preplanning review prior to a formal application submittal.
4. 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. 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.
5. The City shall review all formal applications for compliance with the standards in this Zoning Ordinance.

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 a proposed land development for an initial zoning, rezoning or special use permit 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 neighborhood meeting is required for land development procedures for an initial zoning, rezoning, or special use permit, or as determined by the Director, which shall be held after receiving the written response to the preplanning application, but prior to filing a formal application.
2. More than one neighborhood meeting may be required at the discretion of the Director. 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; or
 - b. If the applicant is proposing new or modified components of the formal application that were not discussed at the required neighborhood meeting; or
 - c. If a significant amount of time has passed since the required neighborhood meeting.
3. Notification of neighbors for a required neighborhood meeting shall be provided as described below:
 - a. For an initial zoning or rezoning, a written notice shall be mailed to owners of property within 500 feet of the subject property and registered neighborhood organizations within 1/2 mile of the subject property.
 - b. For a special use permit, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property.
 - c. The written notices shall be prepared by the City in a format approved by the Director.
 - d. The notice to property owners shall be postmarked at 14 days, but not more than 30 days, prior to the neighborhood meeting.

B. Notification to Adjacent Property Owners

The purpose of the notification to owners of adjacent property is to inform neighbors when the Director is reviewing an application to allow a minor variance or comprehensive sign plan. or a comprehensive sign plan.

1. A notification to adjacent property owners is required for land development procedures for a minor variance or comprehensive sign plan, or as determined by the Director.
2. Notification of adjacent property owners shall be provided as described below:
 - a. A written notice shall be mailed to owners of property that is immediately adjacent to the subject property excluding rights-of-way. Notice shall not be required to adjacent property owners across freeways and arterial streets. The written notices shall be prepared by the City in a format approved by the Director.
 - b. The notice to property owners shall be postmarked at least 14 days, but not more than 30 days, prior to a decision by the Director.

17.2.2.3: Public Hearings

Public hearings allow the opportunity for the public to comment on a formal application when it is being reviewed by the Board of Adjustment, Planning Commission, or City Council. This Section establishes the general process for public hearings, including notification procedures.

A. Setting a Date for a Public Hearing

1. The Secretary to the Board of Adjustment shall schedule the public hearing before the Board of Adjustment. The public hearing shall be held not more than 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 staff. The Secretary to the Board of Adjustment shall provide notice of the date, time and location of the public hearing to the applicant.
2. The Secretary to the Planning Commission shall schedule the public hearing before the Planning Commission. The public hearing shall be held not more than 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 staff. The Secretary 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. Notifying 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:

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- a. The applicant shall provide at least one sign for each street frontage on the property. Along each street frontage, the applicant shall provide one sign for every 300 feet of frontage, or portion thereof.
 - b. The sign shall be in a format approved by the Director.
 - c. The applicant shall post the sign(s) on the property 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 10 days prior to the public hearing.
 3. Notification to owners of property in the vicinity of the subject property shall be provided as described below:
 - a. For an initial zoning or rezoning, a written notice shall be mailed to owners of property within 500 feet of the subject property and registered neighborhood organizations within 1/2 mile of the subject property.
 - b. For a special use permit, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property.
 - c. For a major variance and major waiver, a written notice shall be mailed to owners of property within 300 feet of the subject property and registered neighborhood organizations within 1/4 mile of the subject property
 - d. The written notice shall be prepared by the City in a format approved by the Director.
 - e. The notice to owners of property shall be postmarked at least 14 days, but not more than 30 days, prior to the public hearing.
 4. The City shall ensure that the written notification of a public hearing (posted signs, newspaper notifications, and written notifications to property owners) includes the following information:
 - a. Type of land development case, explanation of the approval sought, and written description of the proposal including proposed land uses; and
 - b. Date, time and place of the public hearing; and
 - c. Address of the subject property; and
 - d. Name and contact information for the applicant and contact information for assigned city staff person.

C. Conducting a Public Hearing

1. The Zoning Ordinance, the Comprehensive Plan, including all amendments, and the Subdivision Ordinance shall be a part of the record of every public hearing, and it shall not be necessary for any party or person formally to move their introduction into evidence.

2. The Board of Adjustment shall conduct public hearings pursuant to the Rules and Regulations of the Board of Adjustment, as amended.
3. The Planning Commission shall conduct public hearings pursuant to the Rules and Regulations of the Planning Commission, as amended.
4. The City Council shall conduct public hearings pursuant to the City Charter and the Lakewood Municipal Code, as amended.

