



Land Development Code City of Longmont

Consolidated Draft

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Chapter 15.01: General Provisions

15.01.010 Title¹

The regulations of this title 15 of the Longmont Municipal Code shall be officially known and cited as the "Longmont Land Development Code," although it may be referred to hereafter as the "development code."

15.01.020 Authority

This development code is enacted under the City of Longmont Charter and the powers granted and limitations imposed on municipalities by the Constitution and laws of the State of Colorado including without limitation the Local Government Land Use Control Enabling Act of 1974 (C.R.S. § 29-20-101 et seq.).

15.01.030 Purpose and Intent²

The regulations of this development code are intended to implement the comprehensive plan and the community quality of life benchmarks, as amended, and more specifically are intended to:

1. Preserve a safe, healthy and adaptable community by:
 - a. Promoting the public health, safety, convenience, comfort, prosperity, and general welfare;
 - b. Securing the safety of persons and property from fire, flood, and other dangers, and to secure adequate open spaces for light, air, and amenity; and
 - c. Managing overall community growth, including population and employment growth, to benefit the community and to encourage fiscally efficient and orderly development.
2. Protect private property rights as guaranteed by the Colorado and United States Constitutions.
3. Conserve and enhance the architecture, history, pedestrian orientation, mixed use, and character of Longmont's downtown and main street.³
4. Provide and maintain livable centers, corridors, and neighborhoods by:
 - a. Conserving and stabilizing property values through appropriate land uses;
 - b. Improving the aesthetics and design of all primary entrance corridors (gateways) to the city;
 - c. Conserving and enhancing the character of Longmont's older, established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development; and
 - d. Encouraging innovative and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings.
5. Provide for responsible stewardship of Longmont's resources by:

¹ Included new reference to "development code."

² Revised to align more closely with Envision Longmont's guiding principles.

³ Revised from "central business district and main street core."

- a. Preserve and protect existing trees and vegetation, agricultural lands, floodplains, stream corridors, wildlife habitats and corridors, wetlands, lakes and other water bodies, scenic views, and other areas of environmental significance from adverse impacts of development;
 - b. Promote environmental quality as a critical element in Longmont's quality of life and encourage the wise use of natural resources, including energy and water conservation and reduction of wastes;
 - c. Facilitate the efficient provision of adequate public facilities such as transportation, water, sewage disposal, drainage, electricity, public schools, parks, and other public services;
 - d. Encourage innovative and quality development that preserves and protects the character of the community, including its natural landscape, and that minimizes adverse impacts of such development, especially when adjacent to residential uses; and
 - e. Encourage a balance of uses and development in the community so that future growth occurs in a fiscally prudent manner.
6. Provide a complete, balanced, and connected transportation system by:
- a. Coordinate transportation and land use planning, including the evaluation of transportation impacts from proposed development, to provide a safe and efficient transportation system in Longmont and to improve air quality;
 - b. Minimize congestion in travel and transportation, reduce community dependence on automobile travel, encourage trip consolidation, and facilitate development of alternative modes of transportation consistent with the multi-modal transportation plan; and
 - c. Encourage pedestrian and vehicular connections between residential neighborhoods and surrounding employment and shopping centers and community facilities such as parks and schools.

15.01.040 Applicability and Jurisdiction⁴

A. Generally

This development code shall apply to:

1. All land and land development, including the subdivision of land, within the incorporated areas of the City of Longmont;
2. Use of all structures and land within the incorporated areas of the City of Longmont; and
3. All structures and land owned by the city or by city agencies, departments, districts, or utilities within the incorporated areas of the City of Longmont. In addition, this development code shall apply to all structures and land owned by other governmental entities (e.g., state and federal), to the extent allowed by law, and to special or metropolitan districts and public utilities within the incorporated areas of the City of Longmont.

B. Exception for Emergencies

When the director determines that, because of an emergency, compliance with the normal procedures and requirements of this title would threaten life, safety, or property, the director may

⁴ We did not carry forward 15.01.040.B, "modifications of infill development, redevelopment and changes of use." Instead, several opportunities for added flexibility were integrated throughout the procedures and development standards.

exempt land use activities of the city or any city agency, department, district, or utility responsible for the facility involved in the emergency from this development code. The city or agency shall complete any improvements or revegetation that would have been required if normal procedures had been followed as soon as reasonably practicable after the necessary emergency actions are taken.

C. Administrative Manual and Submittal Requirements⁵

The director shall promulgate, and amend as necessary, an administrative manual specifying submittal requirements and signature certification blocks for development applications under this development code, in order to assure that the director receives sufficient information to evaluate an application and sufficient authorization by relevant parties to ensure that any city approval or condition of approval is effective and binding.

The submittal requirements in this administrative manual shall be considered the minimum information the applicant must submit in order for a review procedure to begin. The applicant may need to submit additional information in order to demonstrate satisfaction of the applicable review criteria. The director also may waive or adjust any of the submittal requirements at a pre-application conference with the applicant conducted prior to formal application submittal, if such requirements are unnecessary to demonstrate satisfaction of the applicable review criteria.

15.01.050 Minimum Standards and Compliance

A. Minimum Standards

In their interpretation and application, the provisions of this development code shall be held to be minimum requirements necessary for the promotion of the public health, safety, and general welfare.

B. Compliance—Subdivision, Use, or Occupancy

No building, structure, or land shall be developed, subdivided, used, or occupied, and no building or structure or portion thereof shall be erected, moved, constructed, reconstructed, extended, enlarged, or altered contrary to this development code. No land shall be conveyed or developed until a plat has been approved, except as specifically exempted, under the provisions of this development code.

Site plans may be approved and building permits may be issued for legally existing unplatted parcels with the same legal description as created prior to April 1967, except as required by the subdivision and improvement standards in chapter 15.07. Parcels created after April 1, 1967 shall be part of an approved subdivision plat to receive site plan or development plan approval.

C. Compliance—Multiple Use of Space Prohibited

No part of a setback or other open space or off-street parking or loading space required about or in connection with any building, for the purpose of complying with this development code, shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building, except as allowed in an approved and current planned unit development (PUD) or through a joint use (shared) parking agreement.

⁵ New section added to create more user friendly documents regarding the development process and submittal requirements and allow more flexibility to make changes as warranted.

D. Compliance—Future Reduction or Creation of Lots and Yards

No setback or lot existing at the time of the effective date of this development code shall be further reduced in dimensions or area below the minimum requirements stated in this development code, unless a variance is approved. Setbacks or lots created after the effective date of this development code shall meet at least the minimum requirements established by this development code.

E. Non-Conforming Uses, Structures, Lots, Signs, and Other Site Features

See chapter 15.08 of this development code for regulations regarding non-conforming uses, structures, lots, signs, and other site features.

15.01.060 Official Zoning Map⁶

A. Official Zoning Map

The location and boundaries of the zoning districts designated in chapter 15.03, zoning districts, of this development code are established as shown on the map entitled "Zoning District Map of the City of Longmont, Colorado" and referred to as the official zoning map, as it may from time to time be revised, updated, or redrafted. The official zoning map shall be that map bearing the most recent date of publication.

B. Zoning Map Adopted

The official zoning map, as published upon adoption of this title, and as amended and republished upon any amendment, is adopted and declared a part of this development code.

C. Interpretation of Official Zoning Map Boundaries

In the event of uncertainty, unless otherwise specified, district boundaries shown on the official zoning map shall be on section lines, lot lines, the centerlines of highways, streets, alleys, railroad rights-of way, or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map.

D. Map—Amendment upon Zoning Establishment or Modification

As soon as practicable after approval and recordation of any ordinance annexing and establishing zoning or modifying existing zoning for any property, planning and development services shall revise the official zoning map to include the annexed or rezoned area.

E. Map—Availability for Public Inspection

The official zoning map shall be available and on display at planning and development services during normal city business hours.

F. Zoning Required upon Annexation

No annexation of property to the city shall become final until the property is assigned a zoning classification.

⁶ Consolidated draft: Official zoning map provisions previously located in 15.03.010.A were removed to avoid inconsistency.

15.01.070 Rules of Construction and Interpretation

A. Meaning and Intent

All provisions, terms, phrases, and expressions contained in this development code shall be construed according to this development code's stated purpose and intent.

B. Text Controls

In case of any difference of meaning or implication between the text of this development code and any heading, drawing, table, or figure, the text shall control.

C. Lists and Examples

Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.

D. Computation of Time

Periods defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days. However, if the last day falls on a Saturday, Sunday, or legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday.

E. Delegation of Authority

Whenever this title requires the head of a department or division, or another officer or employee of the city to perform an act or duty, the department/division head or officer may delegate the responsibility to subordinates, unless this title specifies otherwise.

F. Technical and Non-Technical Words

Words and phrases not otherwise defined in this development code shall be construed according to the common and approved usage of the language according to section 1.04.020, but technical words and phrases not otherwise defined in this development code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.

G. Public Officials and Agencies

All public officials, bodies, and agencies to which references are made are those of the City of Longmont, unless otherwise indicated.

H. Mandatory and Discretionary Terms

The words "shall," "must," or "will" are always mandatory, and the words "may" or "should" are always discretionary.

I. Conjunctions

Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:

1. "And" indicates that all connected items, conditions, provisions, or events shall apply; and
2. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.

J. Tense and Usage

Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.

K. Gender

The masculine shall include the feminine, and vice versa.

15.01.080 Relationship to Other Codes, Ordinances, and Regulations

A. Conflict with State or Federal Regulations

If the provisions of this development code are inconsistent with those of the state or federal governments, the more restrictive provision will control, to the extent permitted by law.

B. Conflict with Other City Regulations

If the provisions of this development code are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances, or regulations of the City of Longmont, the more restrictive provision will control unless otherwise expressly stated.

C. Conflict with Private Agreements

It is not the intent of this development code to interfere with, abrogate, annul, or prevent the private enforcement of any easement, covenant, deed restriction, or other agreement between private parties. The provisions of this development code are in addition to, and not in lieu of, any restriction imposed by a private agreement. Private agreements, however, shall not preclude compliance with requirements of this development code. The city is not responsible for monitoring or enforcing private agreements.

15.01.090 Transitional Provisions⁷

Commentary:

This section may be removed prior to adoption and included in adoption ordinance.

This section addresses the applicability of new substantive standards enacted by this development code to activities, actions, and other matters that are pending or occurring as of the effective date of this development code.

A. Effective Date of Code⁸

The effective date of this development code is July 1, 2018.

⁷ Consolidated draft: Did not carry forward zoning district conversion table, since the zoning map adoption will occur simultaneously.

⁸ Consolidated draft: Updated with expected effective date.

B. Violations Continue

Any violation of the previous land development (zoning or subdivision) regulations of the city shall continue to be a violation under this development code and shall be subject to the enforcement and penalties stated in chapter 15.09 of this development code, unless the use, development, construction, or other activity is clearly consistent with the express terms of this development code.

C. Completion of Development Commenced or Approved Under Previous Codes, Buildings or Developments with Previously Issued Building Permits

1. Any building or development granted a building permit before the effective date of this development code may proceed to construction even if such building or development does not conform to this development code.
2. If construction has not begun within 60 days, or been substantially completed within the time limits of the building permit, the director may, for good cause shown, grant one extension of up to six months. Good cause includes development delays that are unavoidable due to forces beyond the permit applicant's control (e.g., weather or widespread labor or materials shortages).
3. If the construction has not begun or been substantially completed, or the intended use not established within the applicable time stated above, or within any extension granted, then the building or development shall be constructed, completed, used, and occupied only in compliance with the requirements of this development code.

a. Developments with Preliminary or Final Approval

A development for which preliminary or final approval (excluding concept plan and conveyance plat approval) was granted before the effective date of this development code may be completed according to the approved plat or plan even if such development does not conform to the provisions of this development code, subject to the following provisions:

- i. For developments that have received preliminary approval, a complete application for the final plat or final plan must be submitted within one year of the decision-making body's preliminary approval but no later than December 31, 2018, unless the director determines a longer time frame is necessary or the preliminary approval has a vested property right effective for a longer period. The city shall take final action on such complete application within the time frames specified in the previous codes, but no later than one year after the effective date of the code, unless the preliminary approval has a vested right effective for more than one year after the effective date of this development code, or the director determines a longer time frame is necessary.

If the preliminary approval has a vested property right effective for more than one year from the date of preliminary approval, a complete application must be submitted prior to the expiration of the vested right. The city shall take final action on such complete application within the time frames specified in the previous codes, unless the director determines a longer time frame is necessary.
- ii. Approval of a final subdivision plat does not exempt the property from subsequent site plan review, if necessary, for development of any portion of the plat. Subsequent site plans shall comply with the standards in effect at the time a complete application for plan review is submitted

- iii. Developments that do not require plan review and that are not otherwise exempt shall comply with the development and design standards in chapter 15.05, development standards, as applicable.

b. Developments with Applications for Approval Pending

An applicant that has submitted a complete application for a preliminary subdivision plat (excluding conveyance plats), overall development plan, site plan, conditional use, building permit, or any other type of approval (excluding concept plans), but where the decision-making body has not taken final action on such application before the effective date of this development code, may choose to have the standards and procedures of this development code apply to the application. Alternately, the applicant may choose to have the complete application reviewed under the previous codes in effect, subject to the following provisions:

- i. Such complete application shall receive final city approval within the time frames specified in the previous codes, but no later than six months after the effective date of this development code, unless the director determines a longer time frame is necessary.
- ii. Approval of a preliminary subdivision plat does not exempt the property from subsequent site plan review, if necessary, for development of any portion of the plat. Subsequent site plans shall comply with the standards in effect at the time a complete application for site plan review is submitted.
- iii. Developments, such as one-family dwellings, that do not require site plan review shall comply with the development and design standards in chapter 15.05, development standards, as applicable.

c. Applicability of Chapter 15.08 (Nonconformities)

Developments that are completed pursuant to the standards in previous codes, as permitted by this section 15.01.090(C), are subject to all applicable provisions related to nonconforming uses, structures, lots, signs, and other site features stated in chapter 15.08, nonconformities.

Chapter 15.02: Development Review Procedures

Commentary:

We understand that the procedures are working well and were recently updated along with several other chapters in the LDC. Therefore, much of chapter 15.02 was carried forward intact with a few substantive changes as noted. We did however make the following changes, many of which align the procedures with the proposed changes made to earlier drafts and discussions related to districts and uses.

New summary table. We included a new summary table of procedures to provide a quick overview of each individual application type and the associated decision-making bodies. That table (Table 2.1) replaces the current list of application types in section 15.02.030.

Clarified PUD procedures. The current approach to PUD development includes options for either a PUD zoning district or as an overlay to an existing base zoning district. The procedures include both a preliminary PUD plan (to establish the overall concept/phasing) and a final PUD plan (to finalize site development). As mentioned in the assessment memo, and also in Batch 1 districts and uses, this draft incorporates a new system for reviewing PUD development. The new process includes first a rezoning to PUD (an act by council) followed by site plan approval (approved by the director). With the rezoning, an overall development plan (ODP) must be submitted showing a similar level of information in the current preliminary development plan and/or conceptual plan for rezonings. We did not carry forward an option to rezone PUDs as an overlay to an existing district.

Did not carry forward height exceptions procedure. Exceptions to the height requirements were addressed in Batch 1 zoning districts under the measurements and exceptions section. Rather than requiring an entire procedure for exceptions to height, we listed the types of structures/attachments/embellishments that could be granted exceptions – administratively. Those beyond the exceptions would require a variance.

Revisions to limited use procedure. In Batch 1 use regulations, we eliminated “L” (limited) uses from the table of allowed uses. Instead we converted those “L” uses to use-specific standards and allowed the use by-right in most cases. *Consolidated draft: In the consolidated draft, we reintroduced the “L” uses, but only for oil and gas regulations.*

Organization. Currently the specific application types are organized alphabetically. In this draft we retained that alpha structure; however, we see merit in considering grouping similar application types. For example, the preliminary subdivision plats are currently located between LDC text amendments and rezonings.

Administrative modifications clarified. The current standard in 15.01.040.B for infill and redevelopment was not carried forward because we think the standards for the administrative modifications apply more broadly. See additional commentary in that section (15.02.080.B).

Minor wording edits. Changed all references from PDSO to “director.” Also changed references to the “comprehensive plan” instead of “LACP.”

Historic preservation – future edits. The historic preservation procedures will be updated in the future as part of a separate project and eventually integrated into the LDC.

15.02.010 Purpose of this Chapter⁹

The purpose of this chapter 15.02 is to provide consistent, equitable procedures for the review of development proposals and to ensure that proposed development will be in accordance with the purposes and standards of this development code.

⁹ New.

15.02.020 Summary of Review Procedures

Table 2.1: Summary Table of Review Procedures								
Key:								
R = Review & Recommendation D = Review & Decision ✓ = Required A = Appeal <> = Public Hearing Required D-R = Decision if Referred								
Procedure	Section	Pre-Application Conference	Neighborhood Meeting	DRC	Director ¹⁰	BOA	Planning & Zoning Commission ¹¹	City Council
Major Development Applications¹²								
Annexations	15.02.060A	✓	✓	R	R		<R>	<D>
Comprehensive Plan amendments	15.02.060B	✓	✓	R	R		<R>	<D>
Conditional uses	15.02.060C	✓	✓	R	R		<D>	A
Land development code (text) amendments	15.02.060D	✓	✓	R	R		<R>	<D>
Preliminary subdivision plats	15.02.060E	✓	✓	R	R		<D>	A
Rezoning and concept plan amendments	15.02.060F	✓	✓	R	R		<R>	<D>
PUD overall development plan ¹³	15.02.060G	✓	✓	R	R		<D>	A
Vacations	15.02.060H	✓	✓	R	R		<R>	<D>
Variances	15.02.060I	✓	✓	R	R	<D>	<D>	A
Minor Development Applications								
Final subdivision plats	15.02.070A	✓	✓	R	D		<D-R> / A	
Minor subdivision plats	15.02.070B	✓	✓	R	D		<D-R> / A	
Site plans	15.02.070C	✓	✓	R	D		<D-R> / A	
Limited use review	15.02.070D	✓		R	D		<D-R> / A	
Administrative Applications								
Exceptions to city standards	15.02.080A				D		A	
Administrative modifications ¹⁴	15.02.080B				D		A	
Temporary use permits	15.02.080C				D		A	
Short term rental permits ¹⁵	15.02.080D				D		A	

15.02.030 Review Bodies

The following entities comprise the review and decision-making bodies with respect to administering this development code:

A. City Council

1. Review Actions (Quasi-Judicial)

The city council acts in a review, or quasi-judicial, capacity when it acts as an appeal body of decisions from the planning and zoning commission (P/Z) and when it acts on small-scale rezonings and comprehensive plan land use amendments. Like a court, it reviews those decisions

¹⁰ Consolidated draft: Changed from "staff."

¹¹ Consolidated draft: Revised to require public hearings for all major development applications reviewed by the Planning and Zoning Commission.

¹² Consolidated draft: Did not carry forward transferred development rights procedure.

¹³ Consolidated draft: Changed from "rezoning to PUD." Decisions on overall development plans are made by the Planning and Zoning Commission instead of the City Council.

¹⁴ Consolidated draft: Changed from "minor modifications" to indicate more administrative flexibility – e.g., some modifications may not be "minor."

¹⁵ Consolidated draft: new procedure added.

to determine whether they are consistent with the requirements of this development code and supported by the evidence in the record of the public hearing before the P/Z, and whether the P/Z exceeded its authority or abused its discretion.

2. Legislative Actions

The city council generally acts in a legislative capacity when it considers applications for which approval is required to be accomplished by the enactment of an ordinance. The city council shall review applications for legislative actions for compliance with specified review criteria. However, legislative actions are discretionary. The city shall never be compelled to undertake a legislative action, unless otherwise required by state or federal law, even if all review criteria have been satisfied. Specifically, the following actions are legislative in nature:

- a. Annexations;
- b. Land development code amendments;
- c. Vacations;
- d. Comprehensive plan text amendments (section 15.02.060B.1.a);
- e. City-initiated comprehensive plan land use amendments (section 15.02.060B.1.b); and rezonings (15.02.060F) updating the land use or zoning designations for an area of the city encompassing more than 640 acres of land or involving more than 100 properties owned by unique owners. Such actions establish city-wide policy regarding future urban growth;
- f. Development agreements;
- g. Amendments to a concept plan accompanying an annexation or a legislative rezoning.
- h. Because of the large number of properties involved in the comprehensive plan amendments described above, and because of the generally applicable nature of these amendments, it is necessary to act under the city council's legislative powers and procedures and it would be impossible, in light of the city council's other duties, to alter the land development code's comprehensive plan maps and text through a series of individualized quasi-judicial proceedings. These amendments may include changes to text and maps to classify and reallocate land uses and distribution based on need and actual utilization, to protect the tax base and foster economic opportunities, to improve transportation and lessen congestion, to secure safety from floods and other dangers, and to protect the environment.

3. Schedule of Fees

The city council approves a schedule of fees necessary to effectively administer and enforce the provisions of this chapter and the development code.

B. The Planning and Zoning Commission (P/Z)

1. Decision Making (Quasi-Judicial)

The P/Z, as described in chapter 2.32, acts in a quasi-judicial capacity when it is the decisionmaker on a development application. The P/Z determines whether the application meets the requirements of the development code, and, like a court, bases its decision on the evidence that is contained in the record of the public hearing.

2. Review Actions (Legislative)

The P/Z acts as a recommending body for those legislative actions by the city council requiring an ordinance for approval.

3. Appeal Actions (Quasi-Judicial)

The P/Z performs in a quasi-judicial capacity when it is the appeal body for decisions of the director (see below).

C. The Planning and Development Services Director (“Director”)**1. Decision Making (Quasi-Judicial)**

The director acts in a quasi-judicial capacity when acting as decisionmaker on minor applications, and those decisions are subject to appeal to the P/Z.

2. Decision Making (Administrative)

The director acts in an administrative capacity when acting as decisionmaker on administrative applications; in this function, the director is intended ministerially to carry out the legislative policies of the city council.

D. Development Review Committee (DRC)**1. Purpose**

The purpose of the development review committee (DRC) is to provide a coordinated and integrated staff and agency review of specific development applications. The DRC is an informal, advisory body whose determinations and recommendations are not binding on the director, P/Z or city council. The director has the authority to determine the interpretation and applicability of the standards and requirements of the development code to any application.

2. Membership

The DRC consists of representatives from the city departments and divisions having responsibilities affecting development activities in the city.

E. The Public Works and Natural Resources Manager¹⁶**1. Decision Making (Quasi-Judicial)**

The public works and natural resources manager acts in a quasi-judicial capacity when acting as decisionmaker on applicable minor applications, and those decisions are subject to appeal to the P/Z.

2. Decision Making (Administrative)

The public works and natural resources manager acts in an administrative capacity when acting as decisionmaker on applicable administrative applications; in this function, the public works and natural resources manager is intended ministerially to carry out the legislative policies of the city council.

F. The Board of Adjustment (BOA)**1. Composition and Meetings****a. Members—Appointment—Qualifications—Alternate**

The BOA shall consist of five permanent members, who shall be appointed by the city council. Such members shall not hold any other office or position in the city administration. The city

¹⁶ Consolidated draft: revised from “director” to “manager.”

council shall also appoint two alternate members of the BOA, to serve for terms as specified in this subsection. The alternate members shall sit during the temporary unavailability of regular members or until the replacement for a permanent member has been designated by the city council upon the resignation, removal, or death of a permanent member.

b. Term of Office

Appointments to the BOA shall be for a period of three years. However, when vacancies occur prior to the expiration of a regular term, they shall be filled in the same manner as regular appointments but those so appointed shall serve only until the expiration of the term in which the vacancy occurred. The alternate member shall also serve a three-year term.

c. Chair—Election—Term

Members of the BOA shall elect from among themselves a chair to serve for a term of one year.

d. Approvals—Four-Vote Concurrence Required

The concurring vote of four members of the BOA shall be required to approve any matter presented to such board.

2. Roles and Responsibilities

The BOA has the following roles and responsibilities in administering this development code:

a. Nonconforming Structures

Consider and determine applications as provided in chapter 15.08, "Nonconformities."

b. Review Actions (Quasi-Judicial)

The BOA acts in a quasi-judicial capacity when it reviews applications under this development code. The BOA determines whether the application meets the requirements of the development code, and, like a court, bases its decision on the evidence that is contained in the public hearing before it.

G. Special Rules for Quasi-Judicial Decisions

In making quasi-judicial decisions, due process (which means a constitutionally fair procedure) generally requires that the deciding body, whether city council, P/Z, the director, or the BOA, follow certain rules, including:

1. If a hearing is provided, the body must provide advance notice and a reasonable opportunity for interested persons to present evidence and argument at the hearing.
2. If a formal proceeding is provided, the body must make a record of the proceeding, including all information it considers in making its decision. If there is an appeal of the decision, the reviewing body will look to see if evidence in the record supports the decision.
3. The city council, P/Z, and BOA must not consider ex-parte communication so everyone has a fair opportunity to hear the evidence and argument. Any member of one of these bodies voting on an application shall publicly disclose their involvement in any ex-parte communications, and fully describe such communications, at the relevant public meeting prior to participating in discussion on the application. For decisions by the director and public works and natural resources director, the decisionmaker shall make all public comments received part of the record of the application.
4. Information (verbal, written, electronic or graphic) received outside of the record is "ex-parte communication." When made or received by a quasi-judicial decisionmaker, courts generally hold that such communication is improper and may provide legal grounds for overturning a decision.

This rule against ex-parte communication promotes impartial decisions by ensuring disclosure of all evidence and argument presented to the deciding body in its deliberation and decision. The rule also gives everyone involved a fair chance to respond to all information that may affect the decision.

15.02.040 Common Review Procedures¹⁷

A. Authority to File Applications

A development application shall be filed by the applicant, as defined in section 15.010.020.

B. Complete Applications Required

An application shall be considered complete if it is submitted in the required form, includes all submittal information specified by the director, and is accompanied by the applicable processing fee.

