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AN ORDINANCE

AMENDING THE LAKEWOOD ZONING ORDINANCE ARTICLE 2, RELATING TO THE DEFINITIONS OF SCHOOLS AND COLLEGES AND UNIVERSITIES, ARTICLE 5, RELATING TO THE LOCATION OF SCHOOLS AND COLLEGES AND UNIVERSITIES, AND ARTICLE 6, RELATING TO COLLEGES AND UNIVERSITIES AS A SPECIAL USE

WHEREAS, the preservation of family-style living and the preservation of the character of residential neighborhoods are legitimate zoning goals and the City of Lakewood is concerned with maintaining the stability and permanence generally associated with single family occupancy throughout its residential neighborhoods; and,

WHEREAS, a municipality may endeavor, by legitimate means, to secure and maintain the quiet solitude generally found in residential zone districts; and,

WHEREAS, numerous citizens on numerous occasions have spoken at length at the public comment section of City Council meetings expressing concern with the deterioration of existing residential neighborhoods in which unrelated college students live together in single family dwelling units, causing increase in traffic problems, general transience, and a downward shift in property values; and,

WHEREAS, numerous citizens have attended Planning Commission study sessions and Planning Commission hearings regarding the drafting of an ordinance to regulate and protect residential zone districts from the detrimental effects associated with student off-campus rental housing; and

WHEREAS, competent testimony presented to the City Council and Planning Commission established that College and University organized student living units associated with universities and colleges that are located and concentrated within lower density residentially zoned districts generally present special land use impacts. Such impacts may include but are not limited to: a higher incidence of noise; greater numbers of vehicles per residential dwelling unit; higher demands for on-street parking; greater street activity during evening and early morning hours; a higher-than-normal incidence of transient occupancy; and lower standards of maintenance of residence, yard, and landscaping all leading to a degradation in the character of residential neighborhoods. These impacts are deemed inconsistent or incompatible with typical single family, household, and lower density residential neighborhoods and such impacts are better suited for higher density residential areas or other zone districts more suitable for university and college uses; and

WHEREAS, the City of Lakewood, by the regulations herein, implements the regulations in a manner that bears a reasonable relationship to the problem sought to be ameliorated and attempts to preserve its residential zone districts from the negative effects of groups of individuals whose living arrangements are transient in nature and do not possess the elements of stability and permanency which have long been associated with single family occupancy. Such occupancies are in the nature of student living units, rooming houses, and boarding homes and the like; and,

WHEREAS, the City of Lakewood zoning ordinance provides zoning classifications which allow for ample apartment, student living unit, and townhouse uses, and there are presently many such apartment and townhouse uses in existence throughout the City; and,

WHEREAS, the City Council of the City of Lakewood has determined that the most effective and reasonable method of maintaining the stability and permanence

generally associated with single family occupancy throughout its residential neighborhoods is to prohibit student living units, as defined in the ordinance, from being an allowed use in single family residential zone districts; and,

WHEREAS, in order to effectuate the purposes set forth above it is necessary to amend the Lakewood Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED By The City Council of The City of Lakewood, Colorado, That:

Section 1. Subsection 17-2-2(69) of the Lakewood Zoning Ordinance is amended to read as follows:

(69) College and University: 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 College and University.

Section 2. Subsection 17-2-2(100) of the Lakewood Zoning Ordinance is deleted.

Section 3. Subsection 17-2-2(314) of the Lakewood Zoning Ordinance is amended to read as follows:

(314) School, public, parochial, and private: An institution or place of instruction or education. For purposes of this Ordinance, 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 through twelve which may include but is not limited to: classrooms, offices, administrative buildings, athletic facilities and fields, cafeteria, bookstore, library, and auditorium.

Preschool/Federal Head Start Program: 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.

Section 4. Subsection 17-2-2 of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (395) and the current subsection (395) and remaining subsections are renumbered accordingly:

(395) Student Living Unit: A dwelling unit that is owned or controlled by a College and University and inhabited by students who are related or unrelated.

Section 5. Subsection 17-2-2(407) of the Lakewood Zoning Ordinance is deleted.

Section 6. Subsection 17-2-2(438) of the Lakewood Zoning Ordinance is amended to read as follows:

Vocational, Trade or Professional School: 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.

Section 7. Section 17-5-7 (3) (h) R1A: RESIDENTIAL ONE ACRE of the Lakewood Zoning Ordinance is deleted.

Section 8. Section 17-5-8 (3) (c) RR: RURAL RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 9. Section 17-5-9 (3) (d) 1-R LARGE LOT RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 10. Section 17-5-10 (3) (d) 2-R: ONE FAMILY SMALL LOT RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 11. Section 17-5-11 (3) (d) 3-R DUPLEX AND SMALL LOT RESIDENTIAL of the Lakewood Zoning Ordinance is deleted.