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 land that is annexed to the City of Lakewood, herein referred to as "initial zoning." This Section also establishes the procedure for changing the boundaries or area of any zone district, or for changing the zoning classification of any parcel of land within the City of Lakewood, as shown on the Official Zoning Map of the City of Lakewood, herein referred to as "rezoning" or "legislative zoning."

17.2.3.2: Types of Zoning Applications

A. Initial Zoning

1. The initial zoning process shall apply when property is annexed or to be annexed to the City of Lakewood. The process for initial zoning shall follow, to the extent practicable, the procedures applicable to rezoning.
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. 1973, 31-12-106, as amended, or after a petition for annexation, or a petition for annexation election has been found to be valid in accordance with C.R.S. 1973, 31-12-107, as amended.
3. One or more of the following entities shall submit a formal 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.

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.
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. A legislative zoning is intended to be 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.
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 Ordinance as stated in Section 17.1.2; and
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 of the following additional criteria:
 - a. The proposed zoning or rezoning promotes implementation of the Comprehensive Plan; or
 - 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
 - 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; and
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; and

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; and
4. The proposed legislative zoning promotes the purposes of this Zoning Ordinance; and
5. The proposed legislative zoning promotes implementation of the Comprehensive Plan.

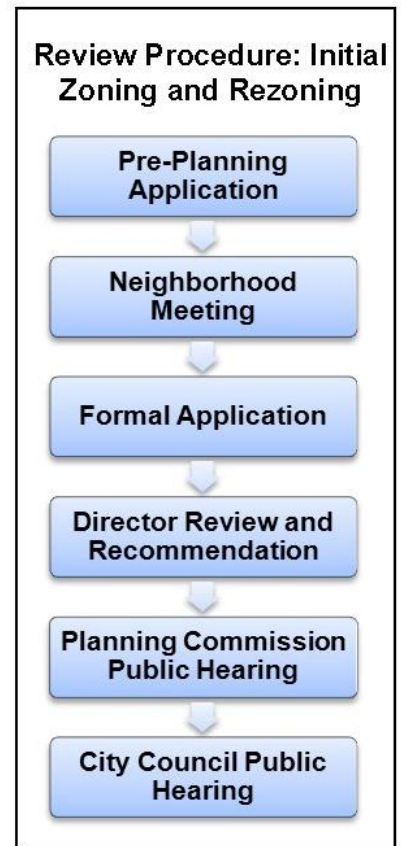
17.2.3.4: Review Authority

- A. City Council designates the Planning Commission to conduct a fact-finding hearing on applications for initial zoning, rezoning and legislative zoning. The fact-finding hearing shall be referred to as a public hearing for purposes of this Section. The Planning Commission shall make a recommendation to City Council.
- B. Upon receipt of a recommendation from the Planning Commission for an initial zoning, a rezoning or a legislative zoning, the City Council shall conduct a public hearing and render a decision.
- 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 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 withdrawn or denied may not be resubmitted for a minimum period of six 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 Sections [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 addressing all of the elements in Section 17.3.6.



B. Neighborhood Meeting

At least one 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; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the criteria in Section [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 Section [17.2.2.3:B](#) of this Zoning Ordinance.
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 Section [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 his or her representative, by the Director or any member of the 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, written or oral.
4. Following the public hearing, the Planning Commission shall make a recommendation to the City Council to approve, approve with modifications where appropriate, or deny the application based on the review criteria in Section [17.2.3.3](#).
5. The Planning Commission shall provide the written findings and recommendation to the applicant within 14 days after the public hearing.
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 Secretary to the Planning Commission prior to the public hearing before the City Council, which 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 Section [17.2.2.3:B](#) of this Zoning Ordinance.
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 Section [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 representatives, 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, written or oral.
4. Following the public hearing and based on the rezoning criteria in [17.2.3.3](#), the City Council shall:
 - a. Adopt the Planning Commission's findings and proceed to vote upon the proposed ordinance; or
 - b. Revise the Planning Commission's findings, if such revision is supported by evidence in the record made before the Planning Commission, and proceed to vote upon the ordinance; or
 - c. Continue to a date certain; or
 - d. Deny the application; or
 - e. Remand the proposed application to the Planning Commission for further consideration if one of the following is found to be true:
 - i. One of the written findings from the Planning Commission is based on incorrect information; or
 - ii. 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.
5. If the application is remanded to the Planning Commission, the City Council shall provide guidance to the Planning Commission including:
 - a. What aspects of the application should be reconsidered; and
 - b. Whether additional public testimony should be accepted; and
 - c. The date certain to which the City Council continued its consideration.