C. Contact Person Designation Required

1. The applicant shall designate one person in the application as the primary contact person who will receive all correspondence from the city.
2. The applicant shall notify the director in writing if there is a change in the contact person.

D. Submittal Requirements

1. General

Applicants shall submit the information required for the development on forms provided by the city. All requested information must be submitted.

2. Modification

The director may modify certain submittal requirements where the director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly support such modification.

3. Supplement

The director or DRC may require further submittals or information, provided that the supplement is reasonably required to evaluate compliance with this development code or with the comprehensive plan.

E. Withdrawal of an Application

1. The applicant may request a withdrawal of an application in writing. After withdrawal, the city will take no further action on the application.
2. If an application is withdrawn, the applicant may resubmit the application, which shall be treated as a new application for purposes of review, scheduling, and payment of application fees.
3. A request for withdrawal of an application from a noticed agenda is subject to the discretion of the decision-making body.

¹⁷ Renamed from general provisions to common review procedures.

4. An application will be considered withdrawn if the applicant fails to attend a hearing before the decision-making body. The applicant may petition that body for reinstatement of the application within seven days of the date of the missed hearing, and the decision-making body may reinstate the application for good cause shown.

F. Inactive Applications

If the applicant fails to submit requested additional or revised application materials within 120 days of the request, the director may declare the application withdrawn.

G. Modifications and Amendments to Approved Plats, Plans or Permits

1. Modifications

Modifications to an approved subdivision plat, PUD overall development plan¹⁸, or site plan shall be subject to section 15.02.080B, "Administrative Modifications."

2. Amendments

- a. Changes to an approved plat, plan, or permit, including all changes in use and density that do not qualify as an administrative modification or site plan waiver, are considered amendments.
- b. Proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this chapter.
- c. At applicant's expense, the city will record all approved amendments to a recorded plat, site plan, or PUD overall development plan¹⁹ within 90 days of the amendment's approval.

H. Lapse of Approval

Approvals of the following development applications shall automatically lapse, be null and void and have no further force and effect, in the following circumstances:

1. For conditional uses, site plans (including waivers of review), administrative modifications, and exceptions to city standards: lapse shall occur if the applicant does not apply for a building permit and commence construction to act on the development approval within one year of the approval.²⁰
2. For annexations and vacations: lapse shall occur if the applicant does not satisfy any outstanding requirements listed in the approving ordinance within one year, or a different time period if specified in the ordinance.
3. For overall development plans and preliminary subdivision plats: lapse shall occur if the applicant does not submit a complete proposed site plan or complete proposed final subdivision plat within three years of the respective approval. The submittal of a complete proposed site plan or a complete proposed final subdivision plat within that three-year period for a portion of the approved development shall automatically extend the approval period of the remaining portion three more years from the date of the respective complete proposed final plat or site plan submission.²¹

¹⁸ Added "overall development."

¹⁹ Added "overall development."

²⁰ Did not carry forward references to height exceptions, limited uses, or final PUD plans.

²¹ Did not carry forward references to preliminary or final PUD plans.

4. For final subdivision plats and minor subdivision plats: lapse shall occur if the applicant does not submit to the city any necessary documents or fees within 90 days of the approval. This lapse shall occur regardless of any further application for amendment of the plat.

I. Extension of Approval Periods

1. To avoid a lapse of approval, applicants shall submit requests for extension of any approval period in writing before the applicable lapse of the approval deadline, and a minimum of 30 days before any meeting where the extension will be considered. In the case of a temporary use permit valid for 30 or fewer days, the applicant shall submit a request for an extension prior to the applicable lapse of the approval deadline, as stated in section 15.02.080C.4.
2. The decision-making body that originally approved the application shall consider the extension request.
3. Extension requests shall be evaluated on the basis of compliance with regulations and policies in effect at the time of the extension request and will be allowed only when the following conditions exist:
 - a. The extension is not expressly prohibited by this chapter; and
 - b. The extension request is filed in a form established by the director and includes all exhibits and fees.
4. An appeal from a determination to extend an approval time frame shall be made to the appeal body which would have heard an appeal of the original approval.

J. Notices

Notice shall be provided as identified in Table 2.2 for all applications unless exempted below.

Type of Review Process	Written	Posted	Newspaper
Neighborhood meeting	Yes	Yes	No
Application under review	Yes	Yes	No
Public hearing	Yes	Yes	Yes

1. Exemptions: No Notice Required

- a. Administrative permits, applications, exceptions and modifications as described in this chapter;
- b. Exceptions to street design and access standards;
- c. Legislative comprehensive plan amendments and rezonings as described in section 15.02.030A.2, provided that such amendments shall comply with the notice requirements for ordinances in the Longmont Municipal Charter;
- d. Land development code (text) amendments;
- e. Administrative modifications;
- f. Minor subdivision plats when no new lots are created;
- g. Temporary uses for model homes, sales trailers and other temporary uses of 90 days or less; and
- h. Written code interpretations, except that the director may publish notice and accept comments prior to adopting a written code interpretation.

2. Written Notice

Written notice shall be provided to owners of any property within the distance from the subject property as specified below:

Table 2.3: Notice Distance Requirements²²	
Application Type	Written Notice Distances
Major Development Applications	
Annexation	1,000 feet
Comprehensive plan amendment	1,000 feet
Conditional use	1,000 feet
Land development code (text) amendment	1,000 feet
Preliminary plat	1,000 feet
Rezoning and concept plan amendment	1,000 feet
PUD overall development plan	1,000 feet
Vacation	150 feet
Variance	300 feet
Minor Development Applications	
Final plat	300 feet
Minor subdivision plat	300 feet
Site plan	300 feet
Other applications not specifically excepted from notice requirements	150 feet

a. Preparation

Written notice shall be prepared and mailed based on ownership information obtained from the county assessor's office.

b. Content

All written public hearing notices required under this development code shall:

- i.** If the notice is of a public hearing or meeting, include the time and place of the public hearing or meeting;
- ii.** Describe the property involved by street address, if available, and nearest cross street;
- iii.** Describe the application or proposal being advertised;
- iv.** Indicate that interested parties may appear at a public hearing or meeting, if applicable, and speak on the matter; and
- v.** Include city staff contact information, or indicate where additional information on the matter can be obtained.

c. Types of Written Notice

- i.** Notice of neighborhood meeting;
- ii.** Notice of application under review;
- iii.** Notice of public hearing.

d. Noticed Parties

Written notice shall be mailed to:

- i.** Owners of any property within the distance from the subject property specified in above;

²² Consolidated draft: Reorganized table to match summary table of procedures.

- ii. Owners of subsurface mineral rights within the property boundary pursuant to the provisions of C.R.S. § 24-65.5-101 et seq.;
- iii. Registered neighborhood groups whose defined boundaries lie within the required notification area;
- iv. Others who have filed a timely written request to receive notice on a particular matter with the City of Longmont; and
- v. Occupants of property within the distance from the subject property specified in Table 2.3 if determined by the director that the application could have a significant impact on occupants as well as owners.

e. Expanded/Contracted Written Notice Requirements

The director may modify the notification area in Table 2.3 as follows:

- i. Adjust the area to coincide with streets or other distinctive physical features to create a more practical boundary;
- ii. Contract the area if the potential impacts from the proposed development will likely only affect the subject parcel or the immediately adjacent properties; or
- iii. Expand the area if the proposed development may create community or regional impacts.

f. Required Time of Mailing

Notice shall be mailed no later than 14 days before any meeting or action that requires written notice, except that notice shall be mailed to the mineral estate owner no later than required by state statute, see C.R.S. § 24-65.5-103. Notice of application under review shall be mailed as soon as reasonably possible after the city confirms the receipt of a complete application.

3. Posted Notice

a. Purpose

The purpose of posted notice is to notify the general public of an application for development of the property.

b. General

All posted notices required in Table 2.2 shall be:

- i. On weatherproof signs that have been approved for size, durability and content by the director;
- ii. Placed on the property that is the subject of the application;
- iii. Placed along each abutting improved public street in a manner that makes them clearly visible to neighboring residents and passers-by with at least one sign posted on each street frontage;
- iv. In place during the period leading up to the decision-making or appeal body's final action;
- v. Removed after the final action; and
- vi. Shall state the type of notice and provide a statement that additional information is available by calling the City of Longmont.

c. Required Timing

- i. Notice of neighborhood meeting shall be posted 14 days before the neighborhood meeting, and shall remain until the neighborhood meeting.

- ii. Notice of application under review shall be posted as soon as reasonably possible after the city confirms the receipt of a complete application, but in no case more than ten days after, and shall remain until the application is finally approved, denied, or withdrawn, or a posted notice of public hearing takes its place, whichever is earliest.
- iii. Notice of public hearing shall be posted no later than 14 days before the hearing and shall remain until the public hearing.

4. Published Notice

The director shall be responsible for preparing the content of the notice and shall ensure that notice is published in a newspaper of general circulation in the city. Published notice shall appear in the newspaper no later than five days prior to the hearing or action.

5. Notice of Decision and Right to Appeal

Within seven days of the decision-making body's final action on the application, the city shall send written notice of the decision to the Owners of the subject property and the applicant's contact person.

6. Constructive Notice

Minor defects in a notice shall not impair the notice or invalidate proceedings if a bona fide attempt has been made to comply with applicable notice requirements, or if the notice provided was reasonably calculated under all circumstances to apprise the intended recipients of the pendency of the action and afford them opportunity to present their objections. Where written notice was given under this section, failure of a party to receive written notice shall not invalidate any subsequent action.

7. Adequacy of Notice

- a. A person shall be deemed to have received sufficient notice under this development code if that person actually became aware of the item under review in time to attend the noticed public hearing or submit written comments.
- b. If the adequacy of notice is questioned at a hearing on the application, the review or decision-making body shall make a formal finding regarding whether there was substantial compliance with the notice requirements of this development code before proceeding with the hearing.

K. Appeals

1. All Actions and Decisions Final Unless Appealed

All actions and decisions made by a decision-making body shall become final unless appealed under the requirements stated in this subsection.

2. Definitions

For purpose of this chapter, the following definitions apply:

- a. "Effective date of the decision" means:
 - i. The date of the meeting at which the P/Z or BOA issued its decision on an application; or
 - ii. The date the director or other city staff member mailed his or her written decision to the affected applicant.
- b. "Final decision" means:
 - i. A decision or action by the BOA, P/Z, or city council disposing of the application by resolution or motion; or

- ii. A decision or action the director or other city staff decisionmaker has reduced to writing and mailed to the affected applicant.

3. Right to Appeal—Party-In-Interest—Major Development Applications

Appeals of decisions on major development applications may be filed only by the following:

- a. The applicant;
- b. The owner of the subject property;
- c. Any person or organization entitled under this chapter to written notice of the public hearing on the application;
- d. Any person who testified or submitted written comments on the application at a public hearing on the application, but not including persons who only signed mass petitions;
- e. Any resident of the City of Longmont; or
- f. The director or city manager.

4. Right to Appeal—Party-In-Interest—Minor and Administrative Applications

Appeals of decisions on minor and administrative development applications may be filed only by the following:

- a. The applicant;
- b. The owner of the subject property; or
- c. The city manager.

5. Effects of Appeals

Upon the filing of an appeal, any application process with the city pertaining to the subject matter being appealed shall be suspended while the appeal is pending. Any action taken in reliance upon any decision of a board, commission, or other city staff decisionmaker that is subject to appeal under the provisions of this chapter shall be totally at the risk of the person(s) taking such action until all appeal rights related to such decision have been exhausted, and by filing an application the applicant agrees that the city shall not be liable for any damages arising from any such action taken during said period of time.

6. Notice of Appeal Requirements

In order to appeal a decision, a party-in-interest must file a notice of appeal within the time limits set out in this subsection. Failure of a party-in-interest to timely file a notice of appeal, containing all of the following information, shall result in dismissal of that appeal:

- a. A description of the final decision being appealed;
- b. The date of the final decision being appealed;
- c. The name, address, telephone number and relationship of each appellant including a statement for each appellant as to the appellant's qualification for being considered a party-in-interest under this chapter; and
- d. A description of the grounds for the appeal of the final decision, including specific allegations of error.

7. Appeals from Final Actions by the Director on Minor Development Applications and Written Code Interpretations

- a. A party-in-interest to any final action by the director on a minor development application or written code interpretation under this development code may appeal to the P/Z.

- b. All appeals to the P/Z shall be filed in writing with the planning and development services department within 14 days from the date of the director's action.
- c. The P/Z shall hold a de novo, noticed, public hearing on the appeal within 60 days from the close of the appeal period and may uphold, reverse or modify the final decision being appealed. The P/Z's action on the appeal shall be final and may be appealed only to a Colorado court of competent jurisdiction.

8. Appeals from Other Final Actions by the Director or Other Administrative Official

- a. A party-in-interest to any other final action, decision, refusal, or order by the director or other administrative official based on or made in the course of the administration or enforcement of this development code may appeal to the P/Z.
- b. For purpose of these appeal provisions, "final action, decision, refusal, or order" shall not include decisions to waive, interpret, or apply procedural steps (including submittal requirements) made by the director or other administrative official in the course of the city's substantive review of development applications.
- c. All appeals to the P/Z shall be filed in writing with the director within 30 days from the date of the director's or other administrative official's action.
- d. The P/Z shall hold a de novo, noticed, public hearing within 60 days from the close of the appeal period and may uphold, reverse or modify the final decision being appealed. The BOA's action on the appeal shall be final, and may be appealed only to a Colorado court of competent jurisdiction.

9. Appeals from Final Actions and Decisions by the P/Z

- a. A party-in-interest to any final action of the P/Z may appeal to the city council. Appeals to the city council shall be filed in writing with the city clerk, with a copy to the planning and development services department, within seven days from the date of the P/Z's action.
- b. The permissible grounds for appeal from a decision by the P/Z shall be limited to the following allegations:
 - i. The decision is not supported by any competent evidence in the record;
 - ii. The decision is plainly inconsistent with the review criteria, as shown by clear and convincing evidence; or
 - iii. The decisionmaker exceeded its authority or jurisdiction as contained in the Municipal Code or Charter.
- c. The city council shall consider the appeal within 60 days from the close of the appeal period, except when the appeal is associated with a concurrent development application that requires city council review or approval. If associated with a concurrent application, the city council shall consider the appeal at the same time that it considers final action on the concurrent development application.

10. Staff Preparation of Appeal Report

If an appeal is made under this subsection, the director shall prepare an appeal report detailing the decision of the applicable decision-making body, and shall include all appeal letters and minutes of all applicable public meetings or hearings. The appeal report shall be sent to the applicant, appellant, and the appeal body for consideration at least five days before the appeal is heard.

11. Appeal Proceedings to City Council

- a. The city council shall hold an appeal hearing on the appeal. Written notice of the appeal hearing shall be given to the appellant(s) and the applicant, and the notice shall be posted on the property as required for a public hearing.
- b. The city council shall open the hearing by receiving the appeal report. The appeal body shall then give appellant(s) and the applicant an opportunity to present argument which shall be limited to 15 minutes per side unless the city council approves more or less time.
- c. The city council may augment the record by considering additional evidence, but only evidence that is relevant to the issues raised in the notice of appeal. The staff, and the appellant(s) or the applicant shall be given an opportunity to rebut such evidence.
- d. The appellant(s) shall have the burden of demonstrating that the decision of the P/Z was plainly in error, based on one or more of the permissible grounds for appeal listed in section 15.02.040K.9, above.
- e. The city council shall apply the applicable review criteria for the subject development application and either uphold, modify, or reverse the decision-making body's action or decision. The city council may also remand the appeal to the P/Z with directions for the P/Z's further consideration of the matter. Grounds for appeal raised for the first time at the public hearing, and therefore not raised in the notice of appeal, shall not be considered by the city council in deciding the appeal. The city council's decision shall be by resolution or ordinance.

12. Appeal of Final Actions and Decisions by the City Council

- a. The city council's action on the appeal shall be final and may be appealed only to a Colorado court of competent jurisdiction.
- b. If the result of the city council's action on appeal is to deny a development application, the city may not act on the same development application, nor one substantially the same, for one year from the date of the city council's action on the appeal, unless the city council specifically provides otherwise.

13. Withdrawal of Appeal

An appellant may withdraw an appeal in writing to the planning and development services department at any time. After such withdrawal, proceedings on the appellant's appeal shall cease.

L. Permitted Scope of Action by Review, Decision-Making, and Appeal Bodies

1. Permitted Action

- a. The review body or decision-making body may take any action on the application including approving the application, approving the application with reasonable conditions, or denying the application.
- b. The review, decision-making or appeal body may also postpone or continue the public hearing if additional time is needed. A hearing for which proper notice was given may be continued to a later date without again complying with the notice requirements of this chapter, provided that the continued hearing is set for a certain date and the date and time of the continued hearing is announced at the time of continuance.
- c. The review, decision-making or appeal body may accompany its decision with findings of fact specifying the reasons for its decision. Any of these bodies not composed of city staff may, by motion, request (or, if the city council, direct) staff to prepare the findings of fact to accompany a specified determination of the application based on evidence in the record, and

may continue consideration of the application until the next public meeting at which consideration will be practicable. At such future meeting, no further public hearing shall be necessary, and the body may approve a final determination and findings of fact.

2. Prohibited Action

The review, decision-making or appeal body may not recommend or approve a greater density of development, a more intensive use, or a more intensive zoning classification than what was indicated in the public notice; however, a lower density or intensity development may be recommended or approved.

M. Burden of Proof

Except for certain appeals described in section 15.02.040K above, the burden of demonstrating that an application complies with applicable review and approval criteria is on the applicant. The city or other parties do not have the burden to show that the criteria have not been met.

N. Conditions of Approval

1. The decision-making body may impose such conditions upon the subject development as are necessary to carry out the general purpose and intent of this development code.
2. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon adopted standards.
3. Any condition of approval that requires an applicant to dedicate land or pay money to a public entity in an amount that is not calculated according to a formula applicable to a broad class of applicants shall be roughly proportional both in nature and extent to the anticipated impacts of the proposed development, as shown through an individualized determination of impacts.
4. The decision-making body may place specific time limits on the satisfaction of any condition of approval; in all cases, however, all conditions of approval shall be completed by the expiration of the application's approval period, unless the decision-making body or other provisions of this development code establish another time frame.

15.02.050 Core Review Procedures

A. Applicability²³

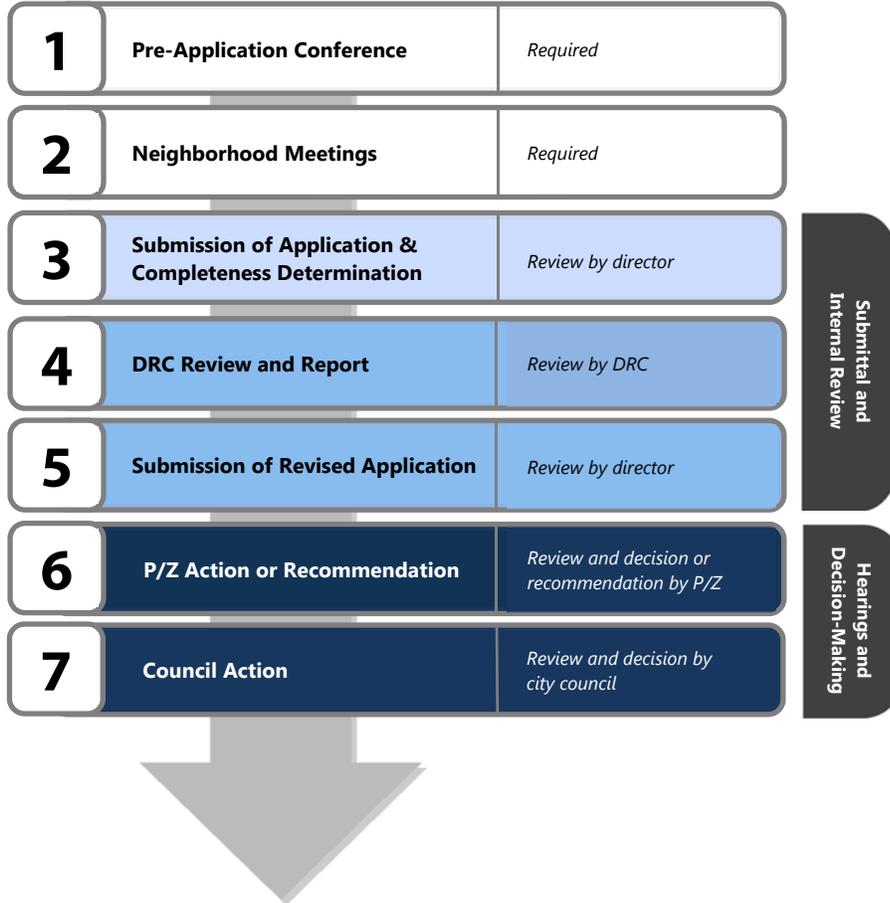
Development applications are classified as major, minor, or administrative as indicated in Table 2.1. Each classification of application shall follow a core review procedure, as described in subsections B—D of this section, except where deviations for a specific type of development application are provided in this chapter.

²³ The new table replaces the current lists of major, minor, and administrative applications and summarizes further details

B. Core Review Procedures for Major Development Applications

The following review procedures (summarized in Figure 2.1) apply to all major development applications unless specified elsewhere in this chapter:

Figure 2.1: Major Development Applications



1. Step 1: Pre-Application Conference

a. Purpose

To provide an opportunity for the applicant and the city to discuss the development proposal, application materials and submittal requirements, the time frame for the review process, and the number and timing of any required neighborhood meetings.

b. Applicability

A pre-application conference is required for all major development applications.

c. Request for a Pre-Application Conference

The applicant shall submit a pre-application form and other materials required by the director; the pre-application conference will be scheduled for the next available meeting date.

d. Director Review and Recommendations

The director shall provide the applicant with a summary of the pre-application conference, including any necessary submittal requirements.

2. Step 2: Neighborhood Meetings

a. Intent and Purpose

To facilitate participation early in the development review process between applicants and citizens of neighborhoods potentially affected by the development proposal.

b. Timing and Number of Neighborhood Meetings

- i. At least one neighborhood meeting shall be held after the pre-application conference, before submittal of a formal application.
- ii. The director may require additional pre- or post-application neighborhood meetings based on the proposed development's mix of uses, density, complexity, potential for adverse impacts, or the need for off-site public improvements created by the development.

c. Notice of Neighborhood Meeting

- i. The applicant is responsible for scheduling the neighborhood meeting. Written notice of the neighborhood meeting shall be according to section 15.02.040J.
- ii. If available, neighborhood meetings should be held in an accessible facility in the vicinity of the proposed development.
- iii. The applicant's failure to provide proper notice or to hold and complete all required neighborhood meetings shall preclude further review of the application and may result in an inactive application under section 15.02.040F, "Inactive applications," above.
- iv. The neighborhood meeting requirement shall be considered satisfied even if no one attends the meeting for which proper notice was given.

d. Conduct of Neighborhood Meeting

The applicant shall present a summary of the development proposal, answer questions and receive comments from persons attending the meetings.

e. Summary of Neighborhood Meeting

The applicant shall prepare a written summary of the neighborhood meeting(s), which shall include the following:

- i. Dates and locations and the number of people that attended and a copy of the sign-in sheet;
- ii. The substance of the comments and questions; and
- iii. How the applicant addressed or intends to address the comments and questions, including the reasons why the applicant is unwilling or unable to address specific comments or questions.

3. Step 3: Submission of Application/Completeness Determination

a. The applicant shall submit a complete application and all applicable submittal material in one package to the planning and development services department.

- i. The director shall review an application for completeness, and if determined to be complete, it shall then be processed under this chapter.
- ii. The director shall return an incomplete application to the applicant and identify how the application is deficient.

b. Once submitted, the applicant shall not make any changes to the application or any accompanying plans or information, except those requested by the director.

4. Step 4: DRC Review and Report

a. DRC Review

The DRC shall review the application for technical accuracy, compliance with this development code and other relevant city regulations and ordinances and provide their comments and written recommendation to the project planner. The DRC shall also obtain comments from outside agencies and utility providers regarding the application as necessary.

b. Subsequent Information and Reviews

- i. At any time the DRC may request additional information from the applicant or revisions or corrections to previously submitted materials if they are inaccurate, incomplete, or if subsequent plan revisions do not comply with this development code.
- ii. The application may be subject to additional review(s) by the DRC if the additional information or revisions do not comply with the development code or do not mitigate the adverse impacts from the development proposal.

5. Step 5: Submission of Revised Application

- a. If necessary, the applicant shall submit a revised application addressing each comment contained in the DRC report to the project planner. No further processing of the application shall occur until the revised application is submitted.
- b. The revised application shall be reviewed as above, and the project planner shall send the applicant any recommendations or conditions for approval to eliminate any areas of noncompliance or to mitigate any adverse impacts from the development proposal.
- c. The applicant shall submit a written response to the conditions of approval, if any.
- d. Scheduling for review and/or decision-making body action.
 - i. Once DRC has completed its reviews, the project planner shall schedule the development application for hearing on the next available regular meeting agenda before the applicable review or decision-making body. Public notice of the hearing shall be given under the requirements stated in section 15.02.040J, "Notices," above.

