ARTICLE 22: TRANSIT MIXED USE ZONE DISTRICT

17-22-1. INTENT AND PURPOSE.

The intent of the Transit Mixed Use (TMU) Zone District is to create an environment for efficient and attractive transit and pedestrian oriented commercial, office, residential, research and development, and mixed-use projects at major nodes along the Regional Transportation District's (RTD's) West Corridor light rail line. The TMU zone district is also intended to allow for flexibility in use mixture and building design in the eight designated sub-areas.

The purpose of the Transit Mixed Use Zone District is to allow and encourage development that has sufficient density of residents, employees and/or users to be supportive of the transit provided to the area; generates a relatively high percentage of trips by transit; contains a complementary mix of land uses; and is designed to encourage people to walk, ride a bicycle, or use transit for a significant percentage of their trips.

To further enhance the flexibility inherent in the TMU zone district, proposed projects shall utilize the Performance-Based Review Process, which addresses how development functions and interacts with adjacent land uses and transit infrastructure. Project creativity and responsiveness to the established neighborhood framework and nearby transit facilities is encouraged as part of the process.

17-22-2. APPLICABILITY.

The Transit Mixed Use Zone District is applicable to specific station areas within the City of Lakewood, as defined by the legal descriptions attached as Exhibits "A," "B," "C," and "D," which are incorporated herein by reference.

17-22-3. PERFORMANCE-BASED REVIEW PROCESS WITHIN THE TRANSIT MIXED USE ZONE DISTRICT.

Within the Transit Mixed-Use Zone District, the Performance-Based Review Process, described in Article 7 of the Zoning Ordinance, shall be used as a guide for all residents, property owners, planners, and developers to follow during the review of any proposed project. The process is intended to offer flexibility and encourage creativity as part of project review and development.

The Performance-Based Review Process is applied by the City within the TMU Zone District early in the development review process to facilitate productive discussions among applicants, property owners, and the surrounding community.

All development in the TMU Zone District will be evaluated through the use of the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

17-22-4. INTENT AND PURPOSE OF EACH SUB-AREA.

The Transit Mixed Use Zone District includes eight distinct sub-areas, each of which is created to achieve the more specific purposes below.

(1) Transit Mixed Use – Station Core Sub-Area (TMU-SC). This sub-area, generally located adjacent to, and within ¼ mile of, the light rail station platform, is intended to contain the most intense development. Projects within this area will include a mix of retail, office, hotel, civic, cultural, and multi-family residential uses. Transit stations and associated parking facilities will generally be located within this sub-area as well. This will be the most pedestrian-friendly of the TMU sub-areas, with automobile access and parking limited to the greatest extent possible. All new buildings within this sub-area shall contain at least two of the uses described above. Up to 75 percent of the gross floor area of a project in the Station Core sub-area may be residential.

(2) Transit Mixed Use – Commercial Sub-Area (TMU-C). This sub-area will allow for the concentration and densification of commercial uses along arterial streets generally within ½ mile of the station platform. This sub-area is primarily intended to be retail oriented, although mixed-use development including multi-family residential is also encouraged. All new development within this sub-area will be pedestrian-friendly, with buildings oriented to the adjacent principal streets. Up to 50 percent of the gross floor area of a project in the Commercial sub-area may be residential.

(3) Transit Mixed Use – Office Sub-Area (TMU-O). This sub-area will allow for the development of intense employment centers within the station areas. This sub-area will primarily allow for office and retail development adjacent to stations and arterial streets within the station areas. Multi-family residential, as a secondary use, will also be allowed within this sub-area. Up to 40 percent of the gross floor area of a project in the Office sub-area may be residential.

(4) Transit Mixed Use – Office 2 Sub-Area (TMU-O2). This sub-area will allow for the development of intense employment centers within the station areas. This sub-area will primarily allow for office and retail development adjacent to stations and arterial streets within the station areas. Additionally, some light manufacturing and similar uses will also be allowed. Multi-family residential, as a secondary use, will also be allowed within this sub-area. Up to 40 percent of the gross floor area of a project in the Office sub-area may be residential.

(5) Transit Mixed Use – Research and Development Sub-Area (TMU-RD). This sub-area is intended to allow existing research and light industrial users within the station area to continue the development of high quality employment centers adjacent to the light rail station. The sub-area encourages campus-style development that is transit-supportive in design, and provides for easy pedestrian access to the light rail station.

(6) Transit Mixed Use – Higher Density Residential Sub-Area (TMU-HDR). This sub-area will allow for compact multi-family residential development generally in close

proximity to the station platform. This sub-area will also allow for office and retail uses that are integrated into residential projects. Minimum residential densities are established as part of this sub-area to maximize the potential number of transit riders and business users within the station areas. Up to 30 percent of the gross floor area of a project in the Higher Density Residential sub-area may be a non-residential use.

(7) Transit Mixed Use – Medium Density Residential Sub-Area (TMU-MDR). This sub-area is intended to act as a buffer between the more intense development planned around the station platform and existing medium density residential development surrounding the station area. Although this sub-area allows for a mix of uses, it is primarily intended for single-family attached and multi-family residential development. Single-family detached residential units are also allowed. Minimum and maximum residential densities are established to further the intent of transit oriented development, while limiting the impact on existing neighborhoods. Up to 25 percent of the gross floor area of a project in the Medium Density Residential sub-area may be a non-residential use.