6. Final action by the City Council on the application shall be taken within 90 days after the date of the City Council's hearing on the application, or within 30 days after the date the Council receives the application after remand to the Planning Commission, whichever is later. Failure to take final action within such period shall be considered a final decision of the 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 Section 1.20.030, an additional 14 days shall be added to the time limitation for each such occurrence.

F. Vested Property Rights

1. A zoning action approved by the City Council is automatically vested for a period of three years. Such vesting 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.
2. An applicant may seek to vest the approval of a zoning action for a period of longer than three years through the approval of a development agreement. The City Council may enter into such an agreement where City Council finds such to be warranted in light of all relevant circumstances including, but not limited to, the size and phasing of the development, economic factors, and market conditions.
3. 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 a notice of forfeiture from the Director.
 - a. Upon receipt of a notice of forfeiture, an owner or his authorized agent may file a written request, within seven days of receipt, that the Director reconsider his or her decision. The request for reconsideration shall state the grounds therefore and shall specifically describe the actions which constitute compliance with the terms and conditions of approval.
 - b. Denial of a request for reconsideration may be appealed to the Planning Commission if request for reconsideration is timely filed with and denied by the Director.

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 Ordinance. A special use permit, once approved, shall run with the land, except as otherwise specified in this Zoning Ordinance.

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:

- A. The proposed special use is consistent with the applicable supplemental standards set forth in Article 4 of this Zoning Ordinance; and
- B. The proposed special use is consistent with the applicable dimensional and development standards set forth in Article 5 of this Zoning Ordinance; and
- C. The proposed special use is consistent with the applicable design standards set forth in Articles 6 and 7 of this Zoning Ordinance; and
- D. The proposed special use is consistent with 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 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 withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

17.2.4.4: Review Procedure

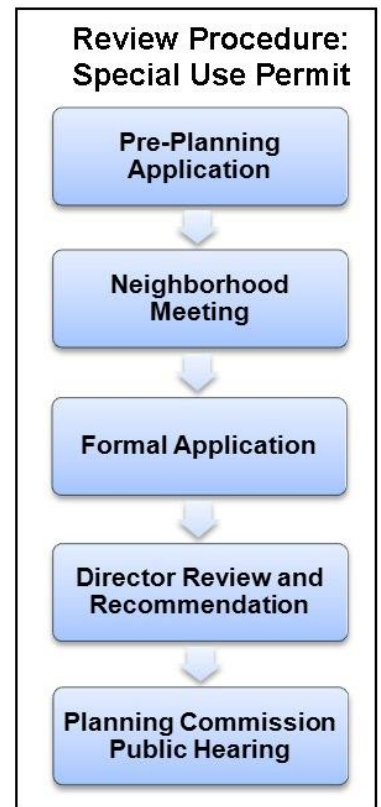
A request for a special use permit shall follow the procedures described below:

A. Application

The applicant shall follow procedures for preplanning and formal applications pursuant to Sections [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 Ordinance.

B. Neighborhood Meeting

At least one neighborhood meeting is required for a special use permit application. The applicant shall hold a neighborhood meeting pursuant to Section [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 to the City; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the criteria in Section [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, 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 Section [17.2.2.3:B](#) of this Zoning Ordinance.
2. The Planning Commission shall hold a public hearing for special use permits after receipt of the Director's recommendation pursuant to Section [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 his representative, by the Director or any member of the 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, written or oral.
4. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications, 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 Ordinance.
5. The Planning Commission shall provide the written findings and decision to the applicant within 14 days after the public hearing.

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 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 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 Ordinance or to a similar standard contained in an official development plan 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 of this Zoning Ordinance.

17.2.5.2: Types of Variances

A. Major Variance

Except as otherwise noted below, a major variance shall apply when a variation of 20 percent or more to a numeric, dimensional, development, or design standard is proposed.