6. Step 6: P/Z Action or Recommendation

a. Applicant's Submittals

- i. The applicant shall submit the documents required to be included in the public hearing report by the deadline specified by the project planner.
- ii. Materials submitted after the deadline may be sent to the P/Z, or may be cause to remove the application from the P/Z agenda to provide more time to review and respond to these materials.

b. Staff Preparation of P/Z Communication

After the applicant's submittal for the P/Z hearing, staff shall prepare a communication for the public hearing which shall:

- i. Include the written summary of any neighborhood meetings;
- ii. Report whether the development application complies with all applicable standards;
- iii. Specify any areas of noncompliance; and
- iv. Provide staff's recommendation for application approval, approval with conditions, or denial. Conditions for approval may be recommended to eliminate any areas of noncompliance or to mitigate any adverse impacts from the development proposal.

c. Distribution of Public Hearing Report

The city shall make the public hearing report available to the applicant, the applicable review- or decision-making body, and the public at least five days prior to the public hearing on the application.

d. Public Hearing

A public hearing is required for any application on which the P/Z makes a final decision, but not those for which P/Z makes only a recommendation to the city council.

e. Decisions (Quasi-Judicial)²⁴

The P/Z has decision-making authority over applications for conditional uses, preliminary plats, and variances. For these applications:

- i. The P/Z shall consider the development application and the evidence from any public hearing, and then take action.
- ii. The P/Z shall approve, approve with conditions, or deny the development application based on its compliance or noncompliance with applicable review standards.

f. Effect of P/Z Denial

The denial of a development application by the P/Z is final and that same request or one substantially the same may not be considered by the city for a period of one year from the date of denial, unless the P/Z's denial is overturned by the city council on appeal, or unless the P/Z's denial explicitly states that an earlier re-application will be considered.

g. Recommendation

For all other major applications, the P/Z has authority only to recommend action to the city council. For these applications, the P/Z shall recommend either approval, approval with conditions, or denial of the development application based on its compliance or noncompliance with the applicable review standards.

7. Step 7: City Council Action

a. Decisions

The city council has decision-making authority over all major development applications for which decision-making authority has not been delegated to the P/Z above. These include annexations, comprehensive plan amendments, land development code amendments, rezonings, concept plan amendments, rezoning to PUD²⁵, TDRs, and vacations. Actions for which the city council has decision-making authority shall be considered and acted upon by ordinance in compliance with the Longmont Municipal Charter. The city council shall take final action by approving, approving with conditions, or denying the application based on its compliance with the appropriate review standards.

b. Appeals

For procedures governing appeals to the city council from P/Z final decisions, please see section 15.02.040K, "Appeals," above.

²⁴ Did not carry forward height exceptions or preliminary PUD plans.

²⁵ Added rezoning to PUD.

c. Effect of City Council Denial

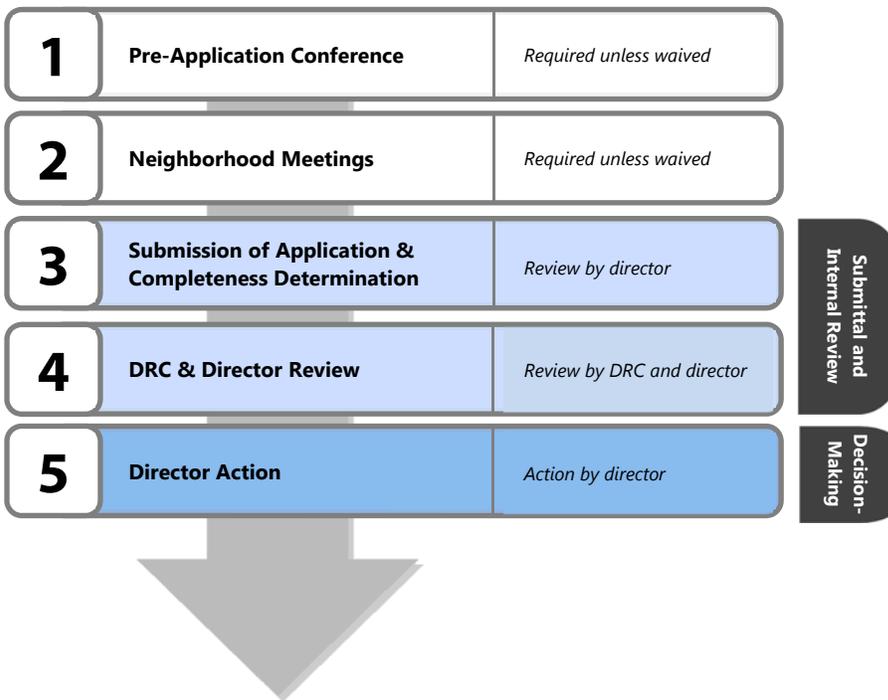
If the city council denies an application, that same request or one substantially the same may not be considered by the city for a period of one year from the date of denial, unless the city council's denial explicitly states that an earlier re-application will be considered.

C. Core Review Procedures for Minor Development Applications

1. Review Procedure for Minor Development Applications

All minor development applications shall be reviewed according to Steps 1 through 3 in subsection B above, and then under the steps outlined below (summarized in Figure 2.2). The director may waive Steps 1 and 2 in subsection B above, based on a determination that the proposed development would not have adverse impacts on neighboring properties.

Figure 2.2: Minor Development Applications



a. Step 4-A: DRC Review

i. Applicability

(A). The director shall refer all minor applications to the DRC for review and recommendation.

(B). The DRC shall review the application for technical accuracy, compliance with this development code and other relevant city regulations and ordinances and provide comments and written recommendations to the project planner.

ii. Director Review

The director shall review the recommendations of the DRC and, if necessary, require the applicant to submit a revised application. In this case, the applicant shall submit a revised application addressing each comment contained in the DRC report. No further processing of the application shall occur until the revised application is submitted.

b. Step 4-B: Director Final Action

- i. After the DRC completes its review, the director shall review the application for compliance with the adopted review criteria, this development code, and other relevant city regulations and take final action to approve, approve with conditions, or deny the application.
- ii. The director shall notify the applicant of the final action and time frames and procedures for appeals, and shall advise the applicant, if no appeal is filed, that the applicant must satisfy or accept all conditions of approval prior to issuance of a building permit.

2. Authority to Refer to P/Z for Public Hearing²⁶

At the director's discretion, based upon a consideration of the proposed development's potential adverse impacts, mix of land uses, or need for off-site public improvements, the director may refer the application to the P/Z for public hearing and final action. In this case, the application should be scheduled for hearing at the next regular meeting before the decision-making body, or as soon thereafter as meeting agendas allow. Appeals of decisions on such referred applications shall be as if the referred-to body was the decision-making body in the first instance.

D. Review Procedures for Administrative Applications

The decisionmaker on an administrative application shall only act upon an administrative application once all requested submittal materials have been received. The decisionmaker shall approve or deny the application ministerially, based on the review criteria. Should the decisionmaker determine that deciding on administrative permit application requires material use of discretion, the decisionmaker shall subject such application to the procedures applicable to minor applications.

E. Approval Criteria for All Application Types²⁷

No major, minor, or administrative development application shall be approved unless it meets the following review criteria, except that individual types of applications described in this land development code specifically may include exceptions to these criteria or impose additional criteria:

1. The application is consistent with the comprehensive plan and the purpose of the code and zoning district; conforms to any previously approved concept plan, preliminary plat, or PUD overall development plan; and complies with all applicable statutes, codes, ordinances and regulations.
2. The application complies with applicable city standards, including for street and utility design and layout, and adequate utilities are available or will be provided for appropriate urban-level services.
3. The application proposes development compatible with surrounding properties in terms of land use, site and building layout and design, and access.
4. The application will not adversely affect surrounding properties, the natural environment, existing or planned city transportation, or utility services or facilities, or the adverse impacts of the use will be mitigated.

²⁶ Currently code authorizes P&Z or BOA hearing with referral by the director.

²⁷ Relocated from 15.02.040 to be included with the core review procedures; renamed from "common review standards for development applications."

5. The application includes an appropriate transportation plan, including multi-modal transportation access, and is integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails and similar features.

15.02.060 Review Standards and Procedures for Specific Major Development Applications

A. Annexations

1. Review Procedures

An application for annexation shall follow the core review procedures for major development applications, except for the following:

a. After Step 1 (Pre-Application Conference)

The annexation application shall be referred to the city council to determine whether the public interest is served by considering the annexation request further. If the answer is no, the annexation application shall only be reviewed for statutory compliance, unless the applicant withdraws the petition.

b. City-Initiated Annexations

Annexations initiated by the city of enclaves, property owned by the city or under lease to the city with an option to purchase, and property predominately containing a city-managed or -operated facility are exempt from Steps 1 through 6 of the core review procedures for major development applications, as well as the referral procedure of subsection A.1.a, above.

2. Additional Review Criteria

All annexations shall be reviewed for compliance with the following additional criteria. However, annexation is a discretionary, legislative act. The city shall never be compelled to annex, unless otherwise required by state law, even if all these review criteria have been satisfied.

- a. The annexation complies with the Municipal Annexation Act of 1965, as amended (C.R.S. § 31-12-101 et seq.).
- b. The property is within the municipal service area (MSA) or the Longmont Planning Area (LPA) as stated in the comprehensive plan. No property outside of the MSA or LPA shall be considered for annexation unless the city council finds that, consistent with the comprehensive plan, the best interests of the city would be served by annexation of such property, and a land use plan for the area proposed to be annexed is submitted together with the annexation application.
- c. The proposed zoning is appropriate, based upon consideration of the following factors:
 - i. The proposed zoning is consistent with the comprehensive plan designation of the property; and
 - ii. The proposed land uses are consistent with the purpose and intent of the proposed zoning district.
- d. The annexation will not limit the ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed.
- e. Unless otherwise agreed to by the city, the landowner has waived in writing any preexisting vested property rights as a condition of such annexation.

- f. The property to be annexed meets the environmental requirements of section 15.02.140.
- g. City-initiated annexations shall conform to C.R.S. § 31-12-106 and the annexation ordinance shall include an annexation map meeting the requirements of C.R.S. § 31-12-107(1)(d).

3. Concept Plan Required

All annexation applications, except city-initiated annexations, shall include a concept plan which shall be referenced and approved by the annexation ordinance. Development of the subject property shall be consistent with the concept plan, unless city council amends it by ordinance. At a minimum, a concept plan shall include the items listed in this development code the administrative manual and the following general information:

- a. Appropriate land use, utility, and transportation design, including multi-modal transportation access, given the existing and planned capacities of those systems;
- b. Mitigation of potential adverse impacts on surrounding properties and neighborhoods; and
- c. Mitigation of potential adverse impacts on the environment.

4. Annexation Agreement Required

As a prerequisite for annexation, a city-approved annexation agreement shall be signed by all owners of the subject property, except annexations of city-owned property or property the city is leasing under a lease-purchase agreement, city-initiated annexation of enclaves, or when the requirement is waived by the city council. The annexation agreement represents the applicant's proposed performance to induce the city council to act favorably on the proposed annexation. The accompanying zoning and concept plan are part of the applicant's inducement offer and shall be an integral part of the annexation agreement. The annexation agreement shall detail the mutual understanding about the annexation including, but not limited to, the following matters:

- a. Density or intensity of development and land use mix, including:
 - i. Designation of the density distribution within the parcel to be annexed; and
 - ii. A condition that residential developments comply with applicable affordable housing requirements;
- b. Phasing of the development in general terms;
- c. Drainage, detailing major improvements required, participation in the storm drainage utility, participation in existing improvements, and how drainage requirements will be satisfied;
- d. Street and bikeways, detailing participation in existing and proposed improvements, dedication of perimeter rights-of-way and timing of such, major street improvements required and designation of responsibility for construction, treatment of local, interior street and rights-of-way, responsibility for construction or participation in traffic signals and other traffic-control devices, payment for any transportation or site access studies or any addenda;
- e. Utilities, detailing participation in existing systems, major improvements to be constructed, dedication of necessary easements and timing of such, and utilities required;
- f. Landscaping, detailing responsibility and scheduling of arterial and collector street landscaping and primary greenway development, and maintenance of such facilities;
- g. Fire protection, detailing responsibility for fire protection measures;
- h. Land dedication and/or reservation, designating land for public purposes including but not limited to, streets, utilities, parks, schools, greenways, or cash-in-lieu agreements. Land reserved for future park purchase will be paid at fair market value with the appraisal value determined by pre-annexation raw land value;

- i. Exclusion from special districts and acknowledgement of the property owner's responsibility in securing exclusion;
- j. Inclusion of property in the municipal subdistrict, Northern Colorado Water Conservancy District and acknowledgement of applicant's consent and agreement to perform all acts to obtain inclusion;
- k. Special districts, all agreements concerning special districts projected to be created within the city limits, including, but not limited to, applicant's agreement to use any district for installation, construction warranty, and repair of public improvements;
- l. Vested rights and growth management:
 - i. Specifying that the city's action in annexing the property and approving the concept plan and zoning do not create a vested right as defined in the Colorado Revised Statutes or other city regulation or ordinance;
 - ii. Specifying that, unless otherwise agreed to by the city, the landowner requesting annexation shall waive any pre-existing vested property rights as a condition of such annexation; and
 - iii. Specifying that the annexed property will be subject to any future phasing or growth management regulations that may be adopted by the city.
- m. Enforcement, specifying that the agreement is binding on heirs, successors and assigns;
- n. Noncontestability clause detailing reliance by all on the agreement and providing for disconnection of the annexation, at the option of the city, upon noncompliance or nonperformance by the applicant;
- o. Other issues as may be unique to the property including, but not limited to, necessary off-site improvements, railroad and river crossing improvements, relocation or maintenance of irrigation ditches and laterals, and purchase of existing electric facilities and/or electric service territory; and
- p. Other issues as may be necessary to evidence compliance with this section and this development code.

5. Annexation Not Final Until Satisfaction of All Requirements

- a. City action on the annexation application shall not become final unless all requirements of the annexation ordinance, this development code and state statutes have been satisfied, as certified by the director, within the time specified in the ordinance, or if no time is specified then within one year of city council's adoption of the ordinance.
- b. Unless approval has lapsed, when all requirements have been satisfied, the ordinance, the annexation agreement, and the annexation map shall be recorded with the county clerk and recorder, and the annexation will then be final.

B. Comprehensive Plan Amendments

- 1. An amendment to the comprehensive plan may include any of the following:

- a. **Comprehensive Plan Text Amendment**

- An amendment to the text of the plan. The city can initiate comprehensive plan amendments, and private parties may request the city council to initiate an amendment.

b. Land Use Amendment

An amendment to the plan's land use designation for specific properties or to the plan's transportation system. A land use amendment is often necessary in conjunction with rezoning requests and occasionally with annexation requests. Both private parties and the city can initiate land use amendments.

c. Longmont Planning Area Amendment

An amendment to add new land areas and land use designations to the Longmont Planning Area. Both private parties and the city can initiate Longmont Planning Area amendments.

d. Municipal Service Area Amendment

An amendment that adds land in the Longmont Planning Area to the municipal service area. A municipal service area amendment is not required for annexations as annexed land is automatically transferred to the municipal service area. Only the city can initiate municipal service area amendments.

2. Review Procedure

Applications for comprehensive plan amendments shall follow the core review procedures for major development applications, except:

- a. The director may limit the timing and frequency of when comprehensive plan amendments are considered consistent with the comprehensive plan.
- b. Longmont Planning Area amendments shall be referred to the city council, before processing, to determine whether it is in the best interests of the city to devote staff and P/Z resources to a full review of the application.
- c. Applications for text amendments and municipal service area amendments may also be referred to the city council before the city begins to process the application.
- d. Legislative comprehensive plan amendments, as described in section 15.02.060B are exempt from steps 2 through 5 of the core review procedures for major developments provided in section 15.02.050B (step 2: neighborhood meetings; step 3: submission of application/completeness determination; step 4: DRC review and report; step 5: submission of revised application).

3. Review Criteria Clarification

Proposed comprehensive plan amendments need not be consistent with the existing comprehensive plan, but must serve the best interests of the city.

C. Conditional Uses

1. Review Procedure

Applications for a conditional use shall be processed concurrently with an application for site plan review, as applicable, as indicated in section 15.02.070C.

2. Additional Review Criteria for Secondary Uses

Secondary uses listed in Table 4.1: *Table of Allowed Uses* shall meet the approval criteria in section 15.02.050E and the following additional criteria:

- a. The secondary use as proposed is of a scale and design and in a location this is compatible with surrounding uses and potential adverse impacts of the use will be mitigated to the maximum extent feasible.
- b. The secondary use as proposed is consistent with the comprehensive plan and the purpose and intent of the code and underlying zoning district.
- c. The secondary use as proposed will not substantially diminish the availability of land within the underlying zoning district for primary uses.

3. Authority to Impose Conditions to Ensure Compliance with Standards

As with other types of application, the decision-making body may impose conditions on a proposed conditional use to ensure compatibility and to ensure that potential adverse impacts on surrounding uses, properties, public health or safety, the environment, or the district will be substantially mitigated. Conditions may include, but are not limited to, measures addressing the amount or location of secondary uses, outdoor activity or storage; location on a site of activities that generate noise, odor, vibration, glare, or other adverse impacts; location of buildings or structures generally; and hours of operation and deliveries.

4. Conditions for Time Limits/Review

The decision-making body may also impose time limits on conditional uses and require regularly scheduled reviews of approved conditional uses.

5. Conditions of Approval Binding

The restrictions and conditions of approval shall be placed on the conditional use site plan, shall be binding on the applicant, the applicant's successors and assigns, and shall run with the land. The notice of approval of the site plan shall be recorded at the county clerk and recorder's office.

6. Discontinuance

If a conditional use is extinguished, or discontinued for a period of one year, the conditional use permit shall automatically lapse and be null and void.

7. Changes to Approved Conditional Uses

Building additions or site changes on existing approved conditional uses that do not constitute a substantial change to the use, and that do not create or can adequately mitigate potential adverse impacts on surrounding properties or neighborhoods, as determined by the director, may be reviewed as a site plan amendment according to section 15.02.070C. However, expansion of a conditional use onto a different lot or parcel, not previously part of the conditional use approval, shall require review under this subsection.

D. Land Development Code (Text) Amendments

1. Initiation

The city council, city manager, staff, or the P/Z may initiate applications for text amendments to the development code. Private parties may request that city council initiate a text amendment.

2. Review Procedures

Applications for text amendments to the development code do not follow the core review procedures for development applications, stated in section 15.02.050 above. Instead:

- a. The city council or director may request P/Z review and recommendation.

- b. The city staff shall prepare an ordinance, including any P/Z recommendation, and schedule the ordinance for city council's consideration pursuant to the provisions of the Longmont Municipal Charter.

3. Review Criteria

The sole review criterion for proposed text amendments to the development code is that the proposed amendment is consistent with the purpose and intent of this development code set out in section 15.01.030 above.

4. Effect on Preliminary or Final Plan/Plat and Site Plan Applications Pending an Application for an Ordinance Amending this Development Code

- a. When a proposed ordinance that adds restrictions on or changes to permitted uses or standards in a zone district is introduced to city council, or when the city council directs staff or the P/Z to draft or consider such an ordinance, no development applications that would result in nonconforming uses, structures or affected standards if the proposed ordinance is approved shall be accepted by the city for a period of 120 days from the date of introduction of the ordinance or of city council's direction.
- b. The city council may extend the 120-day period by ordinance.
- c. If the proposed ordinance is not adopted within the 120 days, or any extensions thereof, the city shall accept applications and issue plan or plat approval regardless of the status of such proposed ordinance.

E. Preliminary Subdivision Plats

In addition to complying with the core review procedures for major development applications in section 15.02.050B, applications for preliminary subdivision plat approval shall demonstrate compliance with the following additional criteria:

1. The subdivision will not limit the ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed;
2. The subdivision will not create lots that are undevelopable or burdened with costs that would preclude development from occurring on other property; and
3. The proposed phasing plan for development of the subdivision is rational in terms of available infrastructure capacity and adequate public facility standards.

F. Rezoning (Amendments to the Official Zoning Map) and Concept Plan Amendments

1. Rezoning Initiation

Applications for rezoning may be initiated by:

- a. The city council; or
- b. One or more of the owners, holders of options to purchase, or lessees of the applicable property.

2. Concept Plan

A concept plan is required for a rezoning and amendments to existing rezoning concept plans. The concept plan shall be referenced in the rezoning or concept plan amendment ordinance. A concept plan must meet the approval criteria in section 15.02.050E.

a. Contents of Concept Plan²⁸

At a minimum, a concept plan shall include the information required in the administrative manual.

b. Exceptions

A concept plan is not required for a rezoning initiated by the city or the following types of rezoning requests that are intended to correct technical mistakes in a specific zoning application:

- i. When a lot of record is classified as falling into two or more different zoning districts as of the effective date of this development code, an application to rezone a portion or portions of that parcel so that the zoning district classification is the same for the entire parcel.
- ii. Rezoning to correct the city's clerical error or mistake in classifying a parcel within a specific zoning district.
- iii. Rezoning to allow for minor zoning district boundary adjustments to make a zoning designation consistent with approved platted subdivisions.

3. Preliminary or Final Plan/Plat and Site Plan Applications Pending Consideration of a Rezoning Ordinance

- a. When a proposed ordinance that involves a change in zoning from a less restricted zoning district to a more restricted zoning district, or that changes permitted uses in any existing zone district is introduced to city council, or when the city council directs staff or the P/Z to draft or consider such an ordinance, no development applications that would result in nonconforming uses or structures if the proposed ordinance is approved will be accepted by the city for a period of 120 days from the date of introduction of the ordinance or city council direction. The city council may extend the 120-day period by resolution.
- b. If the proposed ordinance is not adopted within the 120 days, or any extensions thereof, the city shall accept applications and issue plan or plat approval regardless of the status of such proposed ordinance.

4. Review Procedure

All applications shall follow the core review procedures for major development applications, stated in section 15.02.050B above, except that legislative rezonings, as described in section 15.02.030A.2, are exempt from steps 2 through 5 of the core review procedure for major development applications provided in section 15.02.050B (step 2: neighborhood meetings; step 3: submission of application/completeness determination; step 4: DRC review and report; step 5: submission of revised application).

5. Additional Review Criteria

Rezonings shall meet the approval criteria in section 15.02.050E, and shall meet at least one of the following justifications:

- a. The rezoning is consistent with events, trends, or facts occurring after adoption of the original zoning that have changed, or are changing, the physical, social, or economic character or condition of the area or neighborhood;
- b. The rezoning corrects an error of a technical nature; for example, in order to achieve zoning district conformance with existing lot lines; or

²⁸ Revised to move all submittal requirements in one place in the administrative manual.

- c. The rezoning presents the city with a unique opportunity or an appropriate site, at an appropriate location, for the particular type of land use or development proposed and will help the city achieve a balance of land use, tax base, or housing types consistent with the city's overall planning and economic development goals.

6. Conditions for Rezoning

The city council may impose reasonable conditions on the rezoning, including, but not limited to:

- a. Reduction in the number and type of permitted uses.
- b. Reduction or other limits on permitted density or intensity of development.
- c. Required review at the end of a specified period of time to determine if the construction of the allowed uses has commenced, and if not, then whether the rezoning should remain in place.
- d. Consistency with any concept plans, architectural plans, landscape plans and site plans submitted by the applicant as part of the rezoning application.

G. Planned Unit Development Overall Development Plan

Commentary:

This new ODP procedure replaces the current Preliminary PUD and Final PUD plans. Under this new system, the overall zoning and conceptual development is approved at the ODP stage, and then individual phases of development, or pad developments would be evaluated under the site plan procedures. This new system also establishes a single PUD zoning district instead of allowing PUD districts as an overlay to existing base zoning districts.

We did not carry forward the supplemental review criteria for preliminary PUD plans in an MU district from current 15.02.050.F.5.

1. General—Establishment of PUD Zoning Districts²⁹

A PUD zoning district may be established through one of the following procedures:

- a. Initial zoning when petitioning for annexation; or
- b. A rezoning to a PUD zoning district.

2. Applicability

- a. Approval of an overall development plan (ODP) is required prior to any development in a PUD zone district.
- b. The director may require an ODP be submitted concurrently with requests for PUD zoning when petitioning for annexation or for rezoning to a base PUD zoning district.³⁰

3. Concurrent Review of Subdivision

Where applicable, the applicant shall consolidate an application for a PUD overall development plan with an application for preliminary subdivision plat approval.

4. Review Criteria for PUD Zoning District

All requests for the establishment of a PUD zoning district shall comply with the criteria for rezoning in subsection F.5, above.

²⁹ Did not carry forward option to apply PUD district as an overlay to an existing district.

³⁰ Currently the preliminary PUD plan “may” be submitted concurrently with rezoning requests. We changed it to “shall” for the overall development plans.

5. Additional Review Criteria for Overall Development Plan

Overall development plans associated with applications for rezoning to PUD shall meet the approval criteria in section 15.02.050E and the following:

- a. The PUD complies with the district purpose and development/design standards stated in section 15.03.060, "Planned unit development (PUD) district";
- b. The PUD will not limit the ability to integrate surrounding land into the city or cause variances or exceptions to be granted if the adjacent land is annexed or developed; and
- c. The proposed phasing plan for development of the PUD is rational in terms of available infrastructure capacity and adequate public facility standards.

6. Lapse of ODP Approval³¹

No further development may occur on a lapsed ODP plan pursuant to section 15.02.040H.3 until a new ODP plan application is submitted and approved.

H. Vacations

1. Review Procedure

All applications for vacation of easements or rights-of-way shall follow the core review procedures for major development applications, stated in section 15.02.050B above, except for the following modifications:

a. Step 6: P/Z Action or Recommendation

The director may waive P/Z review if there are no unresolved issues regarding the vacation and the proposal has no material adverse impact on adjacent property owners. The project planner shall schedule the application for city council consideration.

2. Additional Review Criteria

Applications for vacation requests shall comply with the following additional review criteria:

- a. The right-of-way or easement will not be used in the short- or long-term, or the city receives conveyance or dedication of substitute easements or rights-of-way appropriate to satisfy the continuing municipal need;
- b. The vacation does not create an irregular right-of-way or easement configuration which could create difficulty in the provision of services or installation of public improvements;
- c. The public benefits and utility of the vacation request outweigh any adverse impacts of the vacation; and
- d. The applicant will relocate, if necessary, the public facilities located within the right-of-way or easement.

3. Standards for Compensation

The decision-making body shall apply the following factors to determine compensation the applicant shall pay to the city for the vacation, which payment shall be a condition of the vacation:

- a. If the city purchased the easement or right-of-way, the value paid by the city plus a reasonable inflation factor related to real estate or interest rates shall be required as consideration;

³¹ New.