(8) Transit Mixed Use – Lower Density Residential Sub-Area (TMU-LDR). This sub-area is intended to act as a buffer between the more intense development planned around the station platform and existing lower density residential development surrounding the station area. Single-family attached and detached residential development is allowed. Non-residential uses, with the exception of live-work spaces, are not permitted in this sub-area. Maximum residential densities are established to limit the impact on existing neighborhoods.

17-22-5. AMENDMENT OF TRANSIT MIXED USE SUB-AREA BOUNDARIES.

(1) *General Amendments.* A request to redesignate land in the Transit Mixed Use Zone District from one sub-area to another, or to adjust the boundaries of a Transit Mixed Use Zone District sub-area, shall be treated as an application to rezone land. In addition to the criteria for approval in Section 17-17-7, in order to redesignate land, a determination shall also be made that:

a. The proposed change would be consistent with the intended purpose of the proposed sub-area; and

b. The change is to accommodate proposed development that will be consistent with the TMU zoning regulations and design standards.

17-22-6. USES.

The following set forth the specific permitted uses, special uses, and uses not permitted within each sub-area of the Transit Mixed Use Zone District.

(1) *Transit Mixed Use – Station Core (TMU-SC).*

a. Permitted Uses: No building or land within the TMU-SC sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Bank, savings and loan, and other financial institutions without drive-through.
2. Business and professional office.
3. Church/Synagogue/Temple/Mosque.
4. Civic/cultural facilities.
5. Clinics, medical and dental.
6. CMRS structure on a building.
7. Colleges, universities, and vocational schools.
8. Dwelling unit – live/work.
9. Dwelling unit – multiple household.
10. Dwelling unit – single family detached, existing prior to the effective date of the ordinance creating the TMU district (April 1, 2007).
11. Hotels.
12. Mixed-use building.
13. Personal services.
14. Public transit and associated parking facilities.
15. Public use or facility.
16. Printing facility.
17. Recreation trails and corridors.
18. Restaurants.
19. Retail business, less than 10,000 square feet, gross floor area.
20. Schools, elementary and secondary.
21. Utility facilities, minor.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Day care facilities, child and adult.
2. Group home.
3. Health clubs, spas
4. Meeting, banquet, and conference facilities.
5. Repair, rental, and servicing (non-motor vehicle).
6. Residential health care facilities.
7. Retail business, between 10,000 and 40,000 square feet, gross floor area.
8. Sale or rental of motor vehicles, without outdoor display or storage.
9. Theater, indoor.

(2) *Transit Mixed Use – Commercial (TMU-C).*

a. Permitted Uses: No building or land within the TMU-C sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Art studio.
2. Bank, savings and loan, and other financial institutions without drive-through.
3. Business and professional office.
4. Church/Synagogue/Temple/Mosque.
5. Civic/cultural facilities.
6. Clinics, medical and dental.
7. CMRS structure on a building.
8. Colleges, universities, and vocational schools.
9. Day care facilities, child and adult.
10. Dwelling unit – live/work.
11. Dwelling unit – multiple household.
12. Dwelling unit – single family detached, existing prior to the effective date of the ordinance creating the TMU district (April 1, 2007).
13. Emergency health care facilities.
14. Health clubs, spas.
15. Hotels.
16. Medical marijuana business, subject to the spacing and licensing requirements established in the Lakewood Municipal Code. (as amended by O-2011-5)
17. Mixed-use building.
18. Personal services.
19. Public parks and open space.
20. Public transit and associated parking facilities.
21. Public use or facility.
22. Printing facility.
23. Recreation trails and corridors.
24. Restaurants.
25. Retail business, less than 10,000 square feet, gross floor area.
26. Retail business, between 10,000 and 40,000 square feet, gross floor area.
27. Sale and rental of motor vehicles, without outdoor display or storage.
28. Schools, elementary and secondary.
29. Theater, indoor.
30. Utility facilities, minor.
31. Veterinary hospital.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Bed and breakfast residences.
2. Clubs, lodges, or service organizations.
3. Drive-through facilities.
4. Group home.

5. Hospitals.
6. Meeting, banquet, and conference facilities.
7. Motels.
8. Motor fuel filling and service stations, and/or washing facilities.
9. Office-showroom.
10. Recycling collection facility.
11. Repair, rental, and servicing (non-motor vehicle).
12. Residential health care facilities.
13. Retail business, greater than 40,000 square feet, gross floor area.
14. Utility facilities, major.