B. Minor Variance

A minor variance shall apply when a variation of less than 20 percent to a numeric, dimensional, development, or design standard is proposed, or when an increase of up to 2 feet in the height of a side or rear yard fence is proposed.

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:

- 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; and
- 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; and
- C. The proposed variance complies with the purpose and intent of the standard to be varied and generally observes the spirit of the Zoning Ordinance; and
- D. The proposed variance will not substantially impair the appropriate use or development of adjacent property; and
- E. The proposed variance is the minimum variance that will afford relief with the least modification possible of this Zoning Ordinance; 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 withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

B. Minor Variance

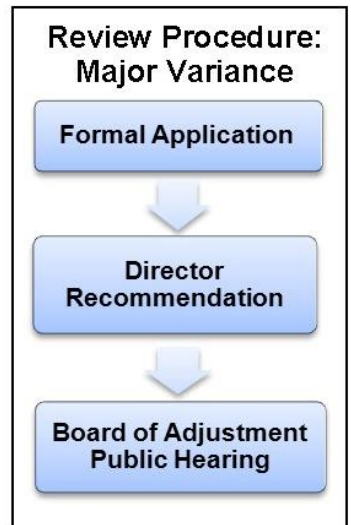
1. The Director shall have the authority to review and render a decision on minor variance applications.
2. The Board of Adjustment shall have the authority to hear a referral from the Director and render a decision on a minor variance application.
3. The Board of Adjustment shall have the authority 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 withdrawn or denied may not be resubmitted for a minimum period of six 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:
 - a. The applicant shall follow procedures for formal applications pursuant to Section [17.2.2.1:B](#).
2. Director’s Review and Recommendation:



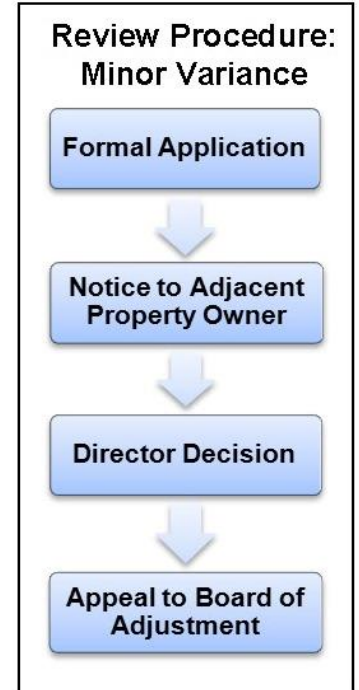
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- a. The Director shall review the application and ensure the following:
 - i. The formal application is complete when submitted to the City; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section [17.2.5.3](#): and any other applicable City standards
 - b. The Director shall make a recommendation to the Board of Adjustment to approve, approve with modifications, or deny the application for a major variance based on the review criteria in [17.2.5.3](#): and any other applicable City standards.
3. Board of Adjustment Public Hearing:
- a. The applicant shall provide public notice of the Board of Adjustment public hearing pursuant to Section [17.2.2.3:B](#) of this Zoning Ordinance
 - b. The Board of Adjustment shall hold a public hearing for a major variance after receipt of the Director's recommendation pursuant to Section [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 the 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, written or oral.
 - d. Following the public hearing, the Board of Adjustment shall make a decision to approve, approve with modifications, or deny the application for a major variance.
 - e. The Board of Adjustment shall provide the written findings and decision to the applicant within 14 days after the public hearing.

B. Minor Variance:

A request for a minor variance shall follow the procedures described below.

1. Application:
 - a. The applicant shall follow procedures for formal applications pursuant to Section [17.2.2.1:B](#).
2. Director's Review:
 - a. The Director shall review the application and ensure the following:
 - i. The application is complete when submitted to the City; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section [17.2.5.3](#); and any other applicable City standards.
3. Notification to Owners of Adjacent Property:
 - a. The applicant shall mail a notification to owners of adjacent property pursuant to Section [17.2.2.2:B](#).
4. Director's Decision:
 - a. The Director may make a decision to approve, approve with modifications, 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 his or her sole discretion, to refer an application for a minor variance to the Board of Adjustment for consideration and decision pursuant to Section [17.2.5.4](#).
5. Appeal of Director's Decision:
 - a. The applicant or owners of adjacent property may appeal the Director's decision on a minor variance application.
 - b. A written appeal shall be submitted to the Secretary to the Board of Adjustment within 30 days of the Director's decision.
 - c. The Board of Adjustment shall review appeals to the Director's decision for a minor variance. The Board of Adjustment shall conduct a public hearing within 30 days of receipt of a complete appeal application, or within a timeframe agreed upon by the applicant and Director.
 - d. The Board of Adjustment review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.