- b. If the city must purchase additional rights-of-way or easements to satisfy the continuing municipal need, all costs incurred in acquiring/developing alternate easements or rights-of-way shall be required as consideration;
- c. The willingness of the applicant to re-convey such easements/rights-of-way to the public, if such need should occur;
- d. If the city incurred substantial costs in constructing/maintaining the easement or right-of-way, reimbursement for such costs may be required; and
- e. Whether the party requesting vacation dedicated the right-of-way or easement without cost to the city.

I. Variances

1. Purpose and Applicability

Variances are intended to alleviate practical difficulties or hardship arising from the strict application of the provisions of chapters 15.03 (Zoning Districts), 15.04 (Use Regulations), 15.05 (Development Standards), 15.06 (Signs), and 15.07 (Subdivision and Improvements Standards) of this development code to a specific property. Variances address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission.

2. Use Variances Prohibited

A decision-making body shall not grant a variance to allow a use not permitted, or a use expressly or by implication prohibited under the terms of this development code for the applicable zoning district.

3. Authority to Determine Variance Requests

a. Variances Reviewed by the BOA

The BOA is the decision-making body only on requests for the following variances, but not if the request is proposed or required in conjunction with another development application to be reviewed by the P/Z or the city council:

- i. Fences.
- ii. Setbacks.
- iii. Signage.

b. Variances Reviewed by the P/Z

The P/Z shall be the decision-making body on all other requests for variances whether or not a development application is proposed or required in conjunction with the variance request, except for those regarding the city's design standards, which are addressed in section 15.02.080A.

4. Review Procedure

All applications for variances from the provisions of this development code shall follow the core review procedures for major development applications, stated in section 15.02.050B, except for the following modifications:

a. Variances Determined by the BOA

i. Steps 1 and 2

Step 1 (Pre-application conference) and step 2 (Neighborhood meetings) are not required.

ii. Step 3 (Submission of Application/Completeness Determination)

Applicants shall submit variance applications to the chief building official. The chief building official shall review the application for completeness according to section 15.02.050B.3.

iii. Steps 4 and 5 (DRC Review and Report and Submission of Revised Application)

The chief building official may refer the variance application to the DRC for review if the chief building official determines that the variance request may have a substantial impact on adjacent properties or land uses, or on public facilities. If necessary after the DRC review, the chief building official may require revised drawings prior to scheduling the application for the BOA review.

iv. Step 6 (BOA review)

The variance application shall be scheduled for the next available BOA meeting for consideration.

b. Variances Determined by the P/Z with other Development Applications—Step 6 (P/Z Action or Recommendation)

- i. The notice for the public hearing shall reference all requests for variances.
- ii. The P/Z shall make separate determinations relating to the development application and the variance.
- iii. Approval of the development application is conditional upon compliance with the terms of any variance granted by the P/Z.
- iv. The approval period of any variance shall be the same as the approval period of the development application.

5. Additional Review Criteria for Variances

Except for standards that have specific modification standards in other areas of the code, the decision-making body may only grant a variance from the terms of this development code if the application demonstrates compliance with the following additional criteria:

- a. Special circumstances exist that strict application of the standards adopted in this development code would result in undue hardship or practical difficulties for the owner of such property.
 - i. Special circumstances include, but are not limited to, exceptional limitations to the dimensions, shape or topography of the property.
 - ii. The following factors shall be considered in determining practical difficulty:
 - (A). Whether the property and development can have any beneficial use without the variance;
 - (B). The degree to which the variance deviates from the otherwise applicable standard;
 - (C). Whether the applicant purchased the property with knowledge of the standard;
 - (D). Whether the standard can be addressed through some means other than a variance; and
 - (E). Whether the purpose and intent behind the regulation would be maintained by granting the variance.
- b. A variance shall not nullify or impair the purpose and intent of the code or the comprehensive plan.

- c. A variance shall not adversely impact surrounding properties, neighborhoods, or the natural environment;
- d. A variance shall not create a building or fire code violation or other safety hazard.
- e. A variance shall not be granted for a self-imposed hardship.
- f. A variance shall allow only the least deviation from the standard that will afford relief.

6. Conditions to Approval Authorized

As with other development applications, in granting a variance, the decision-making body may attach conditions to the approval that otherwise satisfy the purpose and intent of the varied standard.

7. Effect of Approval/Lapse

a. Variances Approved by the BOA

The variance approval shall automatically lapse and be of no further force and effect if the applicant fails to apply for a building permit within six months of the date of approval, or other period provided by the BOA.

b. Variances Approved by the P/Z

The approval period of a variance granted by the P/Z shall be the same as the BOA in subsection J.8.a above, unless it is approved as part of a development application, in which case the approval period shall be the same as that of the development application.

c. Approved Variances and Substantial Redevelopment of the Property

The variance shall automatically lapse if there is an application for a substantial redevelopment of the property, as determined by the director. The new application may include a request for approval of the variance and shall be subject to the review criteria for a new variance.

15.02.070 Review Standards and Procedures for Specific Minor Development Applications³²

A. Final Subdivision Plats

1. Generally

Final subdivision plat approval may be sought for all or a portion of the land area included in an approved preliminary subdivision plat. Review of a final subdivision plat may be done concurrently with an application for preliminary subdivision plat approval if the director determines the plat is simple enough to process both applications at once.

2. Review Procedure

All applications for final subdivision plats shall follow the core review procedure for minor development applications described in section 15.02.050C, unless concurrent review is allowed with the preliminary plat.

³² Revised title to be consistent with major development applications. Final PUD plans were not carried forward in this section; it was replaced by a new system for rezoning to PUDs with an overall development plan (ODP) prescribing the development concept followed by a site plan for specific development within that ODP.

3. Additional Review Criteria

All applications for final subdivision plat shall demonstrate compliance with the approval criteria in section 15.05.050E and the following additional review criteria:

- a. As applicable, the applicant has executed a public improvement agreement under section 15.02.110 below and posted required financial security.
- b. When the subdivision generates a need for public school sites, the applicant has made its fair contribution to the cost, construction, or provision of such public school sites that is acceptable to the school district.

B. Minor Subdivision Plats

1. Generally

The minor subdivision plat process may be used in lieu of the preliminary and final plat processes for subdivisions of three or fewer lots, boundary line adjustments, right-of-way dedications and conveyance plats if the following conditions apply:

- a. No variances or subdivision exceptions are required or requested;
- b. Significant changes in street alignment are not required or requested; and
- c. The property was not the subject of a minor subdivision plat approval during the prior one year.

2. Review Criteria - Subdivision of Three or Fewer Lots

For subdivisions of three or fewer lots, the minor subdivision plat application shall comply with the review criteria applicable to preliminary subdivision plats stated in section 15.02.060E of this chapter.

3. Substitute Review Criteria - Boundary/Lot Line Adjustments

Only the following criteria apply to boundary/lot line adjustments:

- a. The adjustment affects only two adjacent lots and does not create new lots or parcels.
- b. The adjustment does not affect a recorded easement without the prior written approval of the easement holder.
- c. The adjustment is no greater than ten feet from the platted boundary or lot line, unless the director determines that a greater distance does not adversely affect the ability to develop the property or to provide or maintain city services and facilities.
- d. Street locations will not be changed; however, new dedication of right-of-way is acceptable.
- e. The adjustment will not create any nonconformities, or increase the degree of nonconformity of any existing structure or use.
- f. The adjustment is referenced to the platted lot line in the newly written deeds for both lots (submitted with the application).
- g. All affected property owners agree to the adjustment in writing.

4. Substitute Review Criteria - Conveyance Plats

The conveyance plat application shall comply with the following review criteria only:

- a. The conveyance plat is consistent with previously approved concept plans or preliminary plat covering the subject property; and

- b. Each parcel is a minimum of ten acres, unless the director determines that existing conditions reasonably preclude compliance with the minimum area requirement, provided that any reduction in parcel area below this minimum does not adversely affect the ability to develop the property or to provide or maintain city services and facilities.

5. Effect of Approval

a. Record of Boundary/Lot Line Adjustments

The director shall place copies of the written approval and deeds for boundary/lot line adjustments in the building inspection division and planning and development services department files for each affected lot or parcel.

b. Effect of Approval—Conveyance Plats

Approval of a conveyance plat does not include any development entitlements. Any development is subject to preliminary and final plat, overall development plan³³, and/or site plan approval.

C. Site Plans

1. Applicability

- a. All new development, additions, site changes, or changes in use are subject to site plan review, unless eligible for a waiver under section 15.02.070C.3 below. For changes in use, a waiver is required when changes in occupancy require structure or site changes to conform to municipal code requirements for the new use.
- b. An approved site plan is required prior to issuance of a building or stormwater permit for any development subject to these provisions.

2. Exception³⁴

A site plan is not necessary for development of single-family detached dwelling units and their accessory structures (excluding accessory dwelling units) on individual lots.

3. Additional Review Criteria for Secondary Uses

Secondary uses listed in Table 4.1: *Table of Allowed Uses*, shall meet the approval criteria in section 15.02.050E and the following additional criteria:

³³ Replaces preliminary or final development plan.

³⁴ Did not carry forward exception for development included in an approved final PUD plan. PUDs were revised in this draft to first require an overall development plan (ODP) at rezoning to PUD, then requiring a site plan approval for development within an approved ODP.

- a. The secondary use as proposed is of a scale and design and in a location that is compatible with surrounding uses and potential adverse impacts of the use will be mitigated to the maximum extent feasible.
- b. The secondary use as proposed is consistent with the comprehensive plan and the purpose and intent of this development code and the underlying zoning district.
- c. The secondary use as proposed will not substantially diminish the availability of land within the zoning district for primary uses.

4. Waiver by Director

a. Applicability

The director may waive site plan review for construction of additional building area or change in use, if the applicant demonstrates that such construction or change in use:³⁵

- i. Does not include new construction exceeding 25 percent of the existing building area on the property;
- ii. Does not adversely impact³⁶ on- and off-site traffic circulation or parking areas, public utilities or services, on-site drainage, landscaping or other existing improvements;
- iii. Does not result in any safety problems or hazards;
- iv. The applicant agrees to all conditions of approval; and
- v. Complies with the approval criteria in section 15.02.050E.

b. Procedure

A request for waiver of site plan review³⁷ shall be considered an administrative development application, not a minor development application, and shall follow only the notice, procedure, and other requirements of this development code applicable to administrative applications.

5. Coordination with Other Approvals

- a. The director may allow review of a site plan concurrently with an overall development plan. Such review shall follow the review procedures for major development applications stated in section 15.02.050B above.³⁸
- b. Applications for a site plan may be processed concurrently with other applications including conditional use or administrative modifications.³⁹
- c. An application for a building permit may be submitted concurrently at the applicant's risk, as site plan revisions required during the review process may require building plan revisions. The applicant must coordinate plan revisions to ensure that site plan and building plans are consistent at all stages of review.

³⁵ Did not carry forward reference to limited uses, since that procedure was not carried forward. Increased threshold for additions to allow more flexibility.

³⁶ Currently "negatively affect."

³⁷ Did not carry forward reference to limited uses, since that procedure was not carried forward.

³⁸ Relocated from "final PUD plans" in 15.02.060.C.2, and revised to reference overall development plan instead of preliminary PUD plan.

³⁹ Did not carry forward reference to limited uses, since that procedure was not carried forward.

- d. A final subdivision plat must be processed concurrently with the site plan if the proposed development involves subdivision. See section 15.02.070A for procedures applicable to final subdivision plats.⁴⁰

6. Variances

Applicants must obtain all necessary variances as a condition of approval of the site plan.

7. Strict Compliance

The applicant shall develop the subject property in strict compliance with the approved site plan or one for which review has been waived.

8. Review upon Inactivity

When construction activity on a partially-completed site plan has been inactive for a period of three years or more, the site plan shall be subject to review and a determination by the director of whether additional site plan review is required due to materially changed circumstances.

D. Limited Use Review

Commentary:

Limited uses were not carried forward except for oil and gas facilities. This procedure therefore only applies to oil and gas facilities. All other "L" uses were converted to use-specific standards, as previously indicated in the Table of Allowed Uses in Batch 1.

1. Generally

Limited use review is required for specified principal uses that may adversely impact surrounding properties or the character of the district. The director may impose conditions on the specified use to mitigate any adverse impacts.

2. Review Procedure

All applications for limited uses shall follow the core review procedures for minor development applications, stated in section 15.02.050.C, unless waived according to subsection 1.b above. Applications for a limited use shall be processed concurrently with an application for site plan review, as applicable, as indicated in section 15.02.070.C.5.

3. Commitment to Conditions of Approval

The terms and conditions of approval are binding on the applicant, the applicant's successors, and assigns and shall to run with the land, and the city shall record a notice of the approval in the county clerk and recorder's office.

4. Abandonment

If a legally established limited use is abandoned, extinguished or discontinued for a period of one year or more, then the decision originally approving such limited use shall automatically lapse and be null and void.

⁴⁰ Relocated from "final PUD plans" in 15.02.060.C.1.b, and revised to remove reference to the final PUD plan.

15.02.080 Review Standards and Procedures for Specific Administrative Applications⁴¹

A. Exceptions to City Standards

1. Applicability

The public works and natural resources manager may grant exceptions to the city's design standards stated in chapters 15.05 (Development Standards) and 15.07 (Subdivision and Improvements Standards) of this development code or in the city standards.

2. Concurrent Review

To the extent practicable, all such requests for exceptions from city standards shall be submitted concurrently with an application for a preliminary subdivision plat. The public works and natural resources manager shall review and take final action on an exception request prior to the decision-making body acting on the application.

B. Administrative Modifications

1. Applicability⁴²

- a. The director may grant administrative modifications from specified development standards to approved site plans, site-specific development plans, and final subdivision plats.⁴³
- b. The director may grant administrative modifications of non-numeric standards and up to a maximum of 25 percent (unless allowed elsewhere in this development code) from any other numeric standard stated in chapters 15.03 (Zoning Districts), 15.04 (Use Regulations), 15.05 (Development Standards), 15.06 (Signs), or 15.07 (Subdivision and Improvements Standards) (except for public improvements subject to exceptions to city standards in subsection A above), to encourage the implementation of alternative or innovative practices that provide equivalent benefits to the public.
- c. In instances of infill and redevelopment, the director may grant administrative modifications up to 50 percent of the numerical standards in the chapters referenced in subsection 1.b above, excluding building or structure height, and sign standards.
- d. Pursuant to section 15.08.020B.2.c, the director may grant administrative modifications from dimensional standards for buildings and structures in subdivisions previously zoned PUD.

2. Concurrent Review for Administrative Modifications from Development Standards

Administrative modifications shall be reviewed concurrently if part of any other required development application.

3. Limitations on Modifications

- a. The director shall not approve a plan or plat modification if the modification is requested as a part of a major development application, or if the modification would result in:

⁴¹ Revised title to be consistent with major and minor development application headings.

⁴² This applicability standard gives broad authority to modify standards throughout the LDC. We did not carry forward the infill/redevelopment modification procedure from 15.01.040.B which is more limiting in terms of the sections the modification could apply to. The applicability of that infill standard in 15.01.040.B is also adequately addressed by the approval criteria included in this section (criteria for modifications not required by federal law).

⁴³ Removed "final PUD plans."

- i. An increase in the floor area by greater than 25 percent of the total development floor area;
- ii. Approval of a use type that is not otherwise permitted; or
- iii. An increase in overall project density by more than ten percent.

4. Conditions of Approval

In granting an administrative modification, the director may require conditions that will secure the objectives of the modified standard and that will substantially mitigate any potential adverse impact on the environment or on adjacent properties, including but not limited to additional landscaping or buffering.

5. Administrative Modifications to Ensure Compliance with RLUIPA

a. Generally

The director may grant administrative modifications to a use or development standard stated in chapter 15.04 (Use Regulations) or chapter 15.05 (Development Standards) that creates a substantial burden on religious exercise as provided by the federal Religious Land Use and Institutionalized Persons Act of 2000, as amended ("RLUIPA").

b. Limitations

The director shall not approve a modification that allows a religious assembly use, or any uses/structures/activities accessory to it, in a zoning district where chapter 15.04 (Use Regulations) prohibits such use or accessory use/structure/activity.

6. Justification for Administrative Modifications to Comply with Federal Laws

With the approval criteria in section 15.02.050E being inapplicable to the paragraphs below, the director may approve administrative modifications upon finding only that:

- a. The modification amounts to a reasonable accommodation for the housing of protected groups under the Federal Fair Housing Act; or
- b. The modification is necessary to eliminate a substantial burden on religious exercise as guaranteed by RLUIPA.

7. Additional Review Criteria for Administrative Modifications Not Required by Federal Laws⁴⁴

In addition to the approval criteria in section 15.02.050E, administrative modifications not required by federal laws shall meet the following additional review criteria:

- a. The requested administrative modification is either:
 - i. Of a technical nature required to compensate for a practical difficulty (as described in section 15.02.060I.5.a.ii) or unusual aspect of the site or the proposed development; or
 - ii. The result of an alternative design that:
 - (A). Meets the purpose and intent of this development code;
 - (B). Meets the purpose and intent of the comprehensive plan;
 - (C). Meets the purpose and intent of the standard, plat, or plan; and
 - (D). Represents a creative and quality design without detriment to surrounding properties or neighborhoods, the natural environment, or to the city's ability to provide services and maintain public facilities.

⁴⁴ Did not carry forward criteria for complying with height exceptions procedure (which was not carried forward).

- b. The modification shall not create a building or fire code violation or other safety hazard; and
- c. The modification shall only allow the least deviation from the standard that will afford relief.

8. Effect of Approval

Modifications to an approved site plan, site-specific development plan, or final subdivision plat⁴⁵ shall be noted on a revised plat or plan.

C. Temporary Use Permits

1. Permit Required

No operation or establishment of a temporary use or structure shall be permitted except as stated in this subsection and section 15.04.050, "Temporary uses." An approved temporary use shall be issued a temporary use permit that shall include the duration of the approval and all conditions of approval.

2. Additional Review Criteria

An applicant for a temporary use or structure shall demonstrate compliance with the approval criteria in section 15.02.050E and applicable specific use standards in section 15.04.050, temporary uses, in addition to all of the following:

- a. The proposed location is adequate to accommodate the temporary use or structure.
- b. The applicant or operator has obtained any other required permits, including a sales and use tax license, if applicable.⁴⁶

3. Conditions of Approval

- a. The temporary use shall comply with all conditions of approval for the principal use on the site, the provisions of this development code and the building, fire, and other codes adopted by the city.
- b. Permanent alterations to the site are prohibited.
- c. Any required certificate of occupancy or completion shall be obtained prior to starting any temporary use.
- d. The decision-making body may also impose conditions including, but not limited to, control of nuisance factors (e.g., glare, noise, smoke, dust), provision of security and safety measures, and limitations on hours of operation, storage and parking, to prevent adverse impacts to adjacent properties and to protect the public health, safety and general welfare.

4. Extensions Beyond Time Limit - Substitute Review Criteria

To receive an extension, the applicant, owner and operator must demonstrate that the temporary use is in compliance with the conditions of the original approval and permit. However, should the director determine that the temporary use might no longer comply with the applicable review criteria and standards for a temporary use permit, the director may require a new permit rather than granting an extension.

⁴⁵ Did not carry forward "final development plan."

⁴⁶ Added "including a sales and use tax license, if applicable."

D. Short Term Rental Permits⁴⁷

1. Permit Required

No operation or establishment of a short term rental shall be permitted except as stated in this subsection. An approved short term rental shall be issued a permit that includes the duration of the approval and all conditions of approval.

2. Additional Review Criteria

An applicant for a short term rental shall demonstrate compliance with the approval criteria in section 15.02.050E in addition to all of the following:

- a. The short term rental complies with the short term rental standards of section 15.04.030D.21.
- b. The applicant has obtained other required permits or approvals, including a sales and use tax license.

3. Conditions of Approval

- a. Short term rentals shall comply with all conditions of approval for the use on the site, the provisions of this development code and the building, fire, and other codes adopted by the city.
- b. Inspections required under section 15.04.030D.21 shall be obtained prior to starting or continuing a short term rental.
- c. The director may also impose conditions, including but not limited to, control of nuisances, occupancy limits, and parking restrictions to prevent adverse impacts to surrounding properties and to protect the public health, safety and general welfare.

4. Permit Duration

A permit shall be valid for one year from the date of approval, subject to compliance with the conditions of approval.

5. Permit Renewal

An applicant may renew a permit on an annual basis subject to the procedures and standards for a short term rental permit. Short term rentals approved as a conditional use shall not be required to obtain conditional use approval for permit renewal, provided the conditional use approval has not lapsed pursuant to section 15.02.060.C.6.

15.02.090 Development Agreements; Vested Property Rights

A. Development Agreements

1. Purpose

Development agreements are voluntary contracts between an applicant and the city containing provisions appropriate to guide the completion of the development as proposed or that extend the duration of a vested property right beyond three years.

2. Procedure and Review Criteria

a. Decision-Making Body

The city council is the decision-making body on all development agreements and shall approve a development agreement by ordinance.

⁴⁷ New section.

b. Review Criteria

The review and decision-making bodies shall consider the review criteria for the development application and the following additional review criteria:

- i. Whether the benefit of the development agreement to the city outweighs its costs;
- ii. Whether the development agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and
- iii. Whether the city has received adequate assurances that the development will go forward as planned in return for any vesting of property rights beyond the three years.

3. Lapse of Approval

A development agreement shall automatically lapse and be null and void if the underlying land use approval lapses according to the provisions of this development code.

4. Modification and Termination

A development agreement may be terminated or modified by:

- a. The mutual consent of the developer and the city council;
- b. The city council based upon evidence that the developer, or successor in interest thereto, has not complied with the terms or conditions of the agreement; or
- c. The city council to the extent necessary to comply with changes in state or federal laws or regulations enacted after execution of the development agreement that prevent or preclude compliance with one or more provisions of the development agreement.

B. Vested Property Rights

1. Purpose

This section implements the provisions of C.R.S. title 24, art. 68, which establish a vested property right, and provides the applicable rules and regulations governing applications for a site-specific development plan.

2. Applicability⁴⁸

A vested property right shall attach only to an approved site-specific development plan and is limited to the following types of applications:

- a. Final subdivision plats; and
- b. Site plans.⁴⁹

3. Application

An application for a vested property right shall be made in writing as part of the complete application for the applicable development plan, shall describe with reasonable certainty the type and intensity of proposed development, and shall comply with all other applicable submittal requirements, including any required fees.

4. Approval by Ordinance and Notice and Hearing Required

Applications for vested property rights require approval of an ordinance by city council. The written and posted notice and the public hearing regarding the ordinance shall satisfy the

⁴⁸ Did not carry forward final PUD development plans.

⁴⁹ Did not carry forward reference to limited uses.

requirements of C.R.S. § 24-68-103(b) and is in addition to any other public hearings required for the particular application.

5. Review Criteria

An application for approval of a site-specific development plan shall comply with the following:

- a.** The application meets the review criteria for the type of development application designated as the site-specific development plan;
- b.** The application describes with reasonable certainty the type and intensity of development and provides adequate information regarding all factors that could affect the type and intensity of development;
- c.** The city's grant of vested rights is reasonable given the proposed development's benefits to the surrounding properties, surrounding community, or to the city in general; and
- d.** The applicant provides adequate assurances to the city that the development will go forward as planned in return for the vesting of property rights allowed by Colorado law.

6. Effective Date of Approval

The effective date of approval of a site-specific development plan is the date of publication in a newspaper of general circulation within the city of a notice advising the general public of the site-specific development plan approval and creation of a vested property right by this section. The publication shall occur no later than 14 days following the city council's approval of the ordinance granting a vested property right.

7. Effect of Approval/Duration

- a.** Approval of a site-specific development shall create a vested right to undertake and complete development and use of real property pursuant to C.R.S. § 24-68-103, but only as to those terms and conditions contained in the approved site-specific development plan.
- b.** A grant of a vested right in an approved site-specific development plan shall not prevent the city, in later actions, from applying to the subject property any new ordinances, rules, regulations and policies:
 - i.** That do not conflict with those rules, regulations and policies in effect as of the site-specific development plan's effective date of approval;
 - ii.** That are specifically anticipated and provided for in the terms or conditions of the approved site-specific development plan;
 - iii.** That are necessary for the immediate preservation of the public health and safety; or
 - iv.** When the city finds that the site-specific development plan is based on substantially inaccurate information supplied by the applicant.
- c.** A vested right shall remain vested for a period of three years from the site-specific development plan's effective date of approval, unless a longer term is agreed to by the city in a development agreement (see section 15.02.090A above). An amendment to any site-specific development plan shall not extend the period of vested rights, unless otherwise authorized by agreement approved by the city council.
- d.** A vested right for a period beyond three years requires approval by the city council of a development agreement. Unless otherwise provided in the agreement, the ordinances, rules, regulations and official policies applicable to development of the subject property and governing the following areas:
 - i.** Approved uses;

- ii. Density or intensity of development; and
- iii. Design, improvement and construction standards and specifications;
shall be those ordinances, rules, regulations, and official policies in force at the time of execution of the development agreement notwithstanding the provisions of C.R.S. § 24-68-102.5 to the contrary.

8. Plat or Plan Language Required

Each site-specific development plan shall contain the following language: "Approval of this plan or plat creates a vested property right subject to all conditions of approval pursuant to C.R.S. § 24-68-103. The effective date is [insert date]."

9. Pending Applications for a Site-Specific Development Plan—Applicable Rules and Regulations

a. General Rule

Pursuant to C.R.S. § 24-68-102.5, the review, approval, approval with conditions, or denial of a complete application for a site-specific development plan shall be governed by the duly adopted laws and regulations in effect at the time a complete application for a site-specific development plan is submitted pursuant to this section and chapter.

b. Exception

Notwithstanding the limitations contained in subsection B.9.a above, the city may apply to the pending complete application for a site-specific development plan any subsequently enacted or amended ordinances, rules, regulations or policies that are necessary for the immediate preservation of the public health and safety.

10. Waiver

A landowner may waive a vested property right by separate agreement, which shall be recorded in the county where the property is located.