(3) Transit Mixed Use – Office (TMU-O).

a. Permitted Uses: No building or land within the TMU-O sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Art studio.
2. Banks, savings and loan, and other financial institution without drive-through.
3. Business and professional office.
4. Church/Synagogue/Temple/Mosque.
5. Civic/cultural facilities.
6. Clinics, medical and dental.
7. CMRS structure on a building.
8. Colleges, universities, and vocational schools.
9. Day care center, child and adult.
10. Dwelling unit – live/work.
11. Dwelling unit – multiple household.
12. Emergency health care facilities.
13. Health clubs, spas.
14. Hospitals.
15. Hotels.
16. Meeting, banquet, and conference facilities.
17. Mixed-use building.
18. Personal services.
19. Printing facility.
20. Public parks and open space.
21. Public transit and associated parking facilities.
22. Public use or facility.
23. Recreation trails and corridors.
24. Restaurants.
25. Retail business, less than 10,000 square feet, gross floor area.
26. Sale or rental of motor vehicles, without outdoor display or storage.
27. Schools, elementary and secondary.
28. Utility facilities, minor.
29. Veterinary hospital.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Ambulance service.
2. Clubs, lodges, or service organizations.
3. Drive-through facilities.
4. Laboratories.
5. Motels.
6. Office – showroom.
7. Retail business, between 10,000 and 40,000 square feet, gross floor area.
8. Retail business, greater than 40,000 square feet, gross floor area.
9. Theater, indoor.
10. Utility facilities, major.

(4) *Transit Mixed Use – Office 2 (TMU-O2)*

a. Permitted Uses: No building or land within the TMU-O2 sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. All uses permitted in the TMU-O sub-area.
2. Animal day care.
3. Bowling centers.
4. Cold storage lockers.
5. Communication centers, including transmitting centers.
6. Manufacturing, processing, fabrication, assembly, packaging, warehousing, storage, wholesaling, retailing, repair, rental, or servicing of any commodity, but only if totally enclosed in a structure.
7. Postal sub-stations.
8. Printing establishments.
9. Retail sales, with accessory warehousing.
10. Studio for custom work or for making articles to be sold at retail on the premises.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. All special uses allowed in the TMU-O sub-area.

(5) Transit Mixed Use – Research and Development (TMU-RD).

a. Permitted Uses: No building or land within the TMU-RD sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Ambulance service.
2. Business and professional offices.
3. Church/Synagogue/Temple/Mosque.
4. CMRS structure on a building.
5. Colleges, universities, and vocational schools.
6. Health clubs, spas.
7. Laboratories.
8. Light manufacturing.
9. Mixed-use building.
10. Personal services.
11. Printing facility.
12. Public parks and open space.
13. Public transit and associated parking facilities.
14. Recreation trails and corridors.
15. Retail business, less than 10,000 square feet, gross floor area.
16. Schools, elementary and secondary.
17. Storage, distribution, and warehousing.
18. Utility facilities, minor.
19. Veterinary hospital.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Bank, savings and loan, and other financial institution without drive-through.
2. Civic/cultural facilities.
3. Clinics, medical and dental.
4. Day care center, child and adult.
5. Drive-through facilities.
6. Hotels.
7. Meeting, banquet, and conference facilities.
8. Motels.
9. Public use or facility.
10. Restaurants.
11. Retail business, between 10,000 and 40,000 square feet, gross floor area.
12. Retail business, greater than 40,000 square feet, gross floor area.
13. Sale at wholesale.
14. Utility facilities, major

(5) *Transit Mixed Use – Higher Density Residential (TMU-HDR).*

a. Permitted Uses: No building or land within the TMU-HDR sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Bank, savings and loan, and other financial institution without drive-through.
2. Business and professional office.
3. Church/Synagogue/Temple/Mosque.
4. CMRS structure on a building.
5. Dwelling unit – live/work.
6. Dwelling unit – multiple household.
7. Dwelling unit – single family detached, existing prior to the effective date of the ordinance creating the TMU district (April 1, 2007).
8. Health clubs,spas.
9. Mixed-use building.
10. Personal services.
11. Printing facility.
12. Public parks and open space.
13. Public transit and associated parking facilities.
14. Recreation trails and corridors.
15. Restaurant.
16. Retail business, less than 10,000 square feet, gross floor area.
17. Schools, elementary and secondary.
18. Utility facilities, minor.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Accessory dwelling unit.
2. Civic/cultural facilities.
3. Clinics, medical and dental.
4. Colleges, universities, and vocational schools.
5. Group home.
6. Hotels.
7. Public use or facility.
8. Retail business, between 10,000 and 40,000 square feet, gross floor area.

(6) *Transit Mixed Use – Medium Density Residential (TMU-MDR).*

a. Permitted Uses: No building or land within the TMU-MDR sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Accessory dwelling unit.
2. Bank, savings and loan, and other financial institution without drive-through.
3. Business and professional office.

4. Church/Synagogue/Temple/Mosque.
5. CMRS structure on a building.
6. Dwelling unit – attached wall town home.
7. Dwelling unit – live/work.
8. Dwelling unit – multiple household.
9. Dwelling unit – single family detached.
10. Health clubs, spas.
11. Mixed-use building.
12. Personal services.
13. Printing facility.
14. Public parks and open space.
15. Public transit and associated parking facilities.
16. Recreation trails and corridors.
17. Residential health care facilities.
18. Restaurant.
19. Retail business, less than 10,000 square feet, gross floor area.
20. Utility facilities, minor.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Bed and breakfast residence.
2. Civic/cultural facilities.
3. Clinics, medical and dental.
4. Day care home, child and adult.
5. Group home.
6. Public use or facility.
7. Recreation facilities, outdoor.