- e. 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 Ordinance or to a similar standard contained in an official development plan 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 Ordinance. An applicant shall submit an application for a waiver 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 or development standard varies the standard by more than 20 percent. .

B. Minor Waiver

A minor waiver shall apply to the following:

1. When a proposed alternative to a dimensional or development standard varies the standard by 20 percent or less; or
2. When an increase of up to 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:

- A. The waiver will result in a superior development or design than if the strict application of this Zoning Ordinance is applied; and
- B. The waiver will better serve the intent of the zone district in which the property is located; and
- C. The waiver will not substantially impair the appropriate use or development of adjacent property; and
- D. The waiver will not alter the character of the neighborhood or area where the project is proposed; and

- E. The waiver is consistent with the development patterns of the existing neighborhood; and
- F. The proposed project with a waiver will conform with the policies 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 withdrawn or denied may not be resubmitted for a minimum period of six months from the date of the decision.

B. Minor Waiver

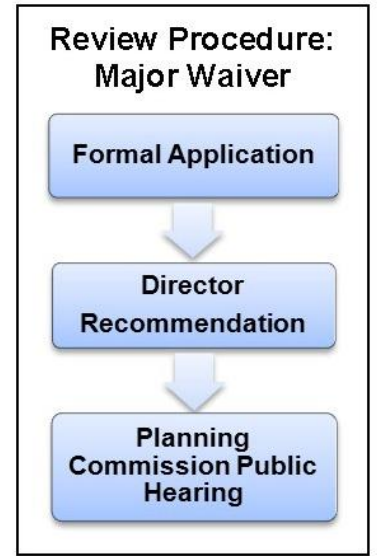
1. The Director has the authority to review and render a decision on applications for a minor waiver.
2. The Planning Commission has the authority to hear a referral from the Director and render a decision on a minor waiver application.
3. The Planning Commission has the authority to hear an appeal of 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 withdrawn or denied may not be resubmitted for a minimum period of six 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 Section [17.2.2.1:B](#).
 - b. The applicant shall provide sufficient evidence that the request for a waiver meets the review criteria outlined in Section [17.2.6.3](#).
2. 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; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section [17.2.6.3](#) and any other applicable City standards.
 - b. The Director shall make a recommendation to the Planning Commission to approve, approve with modifications, or deny the application for a major waiver based on the review criteria in [17.2.6.3](#).
3. Planning Commission Public Hearing:
 - a. The applicant shall provide public notice of the public hearing pursuant to Section [17.2.2.3:B](#) of this Zoning Ordinance.
 - b. The Planning Commission shall hold a public hearing for a major waiver after receipt of the Director's recommendation pursuant to Section [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 his representative, by the Director or any member of the 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, written or oral.
 - d. Following the public hearing, the Planning Commission shall make a decision to approve, approve with modifications, or deny the application for major waiver.

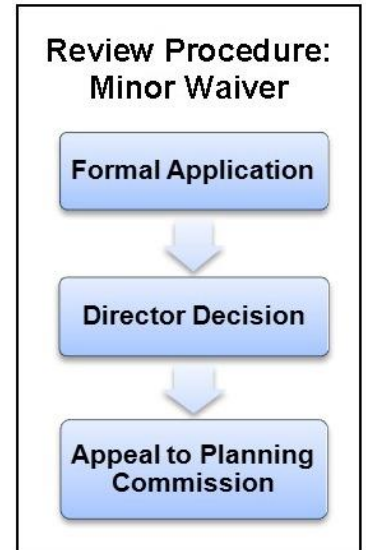


- e. The Planning Commission shall provide the written findings and decision to the applicant within 14 days after the public hearing.

B. Minor Waiver

A request for a minor waiver shall follow the procedures described below:

1. Application:
 - a. 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; and
 - ii. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - iii. The application is reviewed applying the review criteria in Section [17.2.6.3](#): and any other application City standards.
 - b. The Director may, within 30 days from the day of the complete application, either approve, approve with modifications, or deny the application based on the review criteria in Section [17.2.6.3](#): and any other applicable City standards.
 - c. The Director, at his or her sole discretion, may decide to refer an application for a minor waiver to the Planning Commission pursuant to Section [17.2.6.4](#):
3. 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 Secretary of the Planning Commission within 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 Section [17.2.2.3:B](#) of this Zoning Ordinance. The Planning Commission shall conduct a public hearing within 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 Ordinance.
 - 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 disabled person to utilize or access the property if a minor waiver is not granted.