11. Other Provisions Unaffected

Approval of a site-specific development plan shall not constitute an exemption from or waiver of any other provisions of this development code pertaining to annexation, development, and use of property.

15.02.100 Written Code Interpretations

A. Purpose and Applicability

1. An applicant, city staff or city council may seek an interpretation of any of this development code's provisions, including an interpretation whether a specific use is deemed to be within a use classification permitted in a particular zoning district.
2. The provisions of this section do not permit any use that is expressly prohibited in a zoning district.

B. Application Filing

Applications for written interpretations of this development code shall be submitted to the director.

C. Director's Review and Decision

The director shall review and evaluate the application in light of this development code, the comprehensive plan, and any other relevant documents and render a written interpretation. Before issuing a final interpretation, the director may publish notice of a draft interpretation, seeking written comments.

D. Form

The interpretation shall be provided to the applicant in writing and shall be filed in the official record of interpretations.

E. Official Record of Interpretations

An official record of interpretations shall be kept on file in the office of the director and shall be available for public review in the planning and development services division during normal business hours.

F. Appeals

Appeals of the director's written interpretation shall be taken to the P/Z according to the appeal procedures of section 15.02.040K. If the appeal results in a change of interpretation, the new interpretation shall be filed in the official record of interpretations.

15.02.110 Public and Common/Private Improvement Review, Construction and Acceptance

A. Applicability and Conditions for Approval

1. Public Improvements Required

- a. All developments that require construction of public improvements or participation in existing public improvements shall comply with the requirements of this section.

- b. **Conditions of Approval**

When a development application includes public improvements, approval shall be conditioned on execution of the applicable public improvement agreement, payment of financial securities, participation costs and other fees as outlined in the agreement, satisfaction of water deficits under LMC chapter 14.07, and approval of the public improvement plans.

2. DRC Scope of Authority

The DRC shall review and approve all plans and related reports for public improvements, including quantity and cost estimates for those improvements.

B. Approval of Public Improvements Plans as One Package; Phasing

1. Public improvement plans for the entire subdivision plat, PUD overall development plan, or site plan shall be submitted, approved, and financially secured for each phase constructed; however, construction acceptance, financial security, and building permit eligibility may be approved or released according to an approved phasing plan.

2. Any subdivision plat, PUD overall development plan, or site plan requiring public improvements may be divided into public improvement phases provided:
 - a. Such phasing is approved by the DRC and is consistent with any preliminary subdivision plat, PUD overall development plan, or site plan approvals and with any executed agreements pertaining to the subject property;
 - b. The phasing plan supports a logical sequence of development such that each phase can function independently or sequentially with a prior phase, and the phasing plan is consistent with the proposed phasing on the subdivision plat, PUD overall development plan, or site plan; and
 - c. Each sequential phase meets city standards.

C. Submittal Requirements for Public Improvements

Final reports and plans for all public improvements shall be submitted to the DRC for review. See administrative manual and city standards for submittal requirements.

D. Financial Securities

1. General

The city requires adequate financial securities, in an approved form and manner, such that the public improvements, common areas, and on-site private improvements including but not limited to, landscaping, irrigation, and paved parking and amenities, shown in the final development plan, subdivision plat or site plan shall be installed and fully developed.

2. Form - Generally

The subdivider or applicant shall furnish financial security in any of the following acceptable forms (performance bonds will not be accepted):

- a. Cash deposit with the city;
- b. Irrevocable letter of credit from a banking institution with language stipulating that a draw may occur via fax or email, in a form acceptable to the city attorney; or
- c. Any other financial security determined to be acceptable by the city attorney.

3. Financial Security Amounts

Financial security amounts for public improvements are as follows:

- a. One hundred percent of the materials and labor for improvements that constitute an integral component of the city-wide system, including, but not limited to:
 - i. Streets, collector standard and above (including railroad or river crossings), and local streets which provide system-wide benefits to the city;
 - ii. Primary greenway landscaping, irrigation and concrete trail;
 - iii. Collector, arterial, and highway landscaping, irrigation and concrete trail;
 - iv. Water and sanitary sewer lines that provide system-wide benefits to the city;
 - v. Street lighting on collector and arterial streets;
 - vi. Traffic signals and devices;
 - vii. Storm drainage facilities that are an extension of the city system, or which provide system-wide benefits to the city; and

- viii. Subsurface electric and communications infrastructure.
- b. Ten percent or more, as determined by the city, of the materials and labor for public improvements that are utilized only by the development and do not constitute an integrated link with existing or proposed city systems.
- c. Up to 100 percent of the cost of materials and labor to improve existing improvements necessary for the development to meet city standards, as determined by the public works and natural resources manager.
- d. All financial securities may also include the following amounts, as determined by the public works and natural resources manager:
 - i. The costs of engineering fee or fees for the work to be performed;
 - ii. The cost of city inspection fee or fees calculated based on the proposed improvements for water, sewer, streets, and storm drainage facilities;
 - iii. Participation in existing infrastructure including but not limited to: arterial street participation, traffic signals, third party reimbursements, water system development fees, tapping and material fees; and
 - iv. The cost of managing and recording all record drawings and additional documents, such as off-site easements and right-of-way dedications.
- e. Whenever financial securities are renewed or when installation of the public improvements is delayed, the city may require that the security be updated based on a standard engineering cost index to reflect increases in construction costs over time.

4. Financial Security Amounts for Common and Private On-Site Improvements

Financial security amounts for common and private on-site improvements that will not be maintained by the city are as follows:

- a. One hundred percent of the costs of materials and labor and inspection fees for common and private on-site improvements shall be required according to the following:
 - i. For single family detached subdivisions if all improvements are not installed prior to construction acceptance.
 - ii. For all other subdivisions and development if improvements are not installed prior to a certificate of occupancy.
- b. Ten percent of the estimated costs of materials and labor and inspection fees for common and private on-site improvements shall be required according to the following:
 - i. For single family detached subdivisions if improvements are installed prior to construction acceptance; and
 - ii. For all other subdivisions and development if improvements are installed prior to a certificate of occupancy.

5. Submittal of Financial Security

a. Public Improvements

All financial security and participation costs required by subsection D.3 shall be submitted to the public works and natural resources manager.

b. Common or Private Improvements

All financial security and participation costs required by subsection D.4 shall be submitted to the director.

E. Improvement Installations and Cost Participation

1. Intent

To the maximum extent practicable, costs of water and sewer lines, storm drainage facilities, streets, and electric installations should be allocated based on the direct benefits that accrue to the developed area.

2. Cost Allocations for Oversize Installations

The city may participate in the cost of oversizing installations that benefit the newly developed area, as well as adjacent properties and the community as follows:

a. Water and Sewer Lines

- i. Applicants shall install, at their cost, new water and sanitary sewer lines of at least the minimum nominal inside diameter specified below and all larger lines required to serve their own developments, or pay a pro rata share of the cost of any existing lines.
- ii. The minimum line requirements are:

Table 2.4: Minimum Water Line Requirements

Type of Line	Minimum Inside Diameter
Water	8.0 inches
Sanitary Sewer	12.0 inches

- iii. The city may participate in the cost of oversizing when it determines that a line larger than the minimum and larger than required for the development is needed to serve adjacent properties.
- iv. The amount of city participation is based on the certified actual, reasonable construction costs of the oversize line installed, less the city estimate based on local industry guidelines of the cost of the minimum specified line or any larger line needed to serve the development. City participation is subject to available funding and appropriations.
- v. The city may recover some or all of its costs from other benefiting applicants.

b. Storm Drainage Facilities

- i. Applicants, at their sole cost, shall install storm drainage facilities at least adequate to accept historic flows onto the land and to discharge flows from the land at historic quantities, rates and locations, or they must have binding agreements in place for discharge at other quantities, rates or locations.
- ii. The city may participate in the cost of additional improvements that the city determines are required to benefit adjacent territories and the community generally, and may recover some or all of its costs from other benefited developers.
- iii. The amount of city participation shall be based on actual construction costs (certified by the developer constructing the improvements), less the city estimate based on local industry guidelines of the cost of the improvements needed to serve the development. City participation is subject to available funding and appropriations.

c. Availability of Funds

If city funding is not available to participate in oversizing at time of construction, the applicant shall install or construct the properly sized facility, as determined by the city, and may be reimbursed by the city as funding, including third-party applicant participation, becomes

available. Any third-party participation shall be addressed separately as third-party developments are approved. Details for reimbursements will be included in the public improvements agreement for the development.

3. Arterial Streets

- a. The applicant shall install, at their cost, all improvements to arterial rights-of-way required to serve their development.
- b. The applicant shall be responsible for the cost of one-half of a collector street, as determined by the public works and natural resources manager, for each portion of the development fronting on the arterial street.
- c. The applicant shall be responsible for the cost of turn lanes, arterial path and required landscaping.
- d. See LMC section 14.28.020.D, regarding transportation impact fees for arterial streets.

4. Electric Facilities

- a. Longmont Power and Communications (LPC) shall complete the design, material list, and construction specifications for the electric utility system.
- b. Applicants are required to pay the costs for all electric work within their developments based on the LPC engineering design and cost estimates calculated according to the existing electric utility rates, rules and regulations.
- c. Except as permitted by the public improvement agreement (PIA), LPC shall install the electric system. Subject to the PIA, the applicant may elect to install the sub-surface infrastructure associated with the LPC design, including excavation, backfill, compaction, conduit, cable-in-conduit, embedded bases for transformers and junction cabinets, service junction boxes, street light poles or bases, and any other facilities included as sub-surface infrastructure in the PIA.
 - i. The applicant is required to install the sub-surface infrastructure according to LPC construction drawings and city standards; and
 - ii. LPC will make the final connections to the utility system necessary to provide electric service.

F. Cost Participation in Existing Improvements

All financial securities shall include financial participation in existing public improvements constructed by the city or third parties in and adjacent to the subject site based on the following factors:

1. Whether the proposed development will utilize and be directly benefited by the existing facility;
2. The proportion of land that is the subject of the development application proximate to the public improvement, even if individual blocks, phases, or filings to be developed first are not contiguous to the public improvement;
3. The cost of construction, adjusted by a reasonable construction cost inflation factor;
4. Participation costs shall not generally be required in conjunction with building permits, unless otherwise specified in a previously executed agreement; and

5. Whether other agreements, including third-party agreements, demonstrate in a clear and convincing manner that cost participation is unnecessary, or all relevant third parties to whom cost participation would be owed confirm in writing that cost participation is unnecessary.

G. Common or Private Improvements

The applicant shall have all landscaping and other improvements completed in acceptable condition prior to the earliest of the following events:

1. Issuance of a certificate of occupancy for each development phase, except for single family detached residential subdivisions;⁵⁰
2. The city's final acceptance of public improvements for each development phase; or
3. Transfer of common areas to a property owners' association for maintenance.

H. Preparation of the Public Improvement Agreement

1. Contents of Submittal

- a. The public improvement agreement shall include all commitments and responsibilities of the city and the applicant with respect to public improvement design, installation, acceptance and cost participation.
- b. The public works and natural resources manager in conjunction with other applicable city departments shall prepare the public improvement agreement and then present it to the applicant.
- c. The applicant shall submit the signed and acknowledged public improvement agreement, along with the financial security and payment for consideration and execution by the city.

2. Final Review and Approval

- a. The public works and natural resources manager shall review the agreement for conformance to this development code, and if in conformance forward the agreement to the mayor for execution.
- b. If the agreement is rejected by the manager, it shall be returned to the DRC for further consideration and negotiation with the applicant. If no settlement is reached with the applicant within 90 days of the manager's original rejection, the applicant may appeal the decision to the city council; otherwise, the minor development application, including the final public improvement reports and plans, shall be deemed automatically withdrawn.

3. Eligibility for Recording

The mayor shall execute the public improvement agreement only after all securities, costs and fees included in the agreement, and all water deficits have been satisfied. After execution of the agreement, the review process is complete, and the appropriate documents shall be eligible for signature and recording.

I. Pre-Construction Conference Required

1. A pre-construction conference with city staff, the applicant, and the applicant's contractor is required prior to the commencement of construction of any public improvements. The applicant

⁵⁰ Currently one- and two-family developments.

shall schedule the conference through the public works and natural resources department. The purpose of this meeting is to review:

- a. The approved public improvement plans;
 - b. City codes and specifications with respect to public improvements;
 - c. City permits needed for construction; and
 - d. The construction inspection process and what is required for construction acceptance.
2. When required landscaping, including right-of-way or primary greenway landscaping, is installed after other public improvements, the applicant may schedule subsequent pre-construction conferences with the city to discuss the plans, permits and inspection schedule for the landscaping improvements.

J. Construction Acceptance

1. Public improvements shall be constructed in strict compliance with the approved plans and current city standards.
2. The applicant shall request construction acceptance from the city after installing the improvements for the development or any phase.
3. Section 15.07.070 requires property or home owners associations for some developments. For these developments, the applicant must submit proof that the property encompassed by the development has been annexed into the property or home owners association before construction acceptance may be granted for public improvements within the development. If the applicant is seeking construction acceptance for public improvements on only a filing or phase of a development, the annexation need extend only to property within that filing or phase.
4. The public works and natural resources manager shall issue a letter of construction acceptance for the project or applicable phase if it finds the improvements comply with the public improvement agreement and city standards.
5. The applicant shall warrant and be responsible for maintenance and repair of all public improvements that receive construction acceptance for a minimum of one year or until final city acceptance of all public improvements, whichever is later.

K. Eligibility for Building Permits

The city shall not issue building permits until plat and applicable site plan approval and construction acceptance has been issued for all public improvements for the development or applicable phase, except for the following. The director, fire marshal, and public works and natural resources manager may approve eligibility for building permits prior to construction acceptance on a case-by-case basis for the following:

1. Single family and multifamily residential developments of less than 100 dwelling units.
 - a. If the landscaping required by the public improvement agreement cannot be installed due to weather constraints or other unforeseen circumstances; and
 - b. Construction acceptance has been issued for all other public improvements.
2. Mixed use and non-residential developments and multifamily residential developments of 100 or more dwelling units depending on the following:

- a. The timing of construction of the public improvements and buildings; and
 - b. Fire safety and emergency access, and the type of construction; and
 - c. Any other factors, related to the health, safety and welfare of the city.
3. Model homes and sales trailers subject to approval of a temporary use permit under section 15.02.080C and completion of required improvements.
 4. As a condition of release of building permits under subsections K.1 and 2 above, the applicant shall provide financial security of the uncompleted public improvements. The amount of financial security shall be determined by the director, fire marshal, and public works and natural resources manager.

L. Temporary Certificate of Occupancy

1. The chief building official may issue a temporary certificate of occupancy for a development, or portion thereof, only when all improvements determined necessary by the city for the health, safety and welfare of the residents, employees and customers of the development or applicable phase have been completed.
2. The term of the temporary certificate of occupancy shall be determined by the chief building official and shall be conditioned on the applicant receiving construction acceptance of all public improvements within that period.
3. The temporary certificate of occupancy may be renewed for an additional term for good cause shown, as determined by the chief building official, upon condition that the applicant provides financial security for the public improvements that have not been completed. The amount of financial security shall be determined in consultation with the public works and natural resources manager.

M. Final Acceptance of Public Improvements

1. The director of public works and natural resources shall determine whether to grant final acceptance of the public improvements based upon a determination of compliance with city standards.
2. The city shall inspect the public improvements at the end of the warranty period, and the developer shall bring any construction not meeting city standards into compliance.
3. If identified deficiencies are not corrected and accepted within 120 days of the end of the warranty period or city inspection, the city may withhold further building permits or certificates of occupancy for the development or applicable phase. The city may at any time draw on the financial securities to correct the deficiencies.
4. The applicant shall provide the city with record drawings that include designer and contractor certification statements of common areas, pocket parks, and other community facilities. The applicant shall provide a copy of the record drawings to the property owners' association prior to construction acceptance.
5. Upon issuance of final acceptance, any remaining financial security shall be released to the applicant, and the city shall thereafter maintain the improvements, except those landscaping improvements to be maintained by the adjacent property owner or a property owners'

association, as noted on the public improvement plans. Notice of final acceptance and all releases shall be recorded at the county clerk and recorder's office.

6. If final acceptance is not granted, all future maintenance and repair shall remain the responsibility of the applicant until the city grants final acceptance of the improvements.

N. Maintenance Repair/Replacement Securities

To assure the proper functioning and structural integrity of any public improvement or private on-site improvement (including common areas and pocket parks), the city may require the applicant to furnish a maintenance security in a form acceptable to the city and in an amount of up to 20 percent of the costs of construction or installation. The security shall be required at the time of the final acceptance of public improvements or at the issuance of a certificate of occupancy and shall remain in place for the following periods, or until released by the city:

1. Streets, sidewalks, pavement, and related facilities: a minimum of one year from the date of final acceptance;
2. Utilities, street lighting systems and related facilities: a minimum of one year from the date of final acceptance;
3. Landscaping and buffers, including common areas and pocket parks: a minimum of one year from the date of final acceptance.

O. Release of Securities for Public Improvements

1. One Hundred Percent or More Securities

- a. Financial security may be reduced to 10 percent for those public improvements receiving construction acceptance.
- b. Alternatively, where work is proceeding in a satisfactory manner, the applicant may request a partial release of the financial security in writing for the work that has been completed. Until final acceptance, the city shall retain ten percent of the security for the completed work and 100 percent of the security for the outstanding work.

2. Ten Percent or More Securities

Financial security of at least 10 percent shall be retained by the city until the improvements have been certified as complete, the applicable warranty period has been satisfied, and the city has accepted the improvements for maintenance.

3. Final Acceptance

- a. Upon final acceptance by the city, the remaining financial security shall be released, except as required in subsection M, above.
- b. Final acceptance approval shall be recorded. The city shall record a notice of the city's final acceptance of the public improvements in the county clerk and recorder's office.

P. Release of Securities for Common and Private Improvements

The applicant shall provide record drawings, including designer and contractor certification statements, and a written notice to the city requesting an inspection when the improvements have been completed. When the city determines that the improvements fully comply with the approved

construction plans, plat, or site plan, the full amount of financial security shall be released, less the city's costs of administration and inspections.

Q. Forfeiture of Security

1. If an applicant fails to properly install all required public improvements or private or common on-site improvements within the time frames established by this development code or the decision-making body, the city shall give 30 days' written notice to the applicant and property owner by certified mail, after which time the city may draw on the security and use the funds to complete the required improvements.
2. After completing the required improvements, the city shall provide a complete accounting of the expenditures to the property owner and, as applicable, refund all unused security deposited, without interest, to the applicant. If the costs to complete the required improvements are greater than the amount of the security, the city may assess the additional costs to the affected property owner(s) or responsible association, which assessment shall constitute a lien upon the property and shall be collected by assessment by Boulder or Weld County in the manner of tax assessments.
3. In addition to forfeiture of security, the city shall be authorized to use those remedies and enforcement powers stated in chapter 15.09 of this development code if an applicant fails to install required public improvements, amenities, or private on-site improvements.

15.02.120 Review and Administration Procedures for Building, Sign and Construction Permits

A. Review Procedure

1. The applicant shall submit all building, sign, and construction permit application materials to the planning and development services department.
2. The chief building official shall issue a building, sign or other construction permit for all applications that comply with the following criteria:
 - a. The permit application complies with the requirements and criteria for a building, sign or construction permit; and
 - b. The permit application complies with all land use approvals, including approved plat, site plan or waiver, and applicable code procedures and standards;
 - c. The applicant provides proof of compliance with subsection B. below; and
 - d. For construction or activity in a floodplain or flood hazard area, refer to title 20, floodplain regulations, regarding floodplain development permits.

B. Proof of Fair Contribution for Public School Sites

1. Fair Contribution Required Prior to Building Permit

Unless exempt, before issuance of a building permit the applicant shall provide proof that the school district has received fair contribution for public school sites as provided in this development code.

2. Exempt Uses

The following uses shall be exempt from the requirement for fair contribution for public school sites requirement:

- a. Construction of any nonresidential building;
- b. Alteration, replacement, or expansion of any legally existing building that does not increase the number of residential dwelling units; and
- c. Construction of any building for limited-term stay or for long-term assisted living, including but not limited to, bed and breakfast establishments, boarding or rooming houses, family-care homes, group-care homes, halfway houses, hotels, motels, nursing homes, or hospices; or classified as housing for elderly or older persons, under the Federal Fair Housing Act.

15.02.130 Beneficial Use/Takings Determination

A. Purpose and Applicability

1. The purpose of this section is to establish procedures and regulations for the provision of relief from substantial economic hardship arising from the application of this land development code to private property located in the City of Longmont.
2. This section is further intended and shall be construed to objectively and fairly review claims by private property owners that any such application of the city's land use regulations requires appropriate relief, yet shall preserve the ability of the city to lawfully regulate real property and fulfill its other duties and obligations to the people of Longmont.
3. The provisions and procedures of this section shall be followed to conclusion prior to seeking relief from the courts based upon a claim against the city that alleges denial of an economically beneficial use of land.

B. Findings

The city council makes the following findings:

1. To further the public interest in land development, the city has enacted new zoning and other land development regulations applicable to all properties in the City of Longmont;
2. In some very limited situations, the application of such zoning or other land development regulations may effect a taking under either the Colorado or United States Constitutions;
3. That to preserve and protect private property rights, an administrative process is desirable that would afford appropriate relief in those instances where zoning or other land development regulations create a substantial economic hardship; and
4. That such an administrative economic hardship/taking relief process would provide the city a quick and flexible means to respond to valid economic hardship and taking claims without necessarily incurring the time-consuming and significant expense of litigating such a claim in the courts.

C. Economic Hardship/Taking Standard

For purposes of this section, a "substantial economic hardship" shall be defined as a denial of all reasonable economic use of the property. Upon a finding that the denial of the application has resulted in a denial of all reasonable economic use of the property or resulted in an unconstitutional

taking of private property, the city may provide the petitioner with appropriate relief from the zoning or other land development regulations as stated in this section.

D. Economic Hardship/Taking Relief Procedures—Petition and Submittal Requirements

1. General

After final action on an application is rendered by the decision-making body and all appeals to other city bodies are exhausted, any applicant for development may file a hardship relief petition with the planning and development services division seeking relief from the city's zoning or other land development regulations on the basis that the city's action on the application has created a substantial economic hardship or resulted in an unconstitutional taking of private property.

2. Time for Filing Notice of Petition and Petition

No later than 30 days from final action by the P/Z, BOA, or city council, or other city review or appeal authority on any site plan or other type of zoning application, the applicant shall file a notice of petition in writing with the planning and development services department. Within 60 days of the filing of a notice of petition, the applicant shall file a hardship relief petition with the planning and development services department.

3. Affected Property Interest

The hardship relief petition must provide information sufficient for the city attorney to determine that the petitioner possesses a protectable interest in property under the Constitution of Colorado and the Fifth Amendment to the United States Constitution.

4. Information to be Submitted with Hardship Relief Petition

The hardship relief petition must be submitted on a form prepared by the city, and must be accompanied at a minimum by the following information. The information submitted with the petition shall not be available for public inspection or review without permission of the petitioner:

- a. Name of the petitioner;
- b. Name and business address of current owner of the property; form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other; and if owned by a corporation, partnership, or joint venture, name and address of all principal shareholders or partners;
- c. Price paid and other terms of sale for the property, the date of purchase, and the name of the party from whom purchased, including the relationship, if any, between the petitioner and the party from whom the property was acquired;
- d. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership or leasehold interest;
- e. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property by the current owner, applicant, or developer prior to the date of application;
- f. Complete copies of all appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;
- g. The assessed value of and ad valorem taxes on the property for the three years prior to the date of application, including copies of the assessment notices;

- h.** All information, including copies of the complete loan documents, concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;
- i.** Complete copies of all listings of the property for sale or rent, price asked and offers received, if any, during the period of ownership or interest in the property;
- j.** Complete copies of all studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;
- k.** For income producing property, itemized income and expense statements from the property for the previous three years, including state and federal income tax returns;
- l.** All available evidence and documentation of improvements, investments, or expenditures for professional and other services related to the property made during the past three years;
- m.** Information from a title policy or other source showing all recorded liens or encumbrances affecting the property;
- n.** All available information about use(s) of the property during the three years prior to the application; and
- o.** Application fee.

5. Requests for Additional Information

The director or the appointed hearing officer may request additional information reasonably necessary, in their opinion, to arrive at a conclusion concerning whether there has been a denial of all reasonable economic use constituting a substantial economic hardship.

6. Failure to Submit Information

In the event that any of the information required to be submitted by the petitioner is not reasonably available, the petitioner shall file with the petition a statement of the information that cannot be obtained and shall describe the reasons why such information is unavailable.

E. Economic Hardship/Taking Relief Procedures—Determination of Substantial Economic Hardship

1. Preliminary Determination of Substantial Economic Hardship

- a.** Before appointing a hearing officer, and based on a review of documents submitted by the petitioner, the city council, upon advice of the director and the city attorney, shall make a determination whether the petitioner has made a prima facie case that the subject property has suffered a substantial economic hardship or taking.
- b.** Such preliminary determination shall be made within 60 days of the filing of a hardship relief petition and submission of all information required by the director and city attorney necessary to make such determination. Upon such showing of a prima facie case, a hearing officer may be appointed and a full review of the hardship petition may proceed.
- c.** If upon the advice of the director and the city attorney, the city council finds that the petitioner has not made a prima facie case of economic hardship as defined above, the petition for hardship relief shall be denied and no hearing officer shall be appointed.

2. Appointment of Hearing Officer

The director shall, within 30 days following a preliminary determination of hardship by the city council, appoint a hearing officer to review information by the petitioner, to hold a public hearing to determine whether there is an affected property interest and whether a substantial economic hardship or taking results from the final action on the application, and to make a recommendation to the city council concerning approval or denial of the hardship relief petition.

3. Qualifications of the Hearing Officer

Every appointed hearing officer shall have demonstrated experience in development, real estate finance, real estate analysis, real estate consulting, real estate appraisal, planning, real estate or zoning law, or in other real estate related disciplines sufficient to allow understanding, analysis, and application of the economic hardship standard. Prior to appointment, the hearing officer shall submit a statement of no potential or actual conflict of interest.