(7) *Transit Mixed Use – Lower Density Residential (TMU-LDR).*

a. Permitted Uses: No building or land within the TMU-LDR sub-area shall be used and no building shall be hereafter constructed or altered, except for the following uses:

1. Accessory dwelling unit.
2. Church/Synagogue/Temple/Mosque.
3. CMRS structure on a building.
4. Dwelling unit – attached wall town home.
5. Dwelling unit – live/work.
6. Dwelling unit – single family detached.
7. Public parks and open space.
8. Public transit and associated parking facilities.
9. Recreation trails and corridors.
10. Residential health care facilities.

11. Utility facilities, minor.

b. Special Uses: The following uses are permitted as Special Uses, subject to approval of a Special Use Permit as provided for in Article 6 of the Lakewood Zoning Ordinance:

1. Bed and breakfast residence.
2. Civic/cultural facilities.
3. Day care home, child and adult.
4. Group home.
5. Public use or facility.
6. Recreation facilities, outdoor.

(8) *Uses Not Permitted.* The following uses are not permitted in any sub-area:

a. Adult businesses.
b. Drive-in.
c. Junkyard.
d. Kennel.
e. Mini-warehouses, except within the Office-2 sub-area.
f. Motor vehicle service and repair facilities, except within the Office-2 sub-area.
g. Outdoor storage.
h. Pawnbrokers business.

(9) Uses not specifically named within a sub-area are not permitted in that sub-area, except under the provisions of Section 17-5-6, pertaining to Unnamed Uses.

(10) A use permitted prior to remapping of properties to the TMU district, but that is identified as a special use per this Article shall remain a permitted use without the need for a special use permit. However, a special use permit shall be required for any significant alteration of the building subsequent to the enactment of this Article.

17-22-7. PERMITTED DENSITY OF DEVELOPMENT.

The table below indicates the required minimum and maximum development density for the sub-areas. Densities are in terms of dwelling units per acre (du/ac) for residential development.

Transit Mixed Use Sub-Area Density Regulations							
	TMU-SC	**TMU-C**	**TMU-O/O2**	**TMU-RD**	**TMU-HDR**	**TMU-MDR**	**TMU-LDR**
Minimum Residential Density	35 du/ac	25 du/ac	20 du/ac	N/A(1)	30 du/ac	5 du/ac	None

Maximum Residential Density	None	None	None	N/A(1)	None	25 du/ac	10 du/ac

(1) Residential uses are not permitted in the Research and Development sub-area.

17-22-8. DIMENSIONAL REQUIREMENTS.

Minimum and maximum building heights and setbacks for each sub-area are specified in the table below.

Transit Mixed Use Sub-Area Dimensional Requirements								
		TMU-SC	**TMU-C**	**TMU-O/O2**	**TMU-RD**	**TMU-HDR**	**TMU-MDR**	**TMU-LDR**
Minimum Height		3 stories	2 stories	2 stories	1 story	3 stories	2 stories (5)	1 story
Maximum Height	Sheridan Blvd Station Area	8 stories	6 stories	6 stories	N/A(1)	6 stories	4 stories	2 stories
	Wadsworth Blvd Station Area	8 stories	6 stories	6 stories	N/A(1)			
	Oak St Station Area	6 stories	6 stories	6 stories	4 stories			
	Union Corridor Station Area	12 stories	12 stories	12 stories	N/A(1)			
Minimum Front Building Setback(2)		0 feet	0 feet	0 feet	20 feet	0 feet	5 feet	10 feet
Maximum Front Building Setback(2)		15 feet	20 feet	20 feet	None	20 feet	20 feet	25 feet
Minimum Side Setback(3)		0 feet if building code rated firewall					5 feet (4)	5 feet (4)
Minimum Rear Setback(3)		10 feet						

(1) The Research and Development sub-area will only be implemented at the Oak St. station.
(2) The front building setback is measured from the back of sidewalk or plaza areas. The front setback shall apply to all public and private street frontages.
(3) See requirements in Section 17-22-19 if adjacent to property located outside of the TMU Zone District.
(4) Setback for single-family attached residential dwellings applies to the buildings.
(5) The minimum height requirement shall not apply to expansion of existing single-family detached residential structures.
(6) Accessory dwelling units are allowed within the Medium and Lower Density Residential sub-areas, provided the structure is located behind the primary structure and subject to the dimensional requirements listed in the table above.

17-22-9. OPEN SPACE REQUIREMENTS.

Open spaces for congregation and recreational opportunities shall be required for all new development. Such development must provide minimum useable open space behind the required setback and on private property according to the following table:

Transit Mixed Use Sub-Area Open Space Requirements							
	TMU-SC	**TMU-C**	**TMU-O/O2**	**TMU-RD**	**TMU-HDR**	**TMU-MDR**	**TMU-LDR**
Required Minimum Private Open Space, per Lot Area	10 percent	10 percent	10 percent	15 percent	15 percent	20 percent	30 percent

(1) Open space within the Station Core, Commercial, Office, and Higher Density Residential sub-areas is required to be provided as public plazas, pocket parks, roof top gardens, or courtyards.