17.2.7: Major Site Plans

17.2.7.1: Applicability

This Section establishes the procedures and criteria for review of major site plans. Site plan standards shall only apply to the area of new development or redevelopment, not the entire site.

A major site plan is required when one of the following is proposed:

- A. A change to the site, other than a single-family or two-family structure, that affects 20 percent or more of the site area; or:
- B. An expansion of a building, other than a single-family or two-family structure, of 20 percent or more of the gross square footage of the building; and
- C. A major site plan is required for any subdivision including three residential units or more.

The City shall consider the cumulative change on the property. The Director may require a major site plan when the cumulative change on a property meets one or more of the conditions described above.

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, and 10 of this Zoning Ordinance.
- 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, and 10 of this Zoning Ordinance.

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

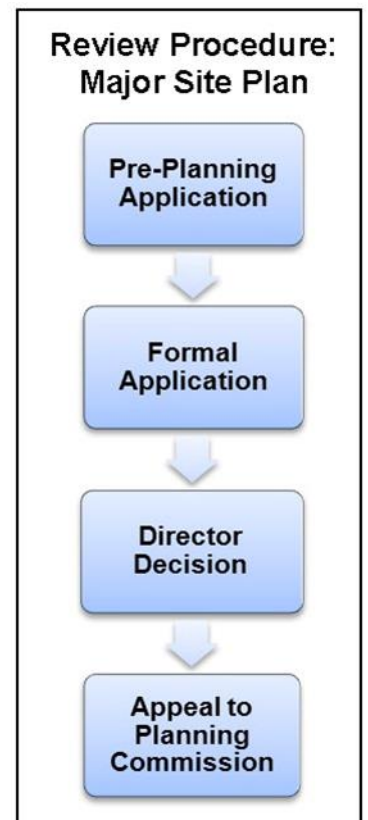
A request for a major site plan review shall follow the procedures described below

A. Application

For major site plans, the applicant shall follow the application process for a preplanning and formal application described in Sections [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; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the review criteria in Section [17.2.7.2](#); and any other applicable City standards.
- 2. The Director shall make a decision to approve, approve with modifications, or deny the application for a site plan based on the review criteria in Section [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 Section [17.2.7.3](#).

C. Appeal of Director's Decision

- a. The applicant may appeal the Director's decision on a major site plan.
- b. A written appeal shall be submitted to the Secretary of the Planning Commission within 30 days of the Director's decision.
- c. The Planning Commission shall review appeals to the Director's decision for a major site plan. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- d. The Planning Commission's review shall determine whether the decision of the Director is consistent with this Zoning Ordinance.
- e. 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 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 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 the 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 of the special use permit.
- B. If and when any special use is determined to be in violation of the special use permit, the Director shall notify the permit holder and the property owner in writing of said violation and shall provide the permit holder with a 14-day period in which to abate the violation or a reasonable period of time as determined by the Director. The permit holder shall

communicate to the Director and to each applicable licensing agency when the violation has been adequately abated.

- C. If the violation has not been abated within the 14-day period, the Secretary to the Planning Commission shall schedule a public hearing. The purpose of this hearing shall be to determine whether revocation proceedings or other legal action should be pursued. The Planning Commission shall use the review criteria as set forth in Section [17.2.4.2](#): when considering whether a special use may continue.
- D. Following a public hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the special use permit. The revocation of the special use permit shall require the permit holder to immediately vacate the premises or stop the use authorized by the special use permit. After revocation, the permit holder may not reapply for a special use permit for the same or similar use within 180 days 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 Ordinance. If at any time the standards for a nonconforming use stated in this Zoning Ordinance or the Lakewood Municipal Code are not met, the nonconforming use shall be in violation.
- B. If and when any nonconforming use is determined to be in violation, the Director shall notify the property owner in writing of said violation and shall provide the property owner with a 14-day period in which to abate the violation. The property owner shall communicate to the Director when the violation has been adequately abated.
- C. If the violation has not been abated within the 14-day period, the Director shall schedule an administrative hearing to determine whether revocation of the nonconforming use or other legal action should be pursued. The Director shall give the property owner at least 14 days' written notice of the date and time of the hearing. The Director shall order the nonconforming use to terminate and/or may initiate legal action to terminate the nonconforming use if the Director determines that 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.