4. Notice of Public Hearing

Within 30 days following appointment of the hearing officer, written notice of a public hearing shall be published and posted according to section 15.02.040J, "Notices," of this development code, except that the hearing shall be held within 60 days following the final date of written notice, unless a reasonable extension of time is agreed to by both the director and the petitioner.

5. Rules for Conduct of the Hearing

All public hearings conducted by the hearing officer to consider an economic hardship petition shall be conducted according to any rules and administrative procedures adopted by the city council to govern such actions.

6. Application of the Economic Hardship Taking Standard

In applying the economic hardship standard in subsection C above, the hearing officer shall consider among other items the following information or evidence:

- a.** Any estimates from contractors, appraisers, architects, real estate analysts, qualified developers, or other competent and qualified real estate professionals concerning the feasibility, or lack of feasibility, of construction or development on the property as of the date of the application, and in the reasonably near future;
- b.** Any evidence or testimony of the market value of the property both under the uses allowed by the existing regulations and any proposed use; and
- c.** Any evidence or testimony concerning the value or benefit to the petitioner from the availability of opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as in this development code.

7. Burden of Proof

The petitioner shall have the burden of proving that the denial of the application created a substantial economic hardship or taking under the standard provided in section 15.02.130C above.

8. Other Testimony

The hearing officer may receive testimony from potentially affected persons and property owners on the question of whether a recommendation to allow transfer of development rights and increased density would be compatible with existing developments and surrounding land uses (see section 15.02.130E.10.c, below).

9. Findings of the Hearing Officer

The hearing officer shall, on the basis of the evidence and testimony presented, make the following specific findings as part of his report and recommendations to the city council:

- a. Whether the petitioner has complied with the requirements for presenting the information to be submitted with a hardship relief petition;
- b. Whether the petitioner has a protectable interest in the property;
- c. The market value of the property considering the existing zoning regulations;
- d. The market value of the property under the proposed use;
- e. Whether there exists a feasible alternative use that could provide a reasonable economic use of the property;
- f. The market value of, or benefit accruing from, opportunities to transfer density or cluster development on other remaining contiguous property owned by the petitioner eligible for such transfer as provided for in this development code;
- g. Whether it was feasible to undertake construction on or development of the property as of the date of the application, or in the reasonably near future thereafter; and
- h. Whether, in the opinion of the hearing officer, the denial of the application would create a substantial economic hardship or taking as defined in section 15.02.130C.

10. Report and Recommendations of the Hearing Officer

- a. The hearing officer, based upon the evidence and findings, shall make a report to the city council concerning the hardship relief petition, which may include a recommendation for steps to be taken to offset any substantial economic hardship.
- b. If the hearing officer recommends that the city council approve the hardship relief petition, then the hearing officer's report shall discuss the type and extent of incentives necessary, in the opinion of the hearing officer, to provide an appropriate increase in market value or other benefit or return to the petitioner sufficient to offset the substantial economic hardship. The types of incentives that the hearing officer may consider include, but are not limited to, the following:
 - i. A rezoning of the property to a more appropriate classification, issuance of a variance, approval of a development plan, or other appropriate land-use regulatory action that will enable the petitioner to realize a reasonable economic return on the property;
 - ii. An opportunity to transfer density or cluster development on other property owned by the petitioner within the same zone;
 - iii. A waiver of permit fees;
 - iv. Approval of development on some portion of the property; or
 - v. Acquisition of all or a portion of the property at market value.
- c. Recommendations for transfer of density or clustering either within the boundaries of the subject property or for transfer of density from the subject property to other property owned by the petitioner shall require a written finding by the hearing officer that such transfer and the resulting increase in development density will be consistent with the comprehensive plan and compatible with existing developments and land uses on properties surrounding the subject property or other property receiving the transferred density.
 - i. For purposes of such "compatibility" finding, the hearing officer shall compare the petitioner's development incorporating the increased transfer density with existing

development on surrounding properties, and take into consideration the following factors:

- (A). Architectural character;
 - (B). Building size, height, bulk, mass and scale;
 - (C). Building orientation;
 - (D). Privacy considerations in terms of privacy for prospective residents within the petitioner's development and in terms of privacy protection for adjoining land uses;
 - (E). Building materials;
 - (F). Building color; and
 - (G). When applicable, operations of the petitioner's development project, including but not limited to, hours of operation; activities that may generate adverse impacts on adjacent land uses such as noise or glare; location of loading/delivery zones; and light intensity and hours of full illumination.
- d. The report and recommendation shall be submitted to the city council and mailed to petitioner within 60 days following the conclusion of the public hearing.

11. City Council Review and Consideration

- a. The city council shall review the report and recommendations of the hearing officer and approve or disapprove the hardship relief petition within 60 days following receipt of the hearing officer's report. Provided, however, that the city council may extend this period upon a finding that due to the size and complexity of the development or proposal and similar factors that additional review time is necessary.
- b. The city council may hold a public hearing and provide notice as stated in section 15.02.040J, "Notices," of this development code. Only new testimony and evidence shall be presented at any public hearing held by the city council.
- c. The city council may adopt any legally available incentive or measure reasonably necessary to offset any substantial economic hardship as defined in subsection C above and may condition such incentives upon approval of specific development or site plans.
- d. The decision of the city council shall not become final until it determines the provision of any such relief.

12. Time Limits/Transfer of Relief or Incentives

Any relief or incentives adopted by the city council under this section may be transferred and utilized by successive owners of the property or parties in interest, but in no case shall the incentives be valid after the lapse of a specific development approval.

15.02.140 Environmental Site Assessment

A. Applicability

This section applies to all interests the city may acquire in real property, including any improvements, and to land annexed to the city.

B. Environmental Site Assessment of Property to be Acquired by the City

For any property interest the city intends to acquire for any public purpose, the city may perform and pay for the level of environmental site assessment, if any, it deems necessary.

C. Environmental Site Assessment of Land to be Annexed

1. The owner initiating an annexation to the city shall perform and provide, at owner's expense, all necessary environmental site assessments on all property to be annexed.
 - a. The city council shall not consider an ordinance annexing the property unless the owner submits all environmental site assessments the city may require.
 - b. As a condition of annexation approval, the city may require remediation by the owner of any environmentally contaminated property within the annexation.
 - c. Nothing in this section shall prohibit the city from completing the annexation process, notwithstanding known conditions of environmental contamination, with or without remediation, if, as determined by the city council, it is in the best interest of the city to complete the annexation process. Approval of an annexation shall not act as a waiver of any requirement for remediation of hazardous substances previously established.
 - d. The city may, as a condition of annexation, require an indemnification or warranty from the owner as to any condition of environmental contamination by hazardous substances found on or affecting the property.
-

D. Environmental Site Assessments for Plat or Site Plan

1. For any application that proposes development or dedication or conveyance of a property interest to the city, the owner shall perform and provide, at its expense, all environmental site assessments deemed necessary by the city.
 2. The city may require remediation of environmentally contaminated property as a condition of development approval under this development code.
 3. The city shall not approve a subdivision or other development application unless the owner provides remediation of all known hazardous substances shown by an environmental site assessment. The applicant shall file with the director proof of remediation of hazardous substances to a satisfactory level and in compliance with standards established by the Environmental Protection Agency, Colorado Department of Health, authorized local agency, and the city.
-

E. Preparation and Administration

1. Qualified Personnel Required

The owner shall use qualified, trained personnel who adhere to the most stringent scientific methods, testing measures, procedures and criteria in performing any environmental site assessment under this section.

2. Administration

a. Determination of Level of Assessment

The city manager shall determine the level of environmental site assessment an owner shall perform and provide.

b. Authority to Reject an Assessment

The city may reject any assessment which in the reasonable judgment of the city manager does not sufficiently identify the nature and scope of the hazardous material or substances or the necessary activity or actions to remediate the condition of environmental contamination,

or is otherwise defective. Rejection of an assessment by the city shall not relieve a property owner of the responsibility to perform and provide any assessment this chapter may require.

c. Acceptance of Assessment not a Warranty

Notwithstanding any requirement of this section, or any contractual agreement between the city and an owner, or any other participation by the city in performing or reviewing assessments, the city does not warrant or security the environmental condition of any property to any property owners or third party.

3. Public Information

A site assessment performed by the city or at its direction shall be for the exclusive use of the city in evaluating the property for the city's purposes. Information obtained by the city from a site assessment shall be public information to the extent required under applicable state and federal law.

15.02.150 School Site Locations and Development Plans

A. Purpose

The purpose of this section is to invoke the city's right to call hearings before the board of the St. Vrain Valley School District regarding school site locations and development plans, as described in C.R.S. § 22-32-124. The council's intent is to prevent and minimize conflicts between proposed school sites and other existing or planned uses in the surrounding area.

B. Request for Public Hearing

Wherever C.R.S. §§ 22-32-124(1) or (1.5), gives the city council or the planning and zoning commission the right to request a hearing before a local or state board of education, the council and commission shall be considered to have made the request. On behalf of the council and the commission, the director shall timely notify the relevant body of the council's and commission's request for a hearing. The director shall represent any city concerns at the hearing, including but not limited to, recommending that the site location or site development plan be denied. Alternatively, if the director determines that the site location or development plan can meet the approval criteria in section 15.02.050E, with or without conditions, the director may provide comments to the board without requesting a hearing.

C. Request for Submittal of Site Development Plan

Wherever C.R.S. § 22-32-124(1.5), allows the city council or the planning and zoning commission the right to request a charter school to submit a site development plan for a proposed facility, the council and commission shall be considered to have made the request. On behalf of the council and the commission, the director shall timely notify the relevant body of the council's and commission's request for the charter school to submit a site development plan.

Chapter 15.03: Zoning Districts

Commentary:

This chapter proposes a revised list of zoning districts for Longmont, based on the information provided in the 2016 Assessment Memo. The revised zoning districts are intended to meet the demands for appropriate zoning districts to accommodate mixed-use development and to implement *Envision Longmont* and its future land use categories.

Each zoning district includes a purpose statement, many of which have been substantially revised for clarity and/or to reflect the policies in the future land use categories in *Envision Longmont*. Following the purpose statement, each district includes an illustration depicting the basic dimensional standards for that district.

We consolidated dimensional standards where they had multiple variations of lot and building standards depending on whether or not affordable housing is being developed. When consolidating, we typically carried forward the more flexible standard as the base standard. For example, where minimum lot widths are currently 60 feet in the R-1 district (now R-SF), but 50 feet for affordable housing, we proposed the new base standard as 50 feet. These changes do not reflect the city's comprehensive approach to addressing the affordable housing issue in Longmont, but rather just one tool to simplify the dimensional standards.

We did not carry forward current density maximums or FAR requirements from the current dimensional standards tables. Instead, appropriate densities should be achieved through lot and building standards and other development standards. Many of the setbacks in this draft (especially for the mixed-use districts) refer to the landscape buffer requirements, and other development standards.

We did not carry forward references to the Longmont Area Comprehensive Plan (LACP), but rather refer to the "comprehensive plan" as a general term. This will allow for continual applicability following any future updates to the comprehensive plan (currently "*Envision Longmont*"). Additionally, throughout this draft we changed references from "Planning and Services Division (or Director)" to simply say "Director."

15.03.010 Districts Established

Zoning districts are established as shown in Table 3.1.

A. Official Zoning Map⁵¹

The official zoning map shall be designated and maintained pursuant to section 15.01.060.

B. Organization of the Zoning Districts in this Chapter⁵²

1. Base Zoning Districts

- a. Sections 15.03.020 through 15.03.040 follow a common structure for describing the purpose and intent for each base zoning district, the respective dimensional standards, and any district-specific standards.
- b. Each base zoning district includes an illustration demonstrating the applicable dimensional standards for that district.
- c. Each base zoning district includes a summary table of dimensional standards. The labels in the table correspond to the applicable illustration. The tables are illustrative only and do not identify all standards that may apply to a development.

2. Overlay Districts

- a. An overlay district is superimposed over one or more underlying base or planned unit development zoning districts.
- b. Section 15.03.050 identifies the overlay districts and sets forth each district's purpose and the standards that modify the underlying districts.
- c. Overlay districts are established initially by the city's adoption of the official zoning map and subsequently by the approval of a rezoning pursuant to section 15.02.060F.

3. Planned Unit Developments

The Planned Unit Development District in section 15.03.060 describes the applicable standards for that district. Evaluation of Planned Unit Developments shall be pursuant to section 15.02.060G.

Table 3.1: Zoning Districts Established

Residential	
R-RU	Residential Rural
R-SF	Residential Single-Family
R-MN	Residential Mixed Neighborhood
R-MF	Residential Multifamily
R-MH	Residential Mobile Home
Mixed-Use	
MU-N	Mixed-Use Neighborhood
MU-C	Mixed-Use Corridor
MU-D	Mixed-Use Downtown
MU-E	Mixed-Use Employment
MU-R	Mixed-Use Regional Center
Nonresidential	
N-PE	Primary Employment
N-AG	Agricultural
N-PF	Public Facilities
Overlay Districts	
AI-O	Airport Influence Zone Overlay
C-O	Conservation Overlay
TL-O	Terry Lake Overlay
Planned Unit Development	
PD	Planned Unit Development District

15.03.020 Residential Districts

A. General Purpose of Residential Districts⁵³

Residential zoning districts are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live and to:

⁵¹ Consolidated draft: Previous draft included official zoning map provisions here. Now references back to the general provisions that discuss the zoning map in 15.01.060

⁵² New section to clarify structure of the new districts chapter.

⁵³ Replaces, but is based on, current 15.03.030.

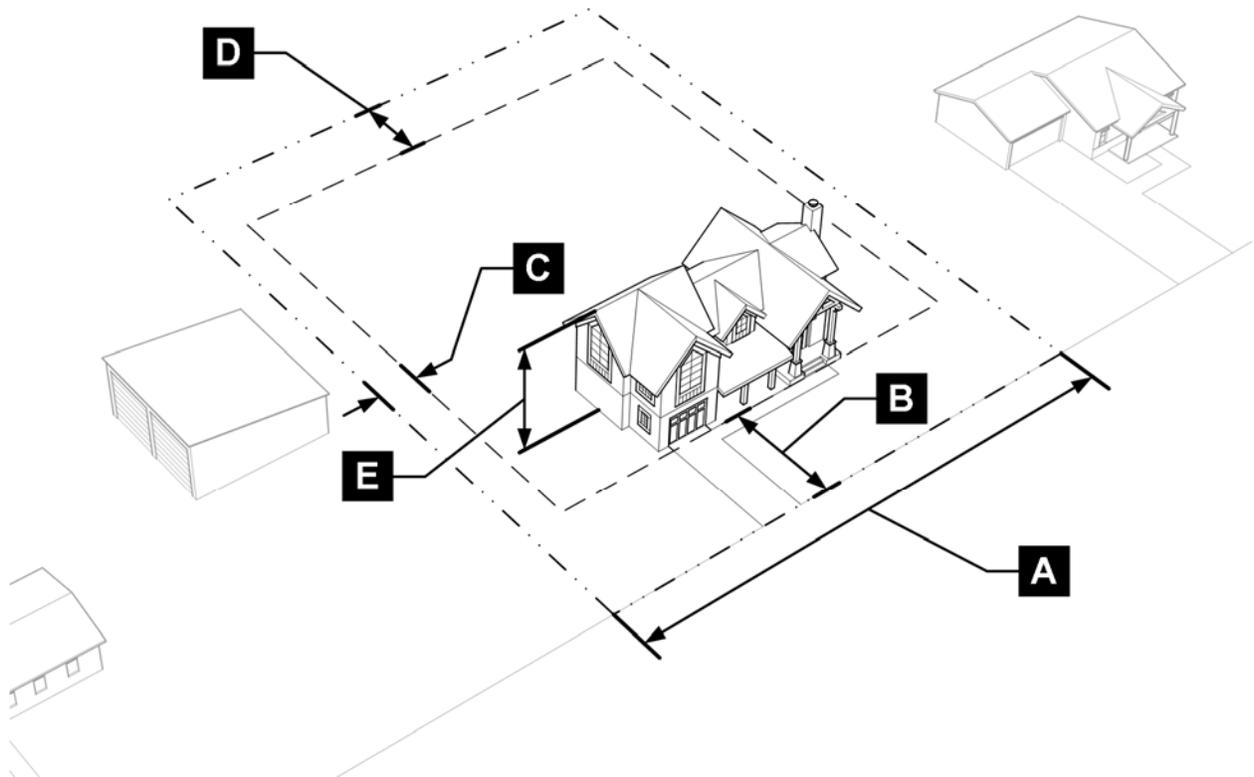
1. Ensure adequate light, air, privacy, and open space for residents;
2. Provide for a variety of neighborhoods with a range of housing types to accommodate varying character areas;
3. Protect neighborhoods from the harmful effects of excessive noise, traffic congestion, and other potential adverse impacts;
4. Provide amenities while protecting residents from incompatible uses and activities;
5. Provide reasonable flexibility and a variety of uses compatible with the general character of each zoning district; and
6. Allow and encourage the development of affordable housing.⁵⁴

⁵⁴ Consolidated draft: New.

B. Residential Rural (R-RU)⁵⁵

1. Purpose⁵⁶

The purpose of the R-RU district is to establish and preserve residential districts where larger lots are desirable near agricultural and open space preservation areas or other environmentally sensitive areas. The district is primarily comprised of single-family detached dwellings on large lots and is generally concentrated in areas farther from primary employment or activity centers or located near the edge of the community providing opportunities for ex-urban or rural lifestyles.



⁵⁵ This district is based on the current E1 district. For all zoning districts, the dimensional standards tables could be relocated to the same page as the purpose statement and district graphic once the footnotes are removed with the adoption drafts.

⁵⁶ Consolidates current 15.03.030.B.1 and 2, revised for clarity.

2. R-RU District Dimensional Standards

Table 3.2: R-RU District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	One acre
A	Lot width	150 feet ⁵⁷
Setbacks (Minimum)		
B	Front yard	20 feet ⁵⁸
C	Side yard	10 feet ⁵⁹
D	Rear yard, without alley	20 feet
	Rear yard, abutting an alley	6 feet ⁶⁰
Building Standards (Maximum)		
E	Building height	2 stories; 35 feet ⁶¹

⁵⁷ Currently 160 feet.

⁵⁸ Currently 30 feet

⁵⁹ Currently calculated at a ratio of 1 foot per 2.5 feet building height. At a maximum building height of 30 feet, the side setback would be 12 feet.

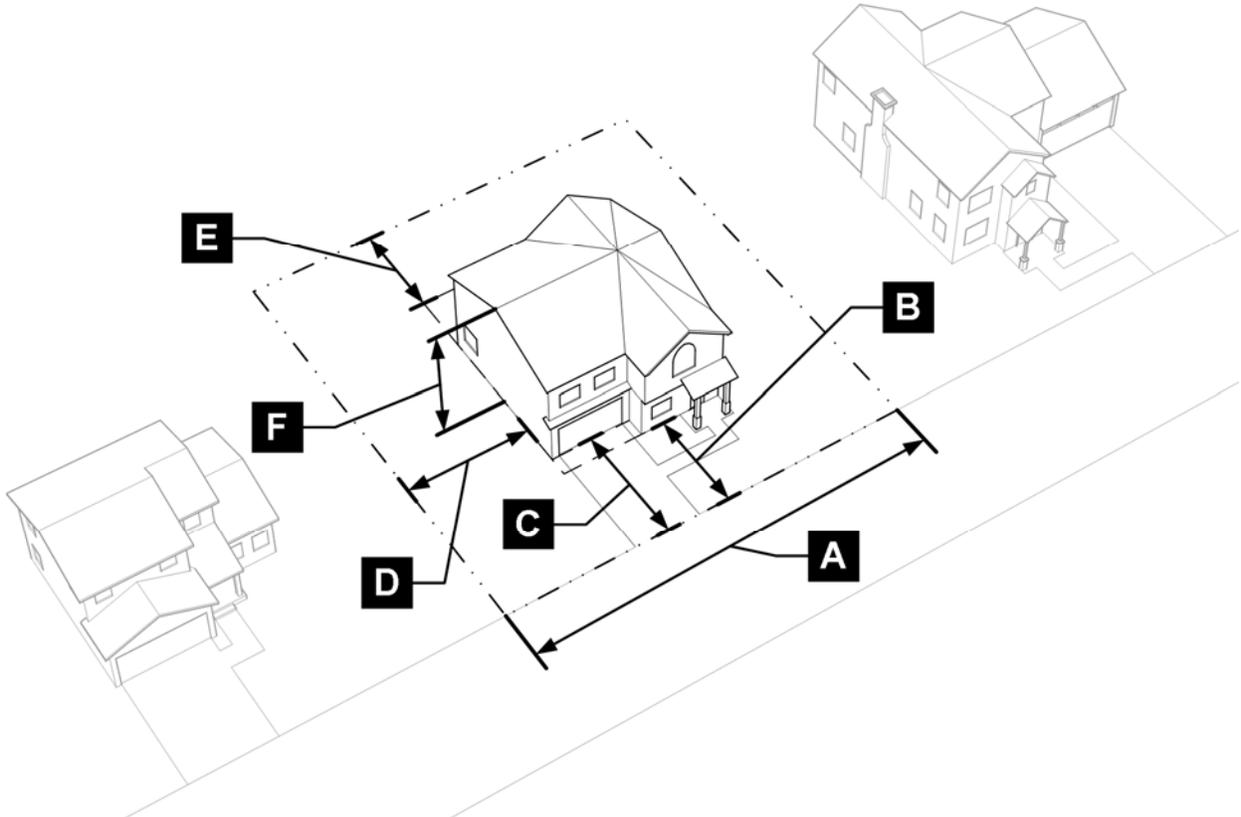
⁶⁰ Currently 10 feet for alleys less than 20 ft. in width.

⁶¹ Currently 30 feet.

C. Residential Single-Family (R-SF)⁶²

1. Purpose⁶³

The purpose of the R-SF district is to establish and preserve residential neighborhoods with primarily single-family detached dwellings on medium to larger lots. The district is intended to be located in proximity to activity centers and other public amenities and/or complementary uses and activities such as schools, parks, and open space.



⁶² This district consolidates the current E2, R1, and RLE districts.

⁶³ Combines current 15.03.030.B.3 and 7, revised for clarity.

2. R-SF District Dimensional Standards⁶⁴

Table 3.3: R-SF District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	5,000 sq ft ⁶⁵
A	Lot width	50 feet ⁶⁶
Setbacks (Minimum)		
B	Front yard, dwelling unit	15 feet ⁶⁷
C	Front yard, front-facing garage	20 feet
D	Side yard	5 feet ⁶⁸
E	Rear yard, without alley	20 feet
	Rear yard, abutting an alley	6 feet ⁶⁹
Building Standards (Maximum)		
F	Building height	2 stories; 35 feet ⁷⁰

Notes:
 Reduced lot area and width is permitted for affordable housing pursuant to section 15.03.080B, Lot and Site Requirements.

⁶⁴ Affordable housing incentives may be added in prior to adoption based on policy direction from City Council. *Consolidated Draft: Lot area for single-family attached product was removed since that use was not permitted in the R-SF district.*

⁶⁵ Currently 10,000 sf in the E2 district.

⁶⁶ Currently 60 feet, except for affordable housing, which are 50 feet.

⁶⁷ The current RLE district requires front setbacks to be context sensitive using the “average” setback method measured according to section 15.05.010.A. Although we include that as an option for vacant lots within this district, we do not require it in this proposed draft.

⁶⁸ Currently calculated at a ratio of 1 foot per 2.5 feet building height. At a maximum building height of 30 feet, the side setback would be 12 feet. The five-foot proposed setback would help with future conversion of existing PUDs to base zoning districts.

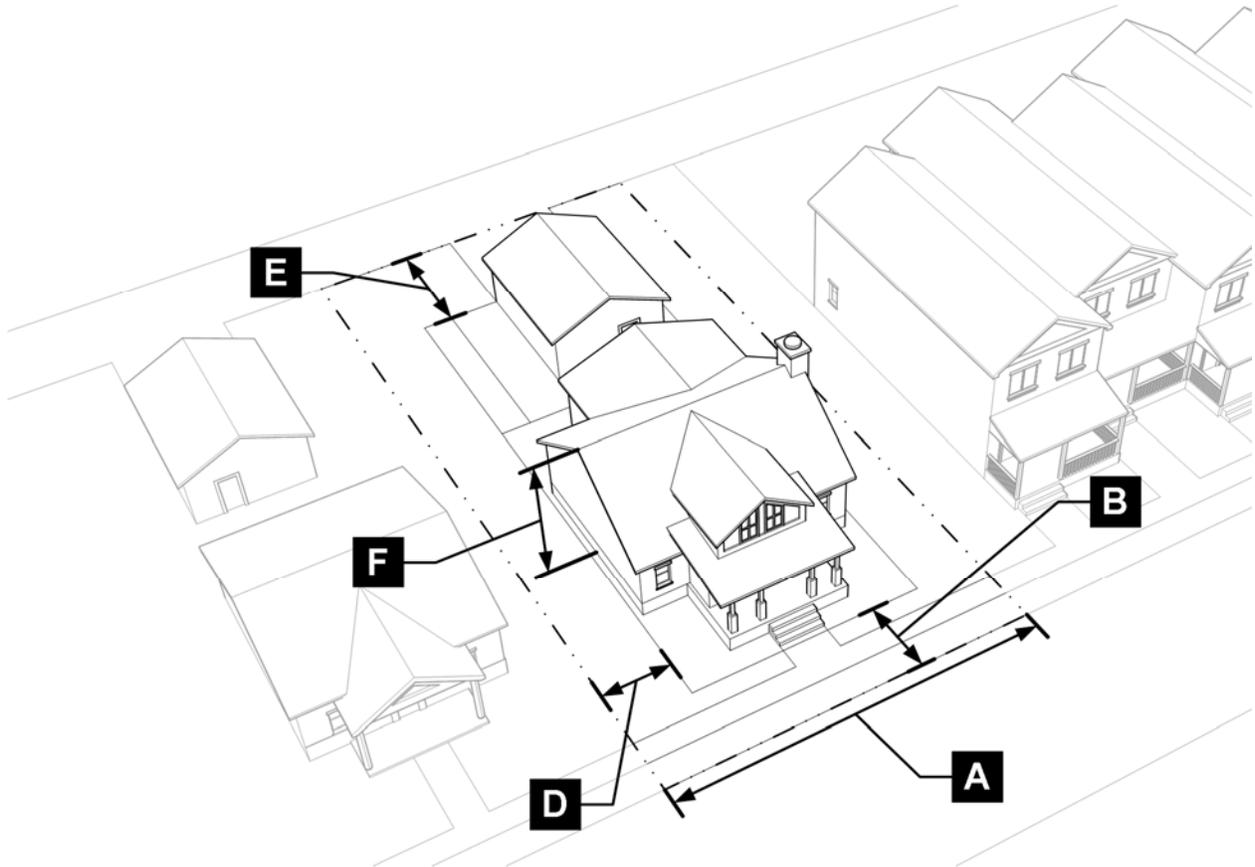
⁶⁹ Currently 10 feet for alleys less than 20 ft. in width.