(2) All required open space shall be accessible to the users of the building(s) and be improved with seating, plantings, and amenities. Open space areas should be visible from adjacent streets or pedestrian areas to the greatest extent possible.

17-22-10. <u>LEGAL NON-CONFORMING USES AND STRUCTURES.</u>

A legal non-conforming use or structure is a use or structure that is not permitted in the Transit Mixed-Use Zone District, but was lawfully established prior to the rezoning of the property to Transit Mixed-Use.

(1) Legal non-conforming non-residential uses may be continued in accordance with Section 17-16-2 of the Zoning Ordinance, except that uses may be expanded by a maximum of 20 percent of the floor area of the use at the date of rezoning of the property. Expansion of the use may occur under the regulations of the previous zone district, prior to rezoning of the property to TMU.

(2) Legal non-conforming non-residential structures may continue to be used in accordance with Section 17-16-3 of the Zoning Ordinance, except that the structure may be expanded by a maximum of 20 percent of the gross floor area of the structure at the date of rezoning of the property.

17-22-11. <u>DESIGN REQUIREMENTS IN THE STATION CORE, COMMERCIAL, OFFICE, AND HIGHER DENSITY RESIDENTIAL SUB-AREAS.</u>

All buildings and uses developed in these sub-areas shall meet the following minimum requirements, or achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

(1) At least 40 percent of the length of a buildings ground and second floor façade facing a public or private street must be located at the minimum setback distance as required by Section 17-22-8. However, within 300 feet of a station platform the setback distance shall be measured from either the back of sidewalk or from the edge of a pedestrian plaza provided as part of the building site plan.

(2) Within the Station Core and Higher Density Residential sub-areas, at least 75 percent of a parcel frontage adjacent to a public street shall be bordered by buildings. Within the Commercial and Office sub-areas, at least 50 percent of the parcel frontage adjacent to a public street shall be bordered by buildings.

(3) Within the Commercial and Office sub-areas, buildings located more than 150 feet away from a public street shall not be required to meet the minimum height or front setback requirements identified in Section 17-22-8.

(4) Structured parking facilities located adjacent to a public street shall contain retail or office uses on the first floor fronting the street, or be wrapped with development of equal or greater height than the parking structure.

(5) Surface parking areas are prohibited within the Station Core sub-area, except that short-term, convenience parking lots with fewer than 10 spaces per building may be allowed. Convenience spaces shall be located behind the building and be clearly marked for short-term use only.

17-22-12. GENERAL DESIGN REQUIREMENTS.

All buildings and uses developed shall meet the following minimum requirements, or achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

(1) Design and construction of energy efficient buildings with reduced overall energy demands through the use of building materials, lighting, heating, and cooling systems shall be demonstrated.

(2) Architectural features and treatments shall not be restricted to a single facade. All sides of a building open to view by the public, whether viewed from public or private property, shall display a similar level of quality and architectural interest.

(3) The first floor façade of all buildings, including structured parking facilities, shall be designed to encourage and complement pedestrian-scale interest and activity.

(4) Drive-through windows shall not face public streets. Drive-through lanes shall not be allowed in the area between a building and a public street.

(5) At least the first two floors of any building shall be located within the minimum and maximum setback identified in Section 17-22-8. Building step-backs are permitted above the second floor of any building or structure.

(6) All buildings fronting on a street shall be designed so that the first floor street façade includes clear glass windows and doors to increase pedestrian interest. These openings shall be arranged so that the uses are visible from and to the street on at least 50 percent of the façade. No reflective surfaces shall be permitted on street level exterior windows.

(7) All buildings and ground floor users shall provide a primary entrance that faces an adjacent public street. If a building is not located adjacent to a public street, then the entrance shall face an adjacent private street.

(8) Structured parking facilities shall be designed so that motorized vehicles parked on all levels of the facility are screened from public and private streets, station platforms and the rail line, and from adjacent residentially zoned property outside of the station areas.

(9) Building design shall create varied rooflines in order to create interesting skylines.

(10) Architectural elements located on the primary building facades may encroach into the required setback, as defined in Section 17-22-8, up to five feet. These elements may include window planter boxes, eaves, balconies, canopies, and awnings. However, architectural element encroachment shall not interfere with pedestrian movement or street tree growth. No feature shall be located within two feet horizontally of a public sidewalk unless located greater than 10 feet above the sidewalk surface.

(11) All stairwells, corridors, and circulation components of the building shall be completely enclosed within the building envelope.

(12) On all structures exceeding three stories in height, roofs shall have drainage systems that are not visible from public or private streets.

(13) All rooftop mechanical equipment shall be screened from public view through the use of parapets or enclosures that are equal to or greater than the height of the equipment to be screened. The parapet or enclosure shall be compatible with the overall architectural character and scale of the building.

(14) Ventilation grates on the building and emergency exit doors located on the first floor street façade shall be decorative and part of the overall building design.

(15) Loading docks, on-site storage yards, utility structures associated with a building, and all other service areas shall be fully screened from view by walls or

fences, and roof structures for loading docks and trash enclosures.

(16) On-street parking shall be provided where permitted by the City of Lakewood and/or the Colorado Department of Transportation.

