

O-2024-28

AN ORDINANCE

AN ORDINANCE TO REPEAL AND REPLACE LAKEWOOD MUNICIPAL CODE CHAPTER 14.16 RELATING TO PARK AND OPEN SPACE DEDICATION TO ELIMINATE THE OPTION FOR DEVELOPERS TO PAY A FEE IN LIEU OF PARKLAND DEDICATION AND TO REQUIRE THE CITY TO ACCEPT OPEN SPACE AND LAND DEDICATIONS FOR CURRENT AND FUTURE DEVELOPMENTS

WHEREAS, the initiative legislative power is reserved to the municipal electors in Article V, Section 1, subsection (9) of the Colorado Constitution;

WHEREAS, section XIII of the City of Lakewood Charter and Chapter 2.52 of the Lakewood Municipal Code (LMC) establish the procedures for the municipal electors of the City to exercise their initiative legislative power reserved by the Colorado Constitution;

WHEREAS, on September 20, 2024, a citizen-initiative petition was filed with the City Clerk's Office to repeal and replace LMC Chapter 14.16 pertaining to Park and Open Space Dedication, and such initiative petition was signed by more than five percent (5%) of the total number of persons registered to vote in the City on the date of the last regular municipal election;

WHEREAS, the City Clerk's Office reviewed the initiative petition for sufficiency pursuant to LMC 2.52.090(A), and on October 21, 2024, the City Clerk made a final determination that the petition is sufficient;

WHEREAS, on October 21, 2024, after making the final sufficiency determination, the City Clerk presented the initiative petition to the City Council and informed the City Council of the determination that the initiative petition qualifies for a ballot question election;

WHEREAS, pursuant to LMC 2.52.110(A), the City Council must either adopt without alteration the initiated ordinance contained in the petition by a majority vote of all members of City Council or submit the initiated ordinance to a vote of the registered electors at a special election to be held in accordance with C.R.S. 31-10-108 and City Charter 13.1, which would require the special election to be held on a Tuesday no earlier than December 10, 2024, and no later than January 14, 2025;

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 initiated ordinance contained within the petition;



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. Chapter 14.16 of the Lakewood Municipal Code is repealed and reenacted as follows:

#### Chapter 14.16 PARK AND OPEN SPACE DEDICATION

##### Purpose and Intent

The purpose of park and open space land dedication is to guarantee the preservation of wildland and natural habitats so that the citizens of Lakewood and visitors to our city can enjoy and be enriched by communion with nature. Equally important is preserving the birds, trees and other flora and fauna within our parks and open spaces, to protect and sustain the beauty of our natural environment that makes our city unique and alluring. The conservation of wildlife will ensure that our residents can access the rich, natural heritage our city has to offer, and will also protect and maintain wild habitats for future generations. Lakewood's future as a sustainable, regenerative and healthy place to live depends on our preservation of open spaces and parkland.

##### **14.16.010 - Scope and application.**

Each development containing residential land uses shall dedicate to the city park sites and open space areas in accordance with the provisions of this title. These requirements apply to all current and future developments including applications in process that do not have all building permits approved and paid for.

##### **14.16.020 - Park standards.**

For purposes of this title, the city's park standards shall be a minimum of 10.5 acres of park area per 1,000 anticipated population within the proposed development.

##### **14.16.040 - Calculation of land dedication requirements for park and Open Space.**

A. *Parkland Standard.* All residential developers shall provide a minimum of 10.5 acres of park area on site per 1,000 anticipated population.

B. *Density Factor.* To provide an estimated and equitable population standard among different housing types, a density factor (representing average number of persons within the unit type) shall be applied to the calculation as follows:



1. Single-family detached = 3.00
2. Single-family or multi-family attached = 1.50
3. Senior housing = 1.25

C. *Example calculation.*

Proposed development size: 10 acres

Proposed density: 10 units/acre, multi-family attached

Park and open space acreage required:

10 development acres × 10 units/acre × 1.5 density factor × 10.5 acres parkland/1000 people = 1.575 acres of parkland required.