Section 12. Section 17-5-11 (3) 3-R DUPLEX AND SMALL LOT RESIDENTIAL of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (b) and

the remaining subsections renumbered accordingly:

(b) Colleges and Universities.

Section 13. Section 17-5-12 (2) (a) 4-R MEDIUM DENSITY ATTACHED RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (a)(3) and the remaining subsections renumbered accordingly:

(3) Colleges and Universities.

Section 14. Section 17-5-12 (3) (d) 4-R MEDIUM DENSITY ATTACHED RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 15. Section 17-5-13 (2) (a) 5-R HIGHER DENSITY RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (a)(3) and the remaining subsections renumbered accordingly:

(3) Colleges and Universities.

Section 16. Section 17-5-13 (2) (a) (20) 5-R HIGHER DENSITY RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(20) Schools, public, parochial, and private.

Section 17. Section 17-5-13 (3) (e) 5-R: HIGHER DENSITY RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 18. Section 17-5-14 (2) (a) 6-R MOBILE HOME RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (a)(2) and the remaining subsections renumbered accordingly:

(2) Colleges and Universities.

Section 19. Section 17-5-14 (3) (b) 6-R: MOBILE HOME RESIDENTIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 20. Section 17-5-15 (2) (a) (6) OF: OFFICE DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(6) Colleges and Universities.

Section 21. Section 17-5-15 (2) (a) OF: OFFICE DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (44) to read as follows:

(44) Vocational, Trade or Professional School.

Section 22. Section 17-5-15 (2) (b) (5) OF: OFFICE DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 23. Section 17-5-16 (2) (a) (6) 1-C: CONVENIENCE COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(6) Colleges and Universities.

Section 24. Section 17-5-16 (2) (a) 1-C: CONVENIENCE COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (55) to read as follows and the remaining subsections renumbered accordingly:

(55) Vocational, Trade or Professional School.

Section 25. Section 17-5-16 (2) (b) (4) 1-C: CONVENIENCE COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 26. Section 17-5-17 (2) (a) (6) 2-C: NEIGHBORHOOD COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(6) Colleges and Universities.

Section 27. Section 17-5-17 (2) (a) 2-C: NEIGHBORHOOD COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (56) to read as follows and the remaining subsections renumbered accordingly:

(56) Vocational, Trade or Professional School.

Section 28. Section 17-5-17 (2) (b) (4) 2-C: NEIGHBORHOOD COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is deleted.

Section 29. Section 17-5-18 (2) (a) (10) 3-C: COMMUNITY COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(10) Colleges and Universities.

Section 30. Section 17-5-18 (2) (a) 3-C: COMMUNITY COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (69) to read as follows and the remaining subsections renumbered accordingly:

(69) Vocational, Trade or Professional School.

Section 31. Section 17-5-19 (2) (a) (11) 4-C: REGIONAL COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(11) Colleges and Universities.

Section 32. Section 17-5-19 (2) (a) 4-C: REGIONAL COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (71) to read as follows and the remaining subsections renumbered accordingly:

(71) Vocational, Trade or Professional School.

Section 33. Section 17-5-20 (2) (a) (13) 5-C: LARGE LOT COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(13) Colleges and Universities.

Section 34. Section 17-5-20 (2) (a) 5-C: LARGE LOT COMMERCIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (85) to read as follows and the remaining subsections renumbered accordingly:

(85) Vocational, Trade or Professional School.

Section 35. Section 17-5-21 (2) (a) (11) IN: INDUSTRIAL DISTRICT of the Lakewood Zoning Ordinance is amended to read as follows:

(11) Colleges and Universities.

Section 36. Section 17-5-21 (2) (a) IN: INDUSTRIAL DISTRICT of the Lakewood Zoning Ordinance is amended by the addition of a new subsection (83) to read as follows and the remaining subsections renumbered accordingly:

(83) Vocational, Trade or Professional School.

Section 37. Section 17-6-4 (24) STANDARDS FOR SPECIAL USES of the Lakewood Zoning Ordinance, the title of subsection (24) is amended to read as follows:

(24) Colleges and Universities.

Section 38. Effective date. This ordinance shall take effect forty-five (45) days after final publication.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a regular meeting of the Lakewood City Council on the 9th day of June, 2003 ; published in full in the Lakewood Sentinel on the 12th, day of June, 2003; set for public hearing on the day of June, 2003; read, finally passed and adopted by the City Council on the day of June, 2003; and signed and approved by the Mayor on the day of June, 2003. Stephen A. Burkholder, Mayor

ATTEST:

Margy Greer, City Clerk

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