(17) Utility boxes or equipment shall not be located along a public street frontage.

17-22-13. DESIGN REQUIREMENTS IN THE RESEARCH AND DEVELOPMENT SUB-AREA.

All buildings developed in the Research and Development Sub-Area shall meet the following minimum requirements, or achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

(1) At least 25 percent of the length of the ground floor façade of the building facing a public street must be located at the minimum setback distance.

(2) No more than 60 percent of the frontage on arterial streets to a depth of 80 feet shall be occupied by parking.

17-22-14. DESIGN REQUIREMENTS FOR LARGE FORMAT RETAIL BUILDINGS.

The intent of this section is to allow for the development of large format retail stores, while reducing the perceived size, scale, and homogeneity of the structures by requiring pedestrian-friendly elements and placement of buildings adjacent to public streets. These requirements shall apply to all retail buildings containing more than 40,000 square feet of gross floor area.

All buildings shall meet the following minimum requirements, or achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

(1) At least one side of the building shall be located adjacent to a public street and meet the minimum and maximum setback requirements provided in Section 17-22-8.

(2) All façades located adjacent to a public street shall be, or appear to be, a minimum of two stories in height. If a faux multi-story façade is provided, it shall be designed to clearly mimic an actual façade and be architecturally integrated with the non-street frontage portions of the building. The second story façade shall, at a minimum, include spandrel glass windows with architecturally appropriate sills, trim and mullions.

(3) Ground floor facades adjacent to public streets shall have display windows, entry areas, awnings, and other similar pedestrian-oriented design elements along no

less than 60 percent of the façade length.

(4) Each building shall have a clearly defined pedestrian connection between the adjacent public street and the building entrance(s). The walkway shall be separated from parking areas through the use of landscape elements, and be a minimum of 8 feet in width, or 10 feet where there is adjacent perpendicular head-in or diagonal parking.

(5) Structured parking facilities shall be incorporated into the overall site design wherever possible. The minimum and maximum parking requirements of Section 17-22-17 shall apply to large format retailers.

17-22-15. DEVELOPMENT MANUAL.

In addition to the design requirements contained in Section 17-22-12 through 17-22-14 of this Article, all new development in the TMU Zone District shall be subject to the design standards and guidelines found in the Transit Mixed-Use Zone District Development Manual, which the Planning Commission is authorized to adopt and amend by resolution.

17-22-16. CIRCULATION AND CONNECTIVITY.

Transit oriented development uses shall be integrated with the surrounding community, easily accessible, and have a good internal circulation system for a variety of travel options.

(1) Internal walk connections are required between buildings, and from buildings to all on site facilities, such as parking areas, bicycle facilities, and open space.

(2) External walk connections are required to provide direct access from all buildings on the site to existing or planned sidewalks, adjacent multi-use trails, parks, and greenways.

(3) Bicycle parking and storage facilities, connected to all buildings on the site, shall be provided in accordance with Section 17-22-17(2).

(4) Wherever possible, sidewalks through surface parking areas shall be located within landscaped islands. In any case, each point at which the system of sidewalks must cross a parking lot or internal street or driveway to make a required connection shall be clearly marked through the use of change in paving materials height, or distinctive colors.

(5) All walks within surface parking lots shall be a minimum of 5 feet wide or 7 feet where there is adjacent perpendicular head-in or diagonal parking. If parking is provided on both sides of the walk, the minimum width shall be 9 feet.

17-22-17. PARKING REQUIREMENTS.

(1) The purpose of this section is to provide a reduction in parking to developments within the zone district. New permitted uses within this zone district shall adhere to the required minimum and maximum number of off-street parking spaces according to the following table, or achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance. All square footage is measured as gross floor area:

Minimum and Maximum Number of Parking Spaces	
Use	**Ratio**
Hospital	One space per bed minimum, 2 spaces per bed maximum
Hotels/Motels/Bed and Breakfast	One space per three rooms minimum, one space per room maximum
Laboratory/Light Manufacturing/Light Industrial	One space per 1,000 square feet minimum, 2 spaces per 1,000 square feet maximum
Office/Bank	Two spaces per 1,000 square feet minimum, three and one-half spaces per 1,000 square feet maximum
Church/Synagogue/Temple/Mosque	One space per five seats minimum, one space per two seats maximum
Residential	One space per unit minimum, two spaces per unit maximum
Restaurant	Four spaces per 1,000 square feet minimum, eight spaces per 1,000 square feet maximum
Retail	Two spaces per 1,000 square feet minimum, four spaces per 1,000 square feet maximum
Theater	One space per five seats minimum, one space per two seats maximum
All other non-residential uses	Parking requirements for uses not specifically identified above shall be subject to a parking analysis submitted as part of any development application

a. No maximum requirement shall apply if all parking, with the exception of a convenience lot described in Section 17-22-11(5), is provided within a parking structure.

b. The required/permitted number of parking spaces for any building shall be the sum total of the requirements for each use in the building calculated separately.

c. All surface off-street parking shall be primarily located behind buildings that face on a public street and be accessed by an alley or short driveway located between buildings. Where surface parking is located adjacent to a public or private street, landscaping or a low screen wall providing screening to a height of 36 inches shall be provided. If a wall is installed, the construction material shall match the first floor exterior material used on the primary building.