⁷⁰ Currently 30 feet.

D. Residential Mixed Neighborhood (R-MN)⁷¹

1. Purpose⁷²

The purpose of the R-MN district is to establish and preserve mixed-density residential neighborhoods to accommodate a variety of housing types, including detached and smaller scale attached dwellings. This district may also include limited nonresidential uses that support the neighborhood pursuant to Table 4.1, *Table of Allowed Uses*. This district is intended to be conveniently located near collector and arterial streets, and in close proximity to activity centers and other public amenities and/or complementary uses and activities such as schools, parks, open space, and public transit. The R-MN district can also serve as a transition from single-family neighborhoods to multifamily residential, mixed-use, and nonresidential areas.



⁷¹ Renamed from the current residential medium-density district. *Consolidated draft: Renamed district from “residential mixed” to “residential mixed-neighborhood.”*

⁷² From 15.03.030.B.4, revised for clarity.

2. R-MN District Dimensional Standards

Table 3.4: R-MN District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area per detached dwelling	4,000 sq ft ⁷³
	Lot area per unit for attached dwellings	2,500 sq ft ⁷⁴
A	Lot width per detached dwelling	40 feet ⁷⁵
	Lot width per attached dwelling	20 feet
Setbacks (Minimum)		
B	Front yard, dwelling unit	15 feet ⁷⁶
C	Front yard, front-facing garage	20 feet
D	Side yard	5 feet ⁷⁷
	Side yard, interior common wall	None ⁷⁸
E	Rear yard, without alley	15 feet ⁷⁹
	Rear yard, abutting an alley	6 feet ⁸⁰
Building Standards (Maximum)		
F	Building height	2 stories; 35 feet

Notes:

- [1] Reduced lot area and width is permitted for affordable housing pursuant to section 15.03.080B, Lot and Site Requirements.
- [2] For attached dwellings, no minimum lot area is required. The number of units allowed for a parcel is based on the lot area per unit. For example, a 1 acre parcel (43,560 square feet) / 2,500 square feet per unit would allow 18 units (rounding up fractions). For larger unplatted parcels that require dedication of right-of-way, common area, etc., the unit calculation is based on gross land area.

⁷³ Currently 5,000 sf. *Consolidated draft: Revised to 4,000 sf minimum lot area for detached single family.*

⁷⁴ Simplified the current standards, which is written for two-family, three-family, four-family, and multifamily products but each currently equates to 4,000 sf per unit. *Consolidated draft: Revised to represent the upper range from Envision Longmont of 18 units per acre, or average of 2,500 square feet of lot area per unit.*

⁷⁵ Currently 60 feet, except for affordable housing, which are 50 feet. *Consolidated draft: Revised to include separate lot widths for detached and attached.*

⁷⁶ Current 20 feet. Proposed reduction to most setbacks in this district to allow a more diverse range of housing types and designs at varying price points, especially for smaller lots.

⁷⁷ Currently calculated at a ratio of 1 foot per 2.5 feet building height. At a maximum building height of 30 feet, the side setback would be 12 feet.

⁷⁸ New standard to accommodate zero setbacks for attached products. Side yard setback still applies to end units without a common wall.

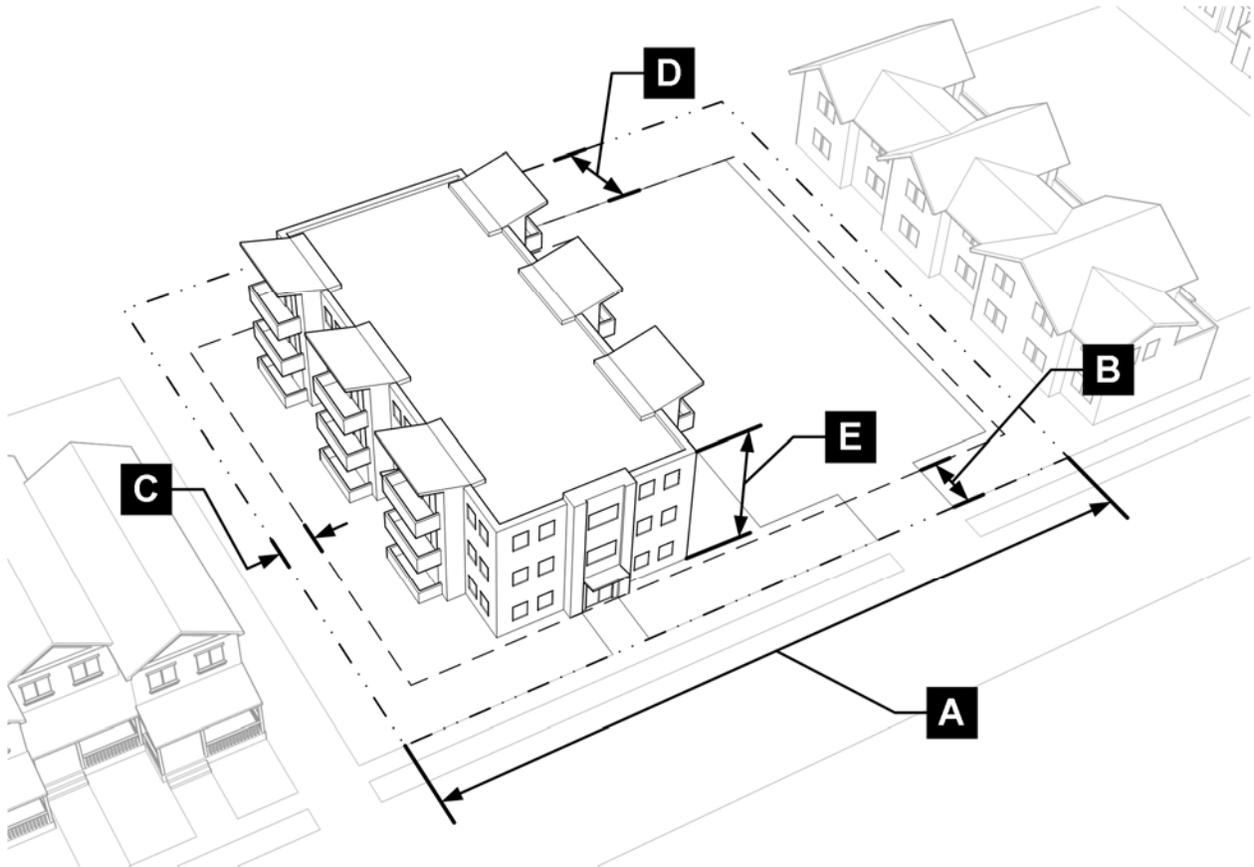
⁷⁹ Currently 20 feet.

⁸⁰ Currently 10 feet for alleys less than 20 ft. in width.

E. Residential Multifamily (R-MF)⁸¹

1. Purpose⁸²

The purpose of the R-MF district is to establish and preserve residential districts that are appropriate for multifamily housing and group living facilities. The R-MF district is intended to be conveniently located near collector and arterial streets, with easy access to major employment and activity centers, and public amenities and/or complementary uses and activities such as schools, parks, open space, and public transit. The R-MF district is primarily intended for residential uses, but may also include limited nonresidential uses that support the surrounding area pursuant to Table 4.1, *Table of Allowed Uses*.



⁸¹ Renamed from the current residential high-density district.

⁸² From 15.03.030.B.5, revised for clarity.

2. R-MF District Dimensional Standards

Table 3.5: R-MF District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area per unit for attached dwellings	1,250 sq ft ⁸³
A	Lot width	20 feet ⁸⁴
Setbacks (Minimum)		
B	Front yard	15 feet ⁸⁵
	Front yard, front-facing garage	20 feet ⁸⁶
C	Side yard	5 feet ⁸⁷
	Side yard, interior common wall	None ⁸⁸
D	Rear yard, without alley	10 feet ⁸⁹
	Rear yard, abutting an alley	6 feet ⁹⁰
Building Standards (Maximum)		
E	Building height	4 stories; 55 feet ⁹¹

Notes:

- [1] Reduced lot area and width is permitted for affordable housing pursuant to section 15.03.080B, Lot and Site Requirements.
- [2] For attached dwellings, no minimum lot area is required. The number of units allowed for a parcel is based on the lot area per unit. For example, a 1 acre parcel (43,560 square feet) / 1,250 square feet per unit would allow 35 units (rounding up fractions). For larger unplatted parcels that require dedication of right-of-way, common area, etc., the unit calculation is based on gross land area.
- [3] Additional height may be permitted for affordable housing or vertical mixed-use development pursuant to Table 3.19, *Exceptions to Height Requirements*.
- [4] Building height shall comply with residential compatibility standards in section 15.05.200D.

⁸³ Currently 5,000 sf minimum. Envision Longmont calls for higher densities in the mixed neighborhood land use category and removing the minimum lot area requirement can help achieve that. *Consolidated draft: Revised to be consistent with upper range of Envision density of 35 units per acre.*

⁸⁴ Currently 60 feet, except for affordable housing, which are 50 feet. We reduced the standard to accommodate higher densities and smaller lot configurations consistent with attached and multifamily products (and smaller single-family products). *Consolidated draft: Changed from 40 feet.*

⁸⁵ Current 20 feet. Proposed reduction to most setbacks in this district to allow a more diverse range of housing types and designs at varying price points, especially for smaller lots.

⁸⁶ *Consolidated draft: New.*

⁸⁷ Currently calculated at a ratio of 1 foot per 2.5 feet building height. At a maximum building height of 40 feet, the side setback would be 16 feet. In this case, we propose applying the current affordable housing option of 5 feet as the base standard.

⁸⁸ New. We also included this in section 15.03.080, Measurements and Exceptions.

⁸⁹ Currently 20 feet.

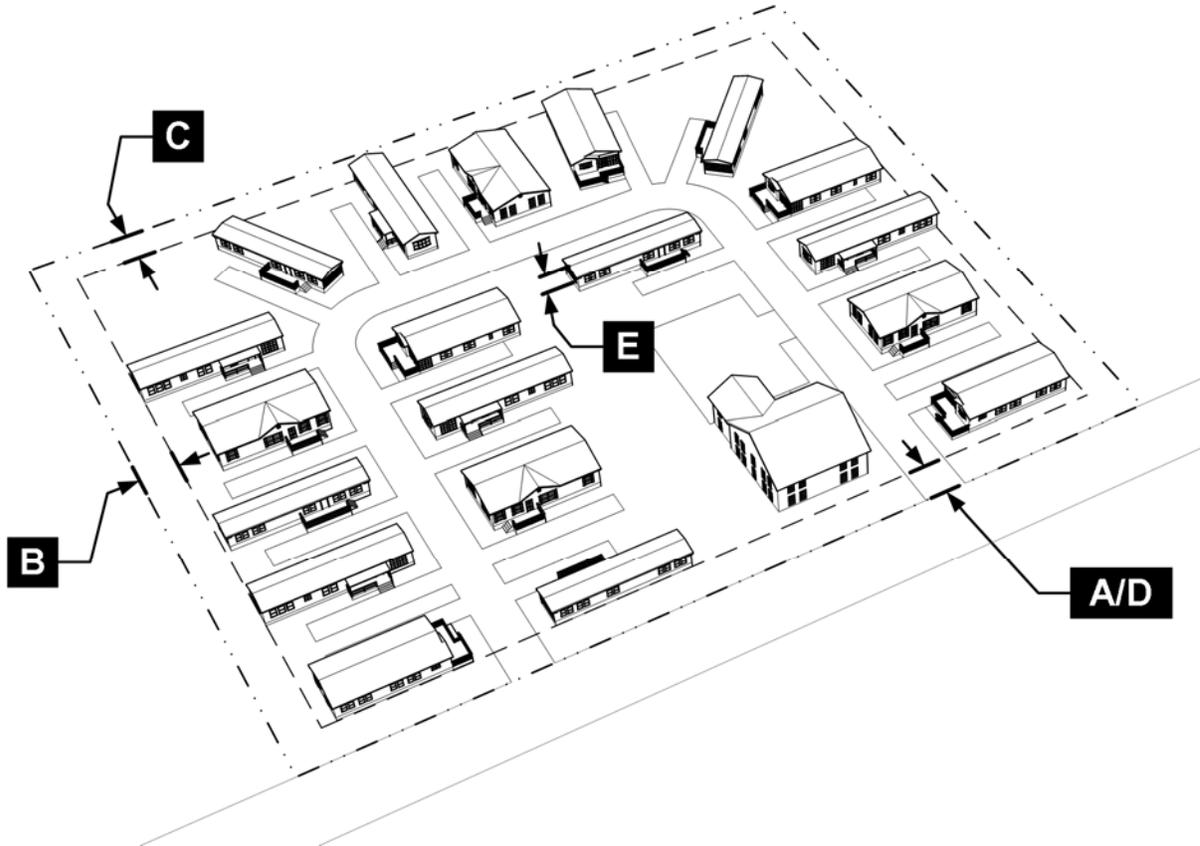
⁹⁰ Currently 10 feet for alleys less than 20 ft. in width.

⁹¹ *Consolidated draft: Changed from 45 feet.* Envision Longmont describes the multifamily neighborhood land use category as generally 3-4 stories, but with higher densities and heights in some locations (e.g., near transit). The current 40 feet height would not allow for a four story building (or would be very close).

F. Residential Mobile Home (R-MH)⁹²

1. Purpose⁹³

The purpose of the R-MH district is to establish and preserve areas for mobile homes and to encourage other affordable housing options in the city. The R-MH district is intended to be conveniently located near collector and arterial streets, with easy access to major employment and activity centers, and public amenities and/or complementary uses and activities such as schools, parks, open space, and public transit.



⁹² Based on the current mobile home development district, carrying forward standards from section 15.05.180 with revisions as noted.

⁹³ Expanded current 15.03.030.B.6.

2. R-MH District Dimensional Standards

Table 3.6: R-MH District Dimensional Standards		
Lot and Site Standards (Minimum)⁹⁴		
	Mobile home park or subdivision	5 acres
	Lot or site area	3,000 sq ft ⁹⁵
Setbacks (Minimum)⁹⁶		
A	Front	10 feet
B	Side	5 feet
C	Rear	15 feet
D	Perimeter facing public right-of-way	20 feet
Building Standards (Maximum)		
E	Building height for mobile home	1 story; 20 feet ⁹⁷
	Other building and structure height	2 stories; 35 feet ⁹⁸

15.03.030 Mixed-Use Districts

A. General Purpose of Mixed-Use Districts⁹⁹

Mixed-use zoning districts are established, designed, and intended to provide a wide range of services and goods to meet household and business needs and also to accommodate and encourage a mix of residential and nonresidential uses to offer greater opportunities to live, work, and play within close proximity. More specifically, the mixed-use districts are intended to:

1. Provide areas for a full range of office, retail, and service uses;
2. Strengthen Longmont’s economic base and expand employment opportunities;
3. Minimize the impacts of nonresidential uses on adjacent or nearby residential districts and uses;
4. Ensure that commercial and mixed-use development is consistent with the character areas throughout the city; and
5. Allow and encourage the development of affordable housing.¹⁰⁰

⁹⁴ We did not carry forward different dimensional standards for mobile home subdivisions and mobile home parks. The impacts are the same regardless of whether an official subdivided lot is drawn vs. a mobile home site on a single lot. Additionally, we did not carry forward a distinction for single- vs. double-wide units, since the setbacks will determine the minimum lot size to accommodate a double-wide unit.

⁹⁵ Currently 4,000 sf for mobile home subdivisions.

⁹⁶ We did not carry forward the “minimum distance between mobile home units” requirement, which currently only applies to mobile home parks and is 10 feet between the longer sides, six feet between the shorter sides, and 8 feet between and longer side and a shorter side. These will be automatically complied with given the minimum setback standards. Also did not carry forward current standard requiring one side setback of the mobile home to be 5 feet and the other to be 10 feet.

⁹⁷ No current maximum stated.

⁹⁸ New standard.

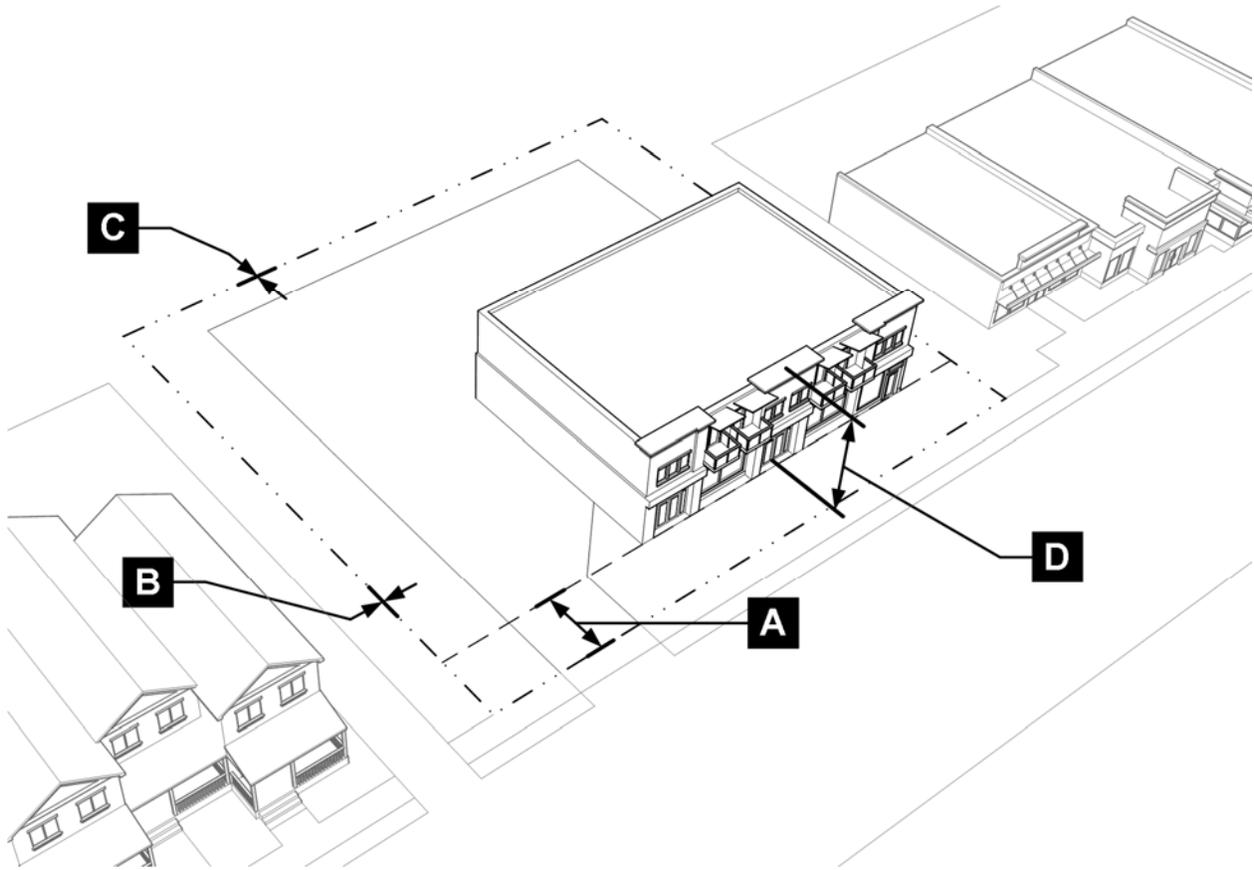
⁹⁹ Replaces, but is based on, current 15.03.040.

¹⁰⁰ Consolidated draft: New.

B. Mixed-Use Neighborhood (MU-N)¹⁰¹

1. Purpose

The purpose of the MU-N district is to provide a pedestrian-friendly mix of attached residential and smaller moderate-scale nonresidential uses and activities to serve the residents of surrounding neighborhoods with minimal impact to those neighborhoods. The MU-N district is intended to provide easy access to public amenities and/or complementary uses and activities such as schools, parks, open space, and public transit and may serve as a transition between established single-family neighborhoods and more intensive corridors, activity centers, or employment areas.



¹⁰¹ This is a new district to Longmont, established to implement the mixed-neighborhood and neighborhood center future land use categories in *Envision Longmont*.

2. MU-N District Dimensional Standards

Table 3.7: MU-N District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	None
Setbacks (Minimum)		
A	Front yard	10 feet
B	Side yard	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes ¹⁰²
C	Rear yard	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes ¹⁰²
Building Standards (Maximum) ¹⁰³		
D	Building height	3 stories 45 feet ¹⁰⁴

Notes:

[1] Additional height may be permitted for affordable housing or vertical mixed-use development pursuant to Table 3.19, *Exceptions to Height Requirements*.

[2] Building height shall comply with residential compatibility standards in section 15.05.200D.

¹⁰² The cross-reference to the required buffers table will be updated when the development standards are drafted. The current buffers table will likely be restructured and simplified into standardized types of buffers since there is currently a lot of repetition in that table. *Consolidated draft: Added more general reference to other applicable city codes.*

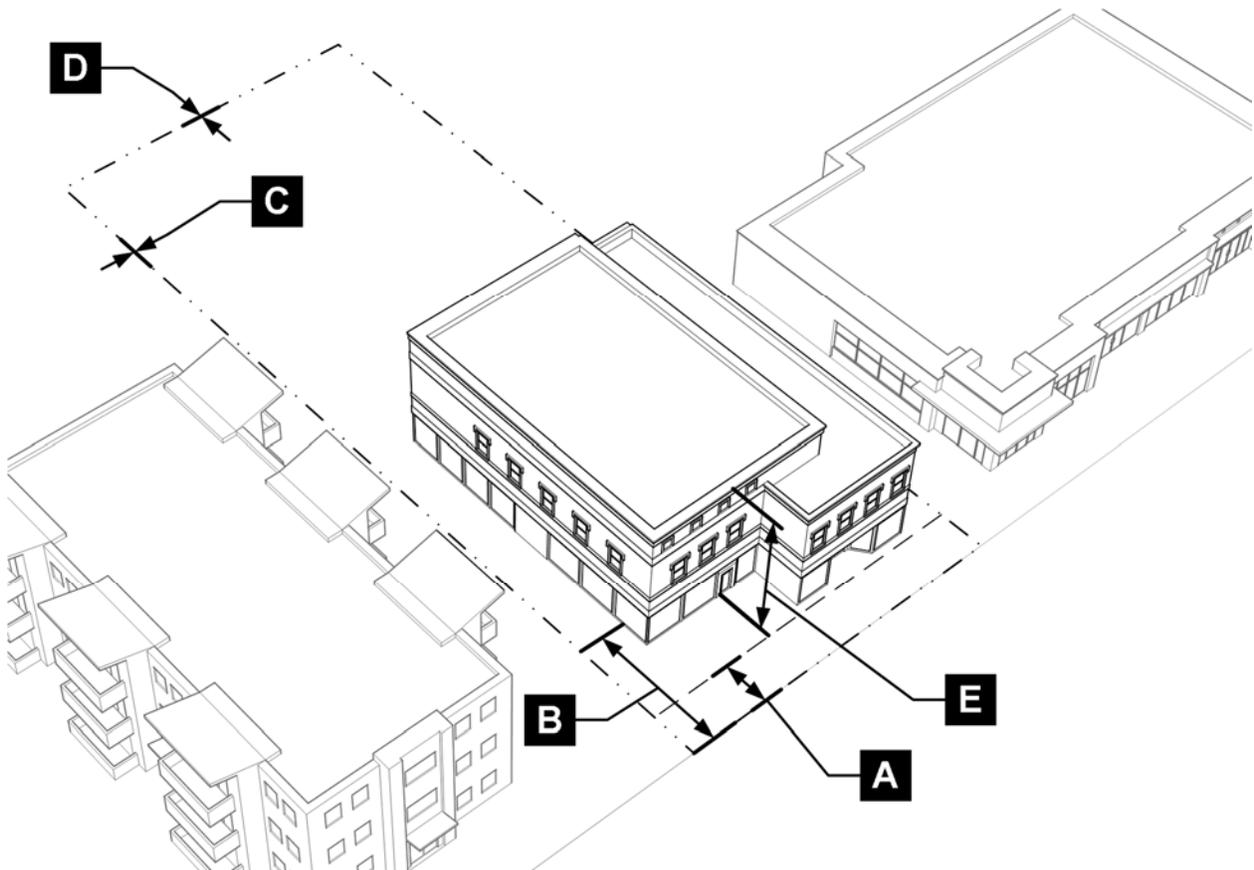
¹⁰³ *Consolidated draft: Minimum height standard not carried forward.*

¹⁰⁴ Drafted to match the 45-foot height in the R-MF district.