D. *Dwelling Unit Changes.* If an area is replatted prior to construction of the development, and the number of anticipated dwelling units increases or decreases by more than ten percent, the developer shall be required to adjust the amount of parkland dedicated consistent with the aforementioned provisions and formula to provide for the change in units.

E. When the calculation results in land dedication of fewer than 0.3 acre, the parkland dedication required may remain in private ownership. The land area that may remain in private ownership must be added to the project's open space requirement and shall:

1. Not exceed an average slope of 4:1;
2. Be privately maintained; and
3. Be noted on development plans as a fulfillment of parkland dedication requirements.

**14.16.050 - Criteria for land eligible for park and open space use.**

The following criteria will normally apply in determining what type and nature of land will meet the requirement for dedication:

- A. Land that is accessible from two separate locations by standard maintenance vehicles or from one location with a minimum 50-foot frontage;
- B. Land or water bodies contiguous to other acceptable parkland or existing parkland;
- C. Usable land within the 100-year floodway fringe that would not be inundated in a five-year storm; and



D. Special areas of natural, historical or cultural significance.

**14.16.060 - Criteria for land not eligible for park and open space use.**

The following criteria will normally apply in determining what type and nature of land will not meet the requirement for dedication:

A. Land required by city's zoning code for private open space;

B. Land used to fulfill requirements of the city's storm drainage ordinances, such as detention ponds, retention ponds or drainageways;

C. Rights-of-way and easements for irrigation ditches, laterals and aqueducts, power lines, pipelines or other public or private utilities without the written permission of the right-of-way owner; and

D. Hazardous geological land area, mineral extraction areas and hazardous wildfire areas.

**14.16.070 - Procedure.**

A. All land dedications, subdivisions and other residential development shall be met at the time of platting or, if platting is not required, at time of site plan approval.

**14.16.080 - Site development standards—General.**

A. Land that has been platted as public park and open space, or otherwise dedicated to the city, shall not be used in the development process of adjoining lands, except as stated in subsections (B), (C) and (D) of this section, or as reflected in an approved subdivision grading plan.

B. The developer shall be responsible for the installation of public improvements adjacent to the park site including, but not limited to, curb and gutters, streets, storm drainage facilities, and bridges made necessary by the development. Such public improvements will normally be limited to 210 linear feet per acre of parkland. This does not include park development or tap fees unless such improvements are part of an Improvement Agreement.

C. All slopes shall be stabilized in accordance with acceptable engineering standards to prevent public endangerment, and for ease of maintenance. The maximum slope shall normally not exceed 4:1 or other slope treatment will be required.