Shared access to surface parking lots is strongly encouraged.

d. Pedestrian access shall be provided between structured or surface parking facilities and the nearest public street. Wherever possible, the walkway shall be separated from vehicular travel lanes.

e. On-street parking available along the portion of a public or private street abutting the use may be counted toward the minimum number of parking spaces required.

f. The parking requirements may be met on-site or off-site at a distance of up to 600 feet from the use, provided that a shared parking agreement is obtained prior to approval of the site plan or tenant improvement permit.

g. Shared parking shall be permitted and is encouraged. Shared parking approval shall be subject to the review and approval of a shared parking study citing at least three other comparable instances of similar land uses in comparable settings in the United States where shared parking has proven successful.

h. Handicapped parking spaces shall be provided in accordance with section 17-9-2 of the Zoning Ordinance.

i. At least 10 percent of the area of surface parking lots shall be landscaped. Landscaping, at a minimum, shall include trees and shrubs.

(2) Bicycle parking is required within the Station Core, Commercial, Office, and High Density Residential sub-areas to encourage the use of this mode of transportation by providing safe and convenient places to park them. Bicycle parking spaces are required as follows:

a. For non-residential development, a number of off-street bicycle parking spaces shall be provided equal to three percent of the required motor vehicle parking spaces.

b. For residential development, one plus an additional one space for each 25 dwelling units.

17-22-18. <u>SIDEWALK IMPROVEMENTS ADJACENT TO PUBLIC AND PRIVATE STREETS.</u>

(1) All sidewalks adjacent to major regional arterial or arterial streets within Station Core, Commercial, Office, and High Density Residential sub-areas must be 17 feet in width. The first seven feet behind the curb shall be designed to include street trees located in grates or planters with the trunks located at least four and one-half feet from the back of curb and spaced a maximum of 30 feet apart on-

center. Pedestrian amenities, such as lighting, benches, and planters may also be located within the seven-foot area.

(2) All sidewalks adjacent to private streets within the Station Core, Commercial, Office, and High Density Residential sub-areas with non-residential first floor uses, and that intersect with a major street, shall meet the requirements of Section 17-22-18(1) above.

(3) All sidewalks adjacent to collector or local public streets, or private streets shall be five feet in width, and be separated from the curb by a six-foot wide tree lawn. In addition to street trees, the tree lawn shall contain living plant material. However, paved pedestrian walkways may cross the tree lawn at appropriate locations.

17-22-19. COMPATIBILITY WITH ADJACENT LAND USES AND ZONE DISTRICTS.

Development at the Perimeter Interface Zone, the area within 125 feet of the TMU Zone District boundary, must function and interact appropriately with adjacent land uses located outside of the district.

(1) Projects located within the Perimeter Interface Zone shall be required to demonstrate compatibility with the properties located outside the zone district boundaries, through an analysis of building bulk and plane, potential buffering through the use of landscaping or decorative walls, building and parking orientation, and other similar site specific conditions.

(2) All development within 125 feet of a residentially zoned property located outside of the Transit Mixed Use Zone District shall have a maximum height no greater than the maximum height allowed in the adjacent district.

17-22-20. SITE DEVELOPMENT REVIEW PROCEDURES AND STANDARDS.

All development in the Transit Mixed Use Zone District shall be required to follow the site development review procedures described in Article 15 of the Zoning Ordinance. However, where the requirements of this Article conflict with those described in Section 17-15-3, the requirements of this Article shall apply.

17-22-21. SIGN REGULATIONS.

Signs along commercial frontages shall be clear, informative to the public, and durable. Signs shall be scaled to the pedestrian-oriented nature of the Transit Mixed Use district. Signage shall not be too glaring or too large so to create distraction and visual clutter. The following regulations apply to all sub-areas, except the Low Density Residential Sub-Area, unless alternative requirements are developed to achieve a comparable result

through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

(1) All signs shall be subject to the provisions of Sections 17-10-1 through 17-10-3 and 17-10-5 of the Zoning Ordinance.

(2) Wall signs are permitted within the area between the second story floor line and the first floor ceiling, within a horizontal band not to exceed 42 inches in height.

a. The horizontal band shall be no higher than 18 feet or lower than 12 feet above the adjacent sidewalk. The band shall be at the same height across an entire building, unless a grade change at the base of the building requires a step in the band.

b. Wall sign letters shall not exceed 42 inches in height. The total sign length shall not exceed 70 percent of the frontage associated with the use.

c. If a use is located in a space with two public or private street frontages, then each frontage shall be allowed signage in accordance with the requirements above.

d. Wall signs shall be composed of individually mounted letters, internally illuminated channel letters, logos, or icons without sign backing.

(3) Each use in a building shall be allowed one projecting sign for each public or private street oriented façade.

a. Projecting signs may be attached or suspended by a metal bracket or placed beneath an awning. The sign face shall not exceed 12 square feet per sign face, is limited to a maximum projection of four feet including any support structure, and shall have a minimum clearance above the adjacent sidewalk of at least 10 feet including the support structure.

b. Projecting signs may include three-dimensional logos or symbolic objects.

c. No projecting sign shall extend above the parapet of the building to which it is attached.

