

O-2021-19

AN ORDINANCE

RATIFYING THE CODIFICATION OF DESIGN REVIEW COMMISSION PROVISIONS
IN CHAPTER 2.58 OF THE LAKEWOOD MUNICIPAL CODE AND AMENDING
CERTAIN PROVISIONS THEREOF

WHEREAS, on May 13, 2019, the City Council adopted on second reading Ordinance O-2019-21, which established the City's Design Review Commission and created a new chapter 2.57 of the Lakewood Municipal Code ("Code") therefor;

WHEREAS, on June 24, 2019, the City Council adopted on second reading Ordinance O-2019-26, which established the City's Housing Policy Commission;

WHEREAS, due to a clerical error, Ordinance O-2019-26 also created a "new" chapter 2.57 for the Housing Policy Commission;

WHEREAS, the Housing Policy Commission was thereafter codified in chapter 2.57, and the Design Review Commission was codified in a new chapter 2.58 of the Code;

WHEREAS, the City Council desires to ratify the codification of the Design Review Commission Provisions in chapter 2.58 and to make additional changes thereto to clarify certain provisions therein, allow greater flexibility in staff assignments to the Commission, and provide additional guidance;

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 codification into a new chapter 2.58 of the Code of those provisions of Ordinance O-2019-21 by which the Design Review Commission was established is hereby ratified.

SECTION 2. Chapter 2.58 of the Lakewood Municipal Code is hereby amended to read in its entirety as follows:

Chapter 2.58 DESIGN REVIEW COMMISSION

2.58.010 Commission Established

A. A Design Review Commission (the "Commission") is hereby established to review design review applications for those areas of the City within

- which the City has imposed specific design criteria, and to approve, approve with modifications or deny design review applications in accordance with such criteria. The Commission shall also review proposed design criteria and any changes to existing design criteria and make recommendations to that City Council regarding such changes.
- B. The Commission may adopt, in conformity with the Lakewood Municipal Code and the Lakewood home rule charter, reasonable policies and procedures governing its internal operations. Such policies and procedures shall be made available to the public in written or printed form at the office of the Planning Department.

2.58.020 Membership and Terms; Officers; Removal

- A. Membership. The Commission shall consist of five members: three urban design professionals appointed by the City Council, a design review planner appointed by the Planning Director, and a City Planner appointed by the Planning Director.
- B. Terms.
1. City Council-appointed members shall serve four-year terms, or until such time as their successors are appointed, and may serve a maximum of two consecutive terms. For the purposes of this chapter, a City Council-appointed member who serves or has served at least one-half of a term on the Commission shall be considered to have served a full term on the Commission. Appointments to fill vacancies on the Commission shall be for the unexpired term of office.
 2. Commission members appointed by the Planning Director shall serve at the pleasure of the Planning Director.
- D. Officers. At the Commission's first meeting of each calendar year, it shall elect a chair and vice-chair from among the City Council-appointed members. The chair shall preside over all Commission meetings and decide points of order when appropriate. The vice-chair shall preside over Commission meetings when the chair is not present.
- C. Compensation. City Council-appointed members may receive compensation in an amount set by City Council resolution. Each Commission member will be reimbursed for actual expenses incurred in the exercise of Commission duties. Such expenses shall be documented to the Planning Commission Clerk.
- D. Removal. Upon presentation of written charges and after a hearing thereon, any member of the Design Review Commission may be removed for cause by the City Council.

2.58.030 Meetings

- A. Location and Frequency. The Commission shall meet at the Lakewood Civic Center as necessary to perform its obligations under this chapter, but not more often than once in a given week. The Commission meet only for the purposes set forth in this chapter, but shall not meet for the sole purpose of electing officers.
- B. Quorum. A quorum shall consist of three of the five members of the Commission; provided, however that at least two City Council appointed members must be present. An affirmative vote of a majority of the members present shall be necessary to pass any item.
- C. Voting on Applications. The Commission shall vote to approve, approve with modifications or deny each completed application that comes before it. In the event of a tie vote, the application shall be deemed denied.

SECTION 3. This ordinance shall take effect thirty (30) days after final publication.

SECTION 4. If any provision of this Ordinance should be 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 virtual regular meeting of the Lakewood City Council on the 26th day of July, 2021; 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 July, 2021; set for public hearing to be held on the 9th day of August, 2021, read, finally passed and adopted by the City Council on the 9th day of August, 2021 and, signed by the Mayor on the _____ day of August, 2021.

Adam Paul, Mayor

ATTEST:

Bruce Roome, City Clerk

APPROVED AS TO FORM:

Alison McKenney Brown, City Attorney