The revocation of the nonconforming use shall require the property owner to stop the use.

- D. If the Director has ordered the termination of the nonconforming use pursuant to Subsection C above, and the property owner believes the criteria in Subsection C have not been met, the property owner may appeal the decision to the Planning Commission. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- E. Following a public hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the nonconforming use.

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 Ordinance. If at any time the standards for a temporary use stated in this Zoning Ordinance or the Lakewood Municipal Code are not met, the temporary use shall be in violation.
- B. If and when any temporary use is determined to be in violation, the Director shall notify the property owner in writing of said violation and shall provide the property owner with a 14-day period in which to abate the violation. The property owner shall communicate to the Director when the violation has been adequately abated.
- C. If the violation has not been abated within the 14-day period, the Director shall schedule an administrative hearing to determine whether revocation of the temporary use or other legal action should be pursued. The Director shall give the property owner at least 14 days' written notice of the date and time of the hearing. The Director shall order the temporary use to terminate and/or may initiate legal action to terminate the temporary use if the Director determines that the continuation of the use without correction of the violation creates an increase risk to public health or safety, or creates increased adverse impacts to adjacent properties.

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 Section [17.2.8.4:C](#), and the property owner believes that the criteria in Section [17.2.8.4:C](#) have not been met, the property owner may appeal the decision to the Planning Commission. The Planning Commission shall conduct a public hearing within 30 days of receipt of a complete appeal application.
- E. Following a public hearing before the Planning Commission, the Planning Commission shall issue a decision either revoking or sustaining the temporary use.

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 40,000 square feet of building area in the PD, R-MF, 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 Section [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 Ordinance; and
- B. The comprehensive sign plan exhibits high quality design, innovation and sensitivity to the site context; and
- 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; and
- D. The proposed standards and location in the Comprehensive Sign Plan do not adversely affect adjacent properties; and
- E. Signs proposed in a comprehensive sign plan shall adhere to the lighting standards outlined in Section [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) shall submit an application.
 - 2. The applicant shall submit a complete application with all required materials as determined by the Director. The Director shall determine if a submitted 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; and
 - b. Sign calculations; and

- c. Elevation drawings of all allowable signs; and
 - d. Sign Plan and elevation drawings of building facades indicating allowable sign locations.
3. Applications that do not generate activity for more than 6 months may be closed at the Director's discretion.
 4. 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. 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.

B. Notification to Adjacent Property Owners

1. Notification to adjacent property owners is required pursuant to Section [17.2.2.2:B](#).
2. Written comments received from notified property owners will be included in the materials reviewed by the Director before rendering a decision on the application.

C. 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; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the criteria in Section [17.2.9.4](#); and all other applicable City standards
2. The Director shall review the application and make a decision to approve, approve with modifications, or deny the application for a comprehensive sign plan based on the review criteria in Section [17.2.9.4](#).
3. The Director, at his or her sole discretion, may refer an application for a comprehensive sign plan to the Planning Commission pursuant to Section [17.2.9.3](#).

D. 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 Secretary of the Planning Commission within 30 days of the Director's decision.
3. The Planning Commission shall review appeals to the Director's decision for a comprehensive sign plan. The Planning Commission shall conduct a public hearing within 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 Ordinance.
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; and
2. The proposed modification will not substantially impair the appropriate use or development of adjacent property; and
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 application.

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 application.

C. Review Procedure

1. Application:
 - a. The applicant shall follow procedures for preplanning and formal applications pursuant to Sections [17.2.2.1:A](#) and [17.2.2.1:B](#) and any other applicable City standards.
 - b. An application for a comprehensive sign plan modification shall include a comprehensive sign plan articulating the modifications to the governing comprehensive sign plan.

D. Notification to Owners of Adjacent Property

Notification to owners of adjacent property shall be at the Director's discretion.

E. 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; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the review criteria in Section [17.2.9.6](#): and any other applicable City standards.
2. The Director shall make a decision to approve, approve with modifications or deny the application for a comprehensive sign plan modification based on the review criteria in [17.2.9.6](#).
3. The Director may, at his or her sole discretion, refer a modification to the Planning Commission for consideration and decision

F. 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 Secretary of the Planning Commission within 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 public hearing within 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 Ordinance.