D. Sites shall be made easily accessible to the city.



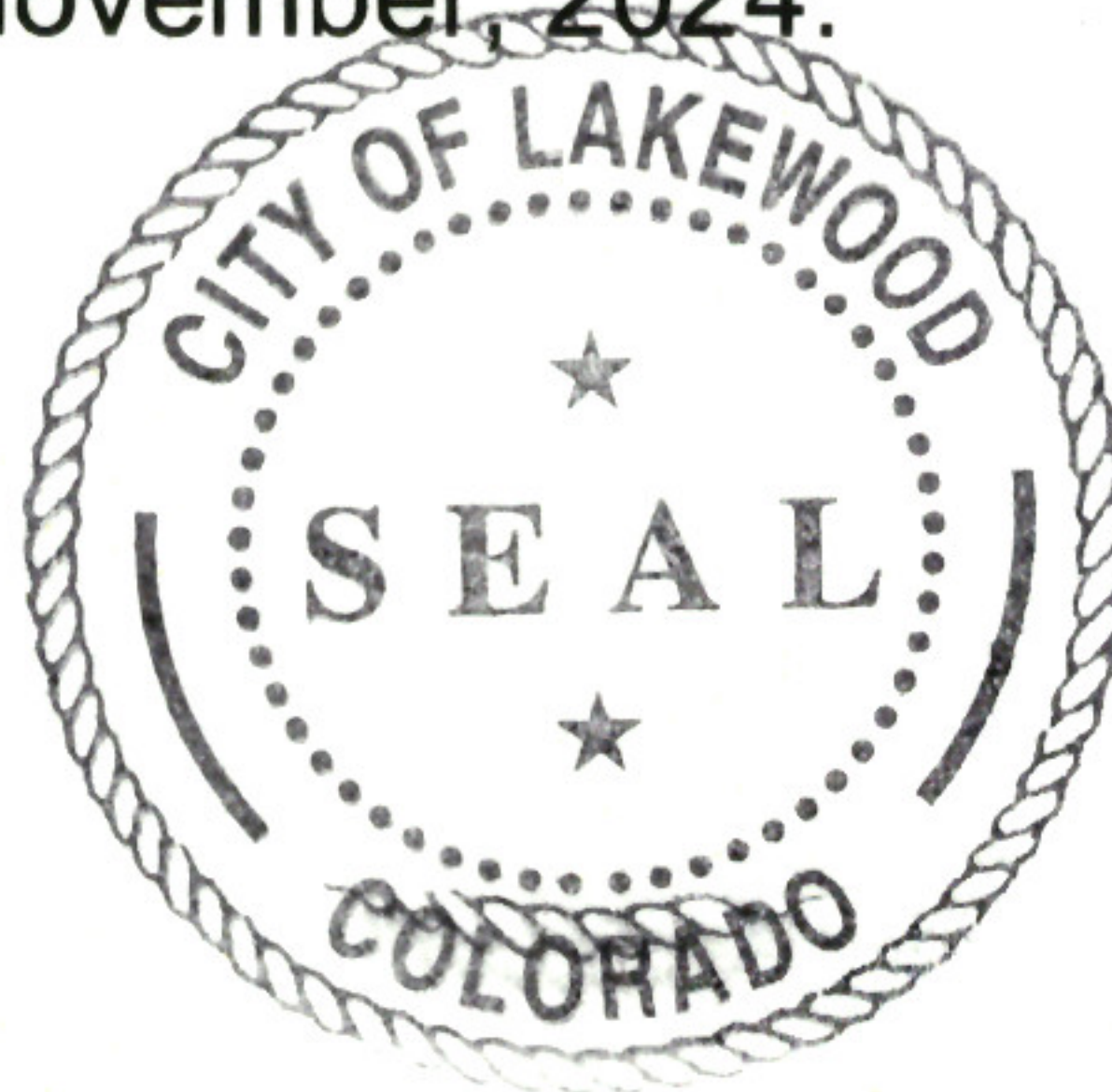
**14.16.110 - Severability clause**

If any part, section, sentence or clause of this Ordinance shall for any reason be questioned in any court and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance. Any such part, section, sentence or clause shall not be taken to affect or prejudice in any way the remaining part or parts of this Ordinance.

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

SECTION 3. If any provision of this Ordinance is found by a court of competent jurisdiction to be invalid, such invalidity shall not affect the remaining portions or applications of this Ordinance that can be given effect without the invalid portion, provided that such remaining portions or application of this Ordinance are not determined by the court to be inoperable.

I hereby attest and certify that the within and foregoing ordinance was introduced and read on first reading at a hybrid special meeting of the Lakewood City Council on the 21st day of October, 2024; published by title in the Denver Post and in full on the City of Lakewood's website at [www.lakewood.org](http://www.lakewood.org), on the 24th day of October, 2024; set for public hearing to be held on the 4th day of November, 2024; read, finally passed and adopted by the City Council on the 4th day of November, 2024; and signed by the Mayor on the 5th day of November, 2024.



*Wendi Strom*

Wendi Strom, Mayor

ATTEST:

*Jay Robb*

Jay Robb, City Clerk

APPROVED AS TO FORM:

*Alison McKenney Brown*

Alison McKenney Brown, City Attorney