

AMENDING THE LAKEWOOD ZONING ORDINANCE

WHEREAS, the City of Lakewood 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 2015 Lakewood Comprehensive Plan (the "Plan") and its amendments state that land use and development should be in compliance with the Plan;

WHEREAS, the Plan is used to guide future land use and development decisions and includes implementation steps for the development and redevelopment of the City;

WHEREAS, the City Council finds that amendment of the Zoning Ordinance is a legislative determination as recognized by Colorado law and such determinations are not subject to any requirement for individualized notice to specific property owners; and

WHEREAS, the Planning Commission held a study session to review and develop Zoning Ordinance and Municipal Code amendments and modifications;

WHEREAS, the Planning Commission conducted public hearings and voted to recommend the amended Zoning Ordinance to the City Council;

WHEREAS, it is necessary to make amendments to the Lakewood Zoning Ordinance and Lakewood Municipal Code and to effectively adopt the Lakewood Zoning Ordinance and Lakewood Municipal Code;

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, Colorado, that:

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

SECTION 2. Per Article 17-2-3 of the Lakewood Zoning Ordinance, the City Council finds and determines the following matters regarding the rezoning accomplished herein:

- a. The City Manager for the City of Lakewood has submitted an application to update the Lakewood Zoning Ordinance;

- b. Amendment of the Zoning Ordinance affects a large number of properties and the proposed changes to the Zoning Ordinance are not applicable only to a specific individual or readily identifiable group of individuals;
- c. Amendment of the Zoning Ordinance 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;
- d. Amendment of the proposed Zoning Ordinance is consistent with and will implement the goals of the City's Comprehensive Plan;
- e. Amendment of the Zoning Ordinance promotes the health, safety or welfare of the inhabitants of the City and the purposes of this Ordinance;
- f. Amendment of the Zoning Ordinance is in the public interest;
- g. Judicial review of an ordinance adopted pursuant to this Section 17-2-3 shall be by petition to district court pursuant to the requirements of Colorado Rule of Civil Procedure 57.

SECTION 3. Per Chapter 10.33 of the Lakewood Municipal Code, the City Council finds and determines the following matters regarding the amendments accomplished herein:

- a. Amendment of the Municipal Code promotes the health, safety or welfare of the inhabitants of the City and the purposes of this Ordinance;
- b. Amendment of the Municipal Code is in the public interest;

SECTION 4. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or the Zoning Ordinance adopted hereby, the intention being that the various sections and provisions are severable.

SECTION 5. The City of Lakewood Zoning Ordinance and Municipal Code are amended as Exhibit "A" which is attached hereto and made part hereof.

SECTION 6. Effective Date; Repeal; Enforcement. Except as otherwise expressly provided in this Section, the provisions of this Ordinance shall become legally effective forty-five (45) days after publication following final passage.

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 26th day of August, 2019; published by title in the Denver Post and in full on the City of Lakewood's website, www.lakewood.org, on the 29th day of August, 2019; set for public hearing to be held on the 9th day of September, 2019; read, finally passed and adopted by the City Council on the _____ day of September, 2019; and signed and approved by the Mayor on the _____ day of September, 2019.

Adam Paul, Mayor

ATTEST:

Michele Millard, City Clerk

APPROVED AS TO FORM:

Timothy P. Cox, City Attorney