(4) Each use shall be allowed one sign per awning associated with the use. Awnings shall be constructed of canvas cloth or an equivalent, metal or glass. No internal illumination shall be permitted.

a. Signage is allowed only on the vertical front portion of the awning, except that graphical logos shall be allowed on the slanted portion of the awning.

b. Lettering height shall not exceed eight inches.

c. Logos shall not exceed 10 percent of the sloped awning panel.

(5) Monument signs shall be allowed in the Commercial, Office, Research and Development, and Medium Density Residential sub-areas.

a. Each freestanding building containing a commercial or office use shall be allowed one monument sign. The sign may be used by a single tenant or multiple tenants of the building.

b. Monument signs shall not exceed six feet in height, measured from the nearest adjacent sidewalk.

c. No single monument sign face shall exceed 50 square feet.

d. The monument sign base shall be compatible with the architecture of the building to which it is associated. Monument signs shall be attached to the ground with a base whose width and length are at least as large as the bottom edge of the sign face. Monument signs shall not be placed where they obscure important architectural features such as entrances, display windows, or decorative elements when viewed from the public right-of-way.

(6) Signs within the Low Density Residential sub-area shall comply with the requirements of Table 10-1, Signs Permitted in Residential Zone Districts: 4-R Through 6-R, section 17-10-6 of the Zoning Ordinance.

17-22-22. <u>LIGHTING.</u>

Vehicular and pedestrian lighting shall be provided throughout all vehicular and pedestrian circulation areas to promote safety and walkability.

All developments shall meet the following minimum requirements, or demonstrate the ability to achieve a comparable result through the Performance-Based Review Process as described in Article 7 of the Zoning Ordinance.

(1) Sidewalks, internal pedestrian paths, and bicycle paths shall be lit with full cutoff lighting fixtures no more than 16 feet tall and providing consistent illumination of at least one foot-candle on the walking surface.

(2) On-site streets and parking areas shall be lit with full cutoff type lighting fixtures no more than 25 feet tall. Fixtures shall be downcast type.

(3) Lighting along public street and landscaped areas of a specific development shall be of a recognizably unified design.

(4) Lighting sources shall be color-correct types such as Halogen or metal halide, and light types of limited spectral emission, such as low pressure sodium or mercury vapor lights, are prohibited even in service areas.

(5) Private and security lighting shall not cause glare on adjacent property above a level of 4 feet.

17-22-23. DEFINITIONS.

As used within this article, except where otherwise specifically defined, or unless the context otherwise requires, the following terms, phrases, words and their derivations shall have the following meanings:

(1) **Accessory dwelling unit:** A dwelling unit that is located within an accessory structure detached from the primary dwelling unit. An accessory dwelling unit can be located on the second floor of a detached garage structure located behind the required front building setback.

(2) **Art studio:** A use with an interior building area for artist galleries, studios, and residences used for the creation, display, and associated sale of various artistic mediums and creative arts.

(3) **Civic/cultural facilities:** Establishments that document the social and religious structures and intellectual and artistic manifestations that characterize a society, and include museums, art galleries, botanical or zoological gardens, and libraries, and similar establishments that document and present natural, historic, scientific, or cultural interests; and facilities for the performance or presentation of theater arts, dance, drama, and similar cultural pursuits to the general public.

(4) **Dwelling unit – live/work:** Live/work use is a combination of residential occupancy and commercial activity located within a dwelling unit. The commercial activity shall not exceed fifty (50) percent of the gross floor area of the dwelling unit and shall not have more than two (2) employees or regular assistants on premises at one (1) time. Any repair, assembly, or fabrication of goods is limited to the use of hand tools or domestic mechanical equipment. The direct sale of any goods to consumers is limited to only those goods created on-site, and no floor area shall be dedicated for the sale and/or display of any goods. The work activities shall not adversely impact the public health, safety, and welfare, or the livability, functioning, and appearance of adjacent property. Typical work activities may include home offices, craft work, art studios, candle making, jewelry making, fabrication of cloth goods, and other similar activities.

(5) **Meeting, banquet, and conference facilities:** a facility with or without food preparation equipment, used for meetings, conferences, catered meals, wedding

receptions, and other social functions; and available on a rental basis to the general public.

(6) **Mixed-use building:** Any building that contains both residential and non-residential uses.

(7) **Office- showroom:** A land use that combines at least two of the following: office, display and showroom, retail and storage functions where the storage function of the use is accessory to the primary operation. It is not intended to include uses that are primarily warehousing or distribution in nature or function or which require substantial off-street loading. In addition to this definition, no uses shall be considered to be office-showrooms if the total ground coverage of all structures on a site exceeds 50 percent of the site area or if any truck docking facilities face any public street or residential area.

(8) **Personal services:** Establishments primarily engaged in providing services involving the care of a person or his or her personal goods or apparel. Personal services usually includes the following: laundry, including cleaning and pressing service, linen supply, diaper service, beauty shops, barbershops, shoe repair, and similar uses.

(9) **Public use or facility:** A use or facility owned or operated by an agency or entity exercising some portion of the functions of the government for the benefit of the public.