5. Any decision of the Planning Commission of an appeal to a comprehensive sign plan modification 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

Recommendation and decisions regarding zoning lot applications shall be based on the following criteria:

- A. The zoning lot designation is not applicable to R-1 and R-2 zone districts.
- B. All lots proposed for inclusion as part of a zoning lot designation shall be contiguous.
- C. A zoning lot shall comply with all provisions of the dimensional and development standards of Article 5, 6, 7, and 8.
- D. A zoning lot shall have at least one lot line abutting a public street.
- E. A zoning lot shall meet the intent of the applicable zone district.
- F. 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:

A. Application:

1. The applicant shall submit a formal application for a zoning lot in conjunction with a site plan.
2. Upon written request of the property owners or owners, 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 ordinance.
3. Where a designated zoning lot is not owned by a single owner or entity, all property owners shall agree 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 ordinance

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; and
 - b. The applicant followed the procedures as stated in this Zoning Ordinance; and
 - c. The application is reviewed applying the review criteria in Section [17.2.6.3](#): and any other applicable City standards.
2. The Director may, within 30 days from the day of the complete application, either approve, approve with modifications, or deny the application based on the review criteria in Section [17.2.6.3](#): and any other applicable City standards
3. The Director, at his or her sole discretion, may decide to refer an application for a zoning lot to the Planning Commission pursuant to Section 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 Secretary of the Planning Commission within 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 Section 17.2.2.3:B of this Zoning Ordinance. The Planning Commission shall conduct a public hearing within 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 Ordinance.
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.

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 ordinance.
- 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.

17.2.12: Review of Supplemental Standards for Limited and Accessory Uses

17.2.12.1: Applicability

Review required for any limited or accessory use identified in Article 4 of this Zoning Ordinance shall follow the process described in this section. (Review of all supplemental standards associated with *special* uses identified in Article 4 of this Zoning Ordinances shall be reviewed per Section [17.2.4](#): of this Zoning Ordinance.)

17.2.12.2: Review Procedures

A request for zoning review shall follow the procedures described below.

A. Application

1. Any one or more of the following entities shall submit a zoning review application.
 - a. All owners of all real property where the use is proposed; or
 - b. A tenant of the property with written consent of the property owner.
2. 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 15 days from the day of the complete application, 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. Any one 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; or
 - b. A tenant of the property with written consent of the owner; or
 - c. A sign contractor registered with the City of Lakewood.
2. The applicant shall submit a complete sign permit application.

B. 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 15 days from the day of the complete application, either approve or deny the application based on standards in this Zoning Ordinance, any other applicable standards, and the following:
 - a. Signs shall be located on the same property as the permitted use.
 - b. Permits for signs on property that are a part of a comprehensive sign plan shall meet the standards articulated in the comprehensive sign plan.

C. 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 5 days of notice.
 - b. 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.
 - c. Upon receipt of the notice revoking the permit, the property owner, sign owner, or contractor shall have 5 days to correct any violation.

4. 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 and the violation must be corrected within 5 working day of notice.
5. If actual work either on or off site is not commenced under any sign permit issued within 180 days from the date of such permit, the permit shall automatically expire. The Director may extend a sign permit up to 180 days 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. Any one 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; or
 - b. A tenant of the property with written consent of the property owner; or
 - c. A contractor registered with the City of Lakewood.
2. 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 15 days from the day of the complete application, either approve or deny the application based on standards in this Zoning Ordinance and any other applicable City standards.

C. Compliance with Fence Permit

1. All fences shall be installed in accordance with a fence permit.

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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 or any other pertinent ordinances, the City shall take the following actions to remediate the situation:
 - a. The applicant and the owner of the fence shall be notified of such findings and that the violation must be corrected within 15 days of notice.
 - b. If such correction is not made, the permit shall be revoked and written notice shall be mailed to the property owner or contractor.
 - c. Upon receipt of the notice revoking the permit, the property owner or contractor shall have five days to correct any violation.
4. 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 five working days of notice.

If actual work, either on or off site, is not commenced under any fence permit issued within 180 days from the date of such permit, the permit shall automatically expire. The Director may extend a fence permit up to 180 days for goo

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