C. Mixed-Use Corridor (MU-C)¹⁰⁵

1. Purpose¹⁰⁶

The purpose of the MU-C district is to establish and preserve areas for a wide range of uses including attached residential, professional office, and general commercial goods and services that serve Longmont residents and businesses, as well as complementary uses to support travelers. The MU-C district is intended to be conveniently located along primary corridors in the city with easy access to public transit and other amenities, with a focus on vertical integration of residential and nonresidential uses. The MU-C district supports a variety of residential and nonresidential uses subject to compatibility with surrounding neighborhoods in terms of scale and bulk, and appropriate mitigation of other potential adverse impacts on adjacent residential uses.



¹⁰⁵ This is a new mixed-use district replacing the current C – commercial district.

¹⁰⁶ From the current 15.03.040.B.1, simplified and revised for clarity.

2. MU-C District Dimensional Standards

Table 3.8: MU-C District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	None
Setbacks		
A	Front yard, minimum	10 feet ¹⁰⁷
	Front yard, maximum (build-to), from arterials ¹⁰⁸	100 feet
B	Front yard, maximum (build-to), from other streets ¹⁰⁹	25 feet
C	Side yard, minimum	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes ¹¹⁰
D	Rear yard ¹¹¹	
Building Standards (Maximum) ¹¹²		
E	Building height	4 stories 55 feet ¹¹³

Notes:

[1] Additional height may be permitted for affordable housing or vertical mixed-use development pursuant to Table 3.19, *Exceptions to Height Requirements*.

[2] Building height shall comply with residential compatibility standards in section 15.05.200D.

¹⁰⁷ Currently the C district requires 20 feet.

¹⁰⁸ This is a new standard to prevent large parking areas in front of buildings, while still allowing some level of auto-oriented uses along arterials. *Consolidated draft: Changed from 60 feet to allow two rows of parking plus a drive aisle, in addition to space for streetscape buffers and sidewalks.*

¹⁰⁹ This is a new standard to prevent placement of buildings far from local and collector roads.

¹¹⁰ Current requirement for residential uses is 5 feet. The cross-reference to the required buffers table will be updated when the development standards are drafted. The current buffers table will likely be restructured and simplified into standardized types of buffers since there is currently a lot of repetition in that table.

¹¹¹ Current rear setback in C district is 10 feet.

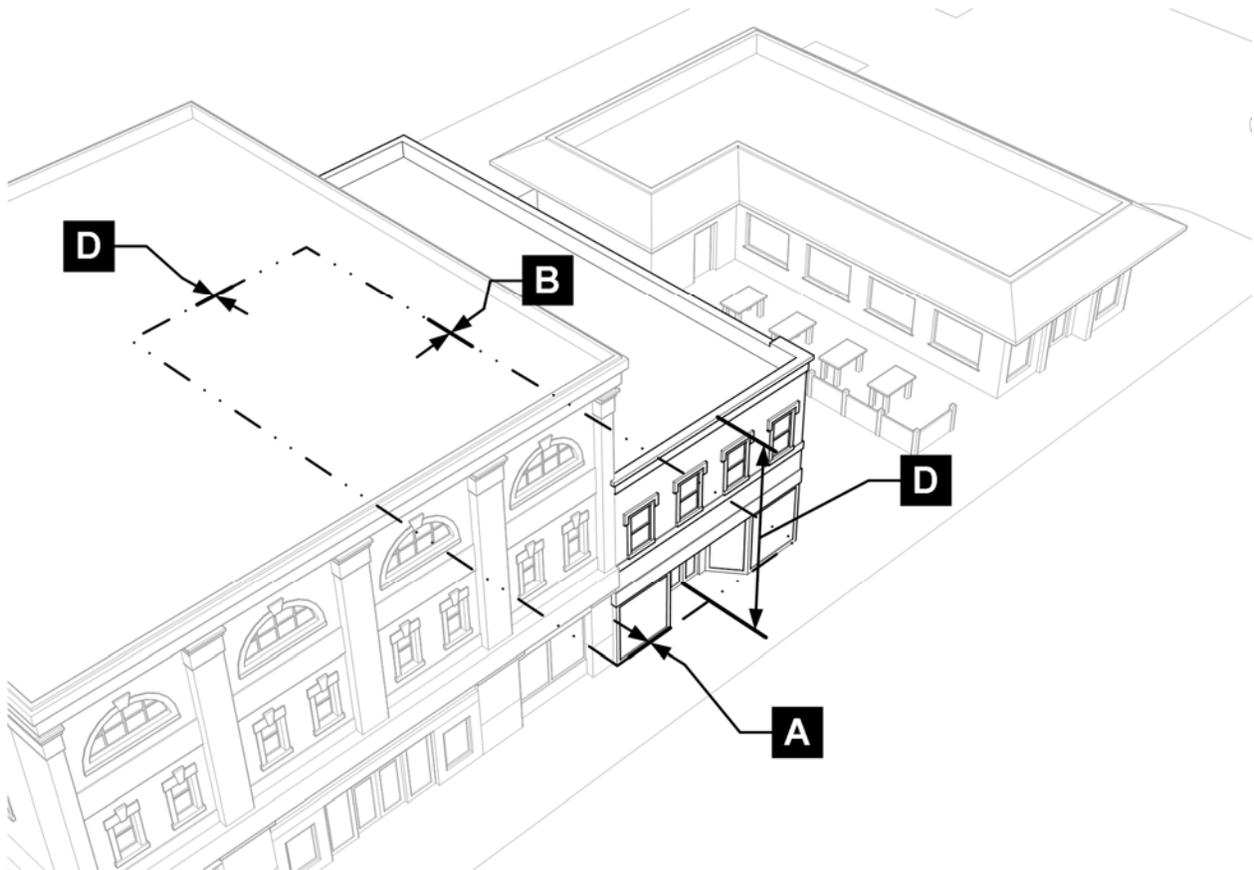
¹¹² *Consolidated draft: Minimum height standard not carried forward.*

¹¹³ *Consolidated draft: Changed from 45 feet.*

D. Mixed-Use Downtown (MU-D)¹¹⁴

1. Purpose¹¹⁵

The purpose of the MU-D district is to establish and preserve "downtown" Longmont as the city's center, accommodating a unique mix of office, service, retail, entertainment, and cultural facilities, with supportive government, civic, and residential uses and amenities. The MU-D district is intended to encourage protection of the historic character of the downtown through preservation, rehabilitation, and adaptive reuse of historic structures. The MU-D district is well-served by transit and is intended to encourage pedestrian-friendly development and redevelopment with easy access to public amenities and in a manner compatible with the existing and historic built environment and with nearby residential areas.



¹¹⁴ Replaces current CBD district. The current design standards in 15.03.040.B.3.b for project compatibility and infill development will be relocated to the overall section for residential and/or nonresidential design standards (sections 15.05.110 and 120 respectively). Those standards will likely be proposed to apply more broadly (beyond the current CBD/now MU-D district).

¹¹⁵ From the current 15.03.040.B.3, simplified and revised for clarity.

2. MU-D District Dimensional Standards

Table 3.9: MU-D District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	None
Setbacks		
A	Front yard, maximum (build-to), from Main Street ¹¹⁶	Zero feet for at least 75 percent along street frontage; 20 feet for the remaining portion of the building along the street frontage ¹¹⁷
	Front yard, maximum (build-to), from other streets ¹¹⁸	Between zero and 20 feet
B	Side yard, minimum	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes ¹¹⁹
C	Rear yard, minimum ¹²⁰	
Building Standards		
D	Building height, maximum	4 stories; 55 feet
	Building height, minimum, fronting Main Street	2 stories, 25 feet ¹²¹
Notes:		
[1] Maximum setbacks (build-to) may be adjusted by the director to allow adequate space for sidewalk and seating areas. ¹²²		
[2] Additional height outside of the downtown historic district may be permitted for affordable housing or vertical mixed-use development pursuant to Table 3.19, <i>Exceptions to Height Requirements</i> .		
[3] A one-story building may be approved pursuant to section 15.03.080D.3, <i>Exceptions to Minimum Height Requirements</i> .		
[4] Building height shall comply with residential compatibility standards in section 15.05.200D.		

¹¹⁶ From current 15.05.010.C.2.d.i, simplified for table.

¹¹⁷ Consolidated draft: Clarified that the remainder of the building shall be no more than 20 feet from the front lot line.

¹¹⁸ From current 15.05.010.C.2.d.ii, simplified for table, and revised to set a maximum setback at 20 feet.

¹¹⁹ Current side yard requirement for residential uses is 5 feet. The cross-reference to the required buffers table will be updated when the development standards are drafted. The current buffers table will likely be restructured and simplified into standardized types of buffers since there is currently a lot of repetition in that table.

¹²⁰ Current minimum rear yard setback is 10 feet.

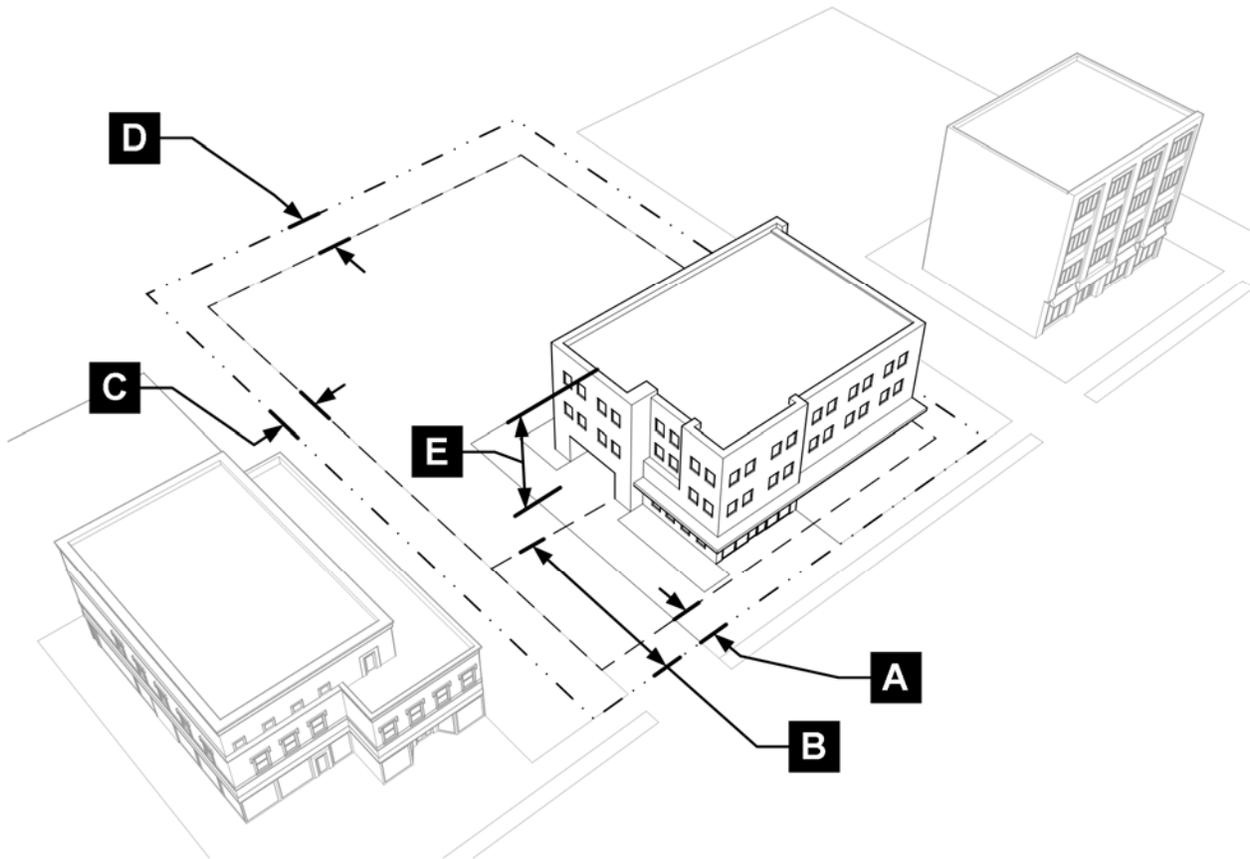
¹²¹ We carried forward the current minimum two-story height requirement for the MU district.

¹²² Consolidated draft: New.

E. Mixed-Use Employment (MU-E)¹²³

1. Purpose¹²⁴

The purpose of the MU-E district is to provide areas appropriate for diverse employment by encouraging a greater variety of employment spaces in close proximity to attached residential and supporting services. The MU-E district offers flexibility in terms of the types of uses and the adaptive reuse of existing buildings to promote employment and live-work opportunities. The MU-E district is intended to accommodate a wide range of business opportunities in a pedestrian-friendly environment with easy access to public amenities including parks, open space, and public transit.



¹²³ This is a new mixed-use district replacing the BLI – business/light industrial and the MI – mixed industrial district.

¹²⁴ Replaces current 15.03.050.A and B.

2. MU-E District Dimensional Standards

Table 3.10: MU-E District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	None
Setbacks		
A	Front yard, minimum	10 feet ¹²⁵
C	Side yard, minimum	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes ¹²⁶
D	Rear yard, minimum ¹²⁷	
Building Standards (Maximum)		
E	Building height	4 stories 55 feet ¹²⁸

Notes:

[1] Additional height may be permitted for affordable housing or vertical mixed-use development pursuant to Table 3.19, *Exceptions to Height Requirements*.

[2] Building height shall comply with residential compatibility standards in section 15.05.200D.

¹²⁵ Currently 20 feet.

¹²⁶ The cross-reference to the required buffers table will be updated when the development standards are drafted. The current buffers table will likely be restructured and simplified into standardized types of buffers since there is currently a lot of repetition in that table.

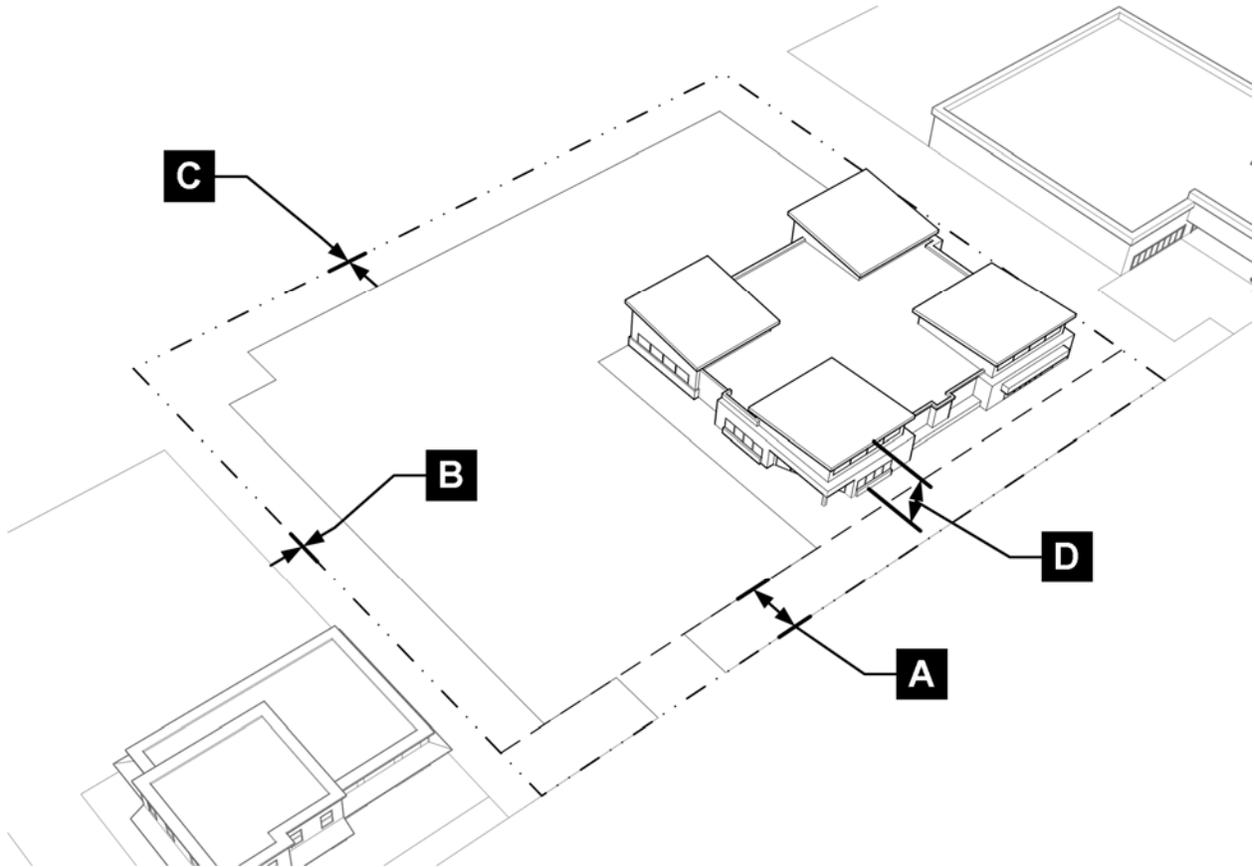
¹²⁷ Current rear yard setback is 20 feet minimum.

¹²⁸ Currently 45 feet.

F. Mixed-Use Regional Center (MU-R)¹²⁹

1. Purpose¹³⁰

The purpose of the MU-R district is to establish and preserve distinct areas for large-scale mixed-use development and redevelopment with an emphasis on serving the commercial and retail needs of the city and the region. The MU-R district allows for pedestrian-friendly regional-scale employment, commercial activities, and multifamily residential uses with easy access to public amenities including public transit.



¹²⁹ New mixed-use district replacing the current CR – commercial regional district.

¹³⁰ Replaces current 15.03.040.B.2.

2. MU-R District Dimensional Standards

Table 3.11: MU-R District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	None
Setbacks (Minimum)		
A	Front yard	10 feet ¹³¹
B	Side yard	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes ¹³²
C	Rear yard	
Building Standards (Maximum)¹³³		
D	Building height	4 stories 55 feet ¹³⁴

Notes:

[1] Additional height may be permitted for affordable housing or vertical mixed-use development pursuant to Table 3.19, *Exceptions to Height Requirements*.

[2] Building height shall comply with residential compatibility standards in section 15.05.200D.

¹³¹ Currently 20 feet.

¹³² Rear yard is currently 20 feet minimum.

¹³³ Consolidated draft: Minimum height standard not carried forward.

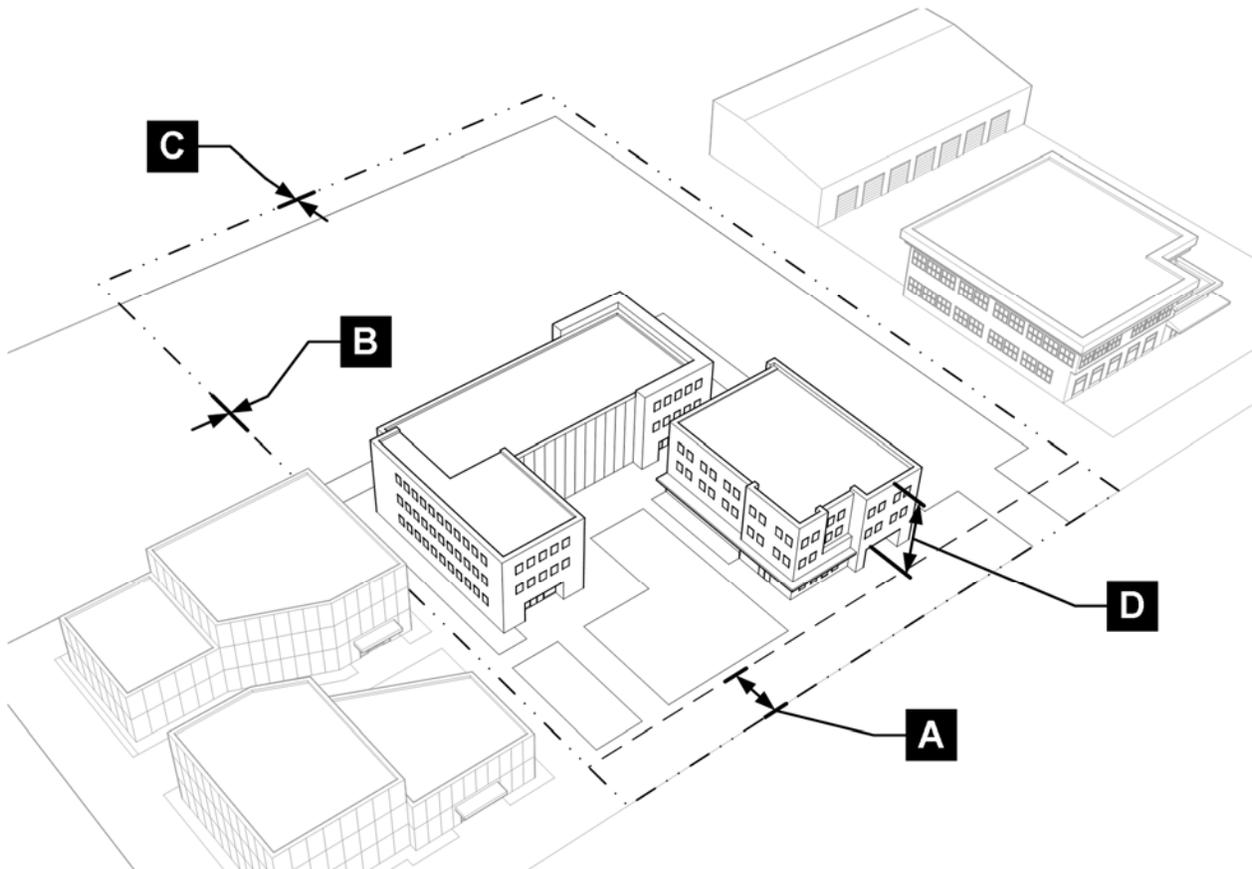
¹³⁴ Currently 45 feet maximum structure height.

15.03.040 Nonresidential Districts

A. Primary Employment (N-PE)¹³⁵

1. Purpose¹³⁶

The purpose of the N-PE district is to establish areas for a wide range of employment uses, including manufacturing, industrial processing, research and development, warehousing and wholesaling, office-flex, and large employment facilities such as those in a planned office campus or headquarters development. The N-PE zoning district also accommodates limited supporting commercial uses as a means to support daily needs of the employee base within the district.



¹³⁵ This is a new district replacing the BLI – business/light industrial district, and some aspects of the current MI district. The focus on this new PE district is on employment (including large campuses) with limited supporting commercial uses – but not including residential uses.

¹³⁶ Mostly new purpose statement, with some language carried forward from the current BLI district.

2. N-PE District Dimensional Standards

Table 3.12: N-PE District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	None
Setbacks (Minimum)		
A	Front yard	20 feet
B	Side yard	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes ¹³⁷
C	Rear yard	
Building Standards (Maximum)		
D	Building height	4 stories 55 feet ¹³⁸
Notes:		
[1] Building height shall comply with residential compatibility standards in section 15.05.200D.		

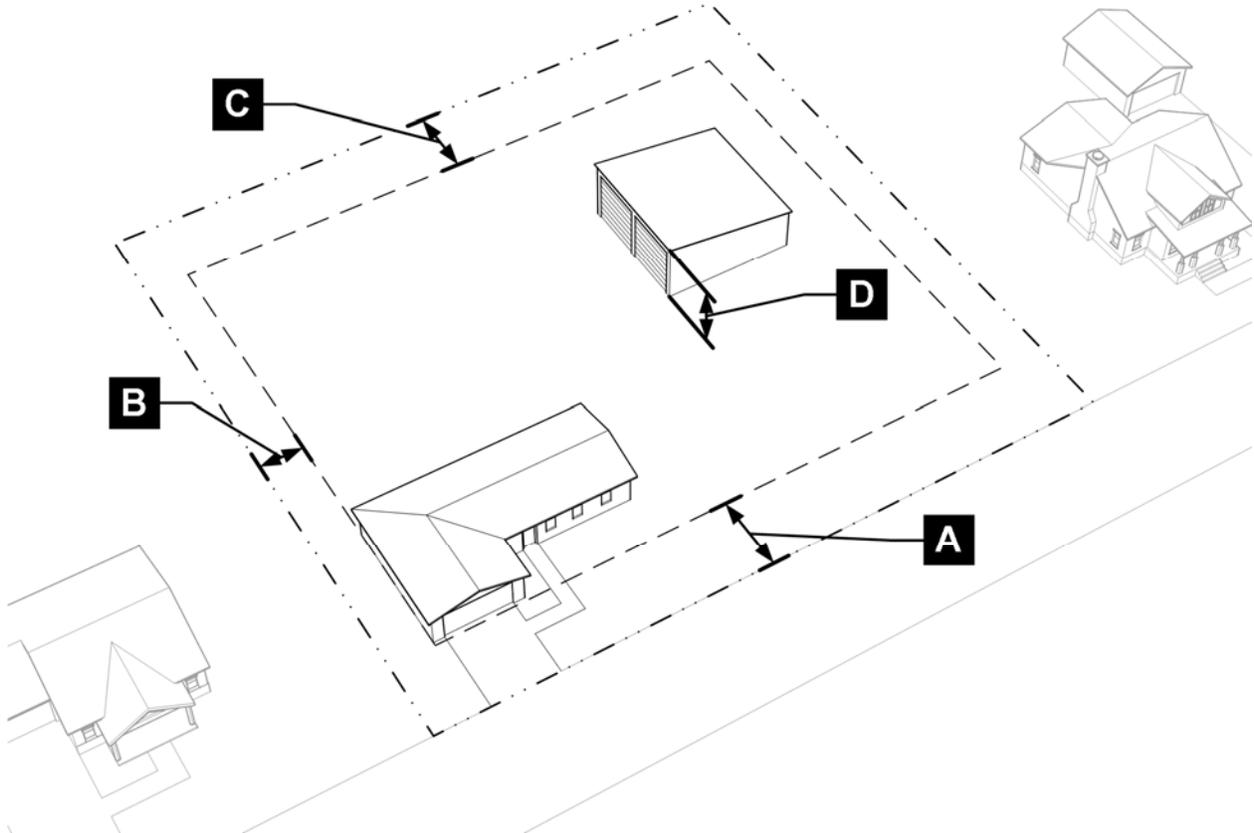
¹³⁷ The cross-reference to the required buffers table will be updated when the development standards are drafted. The current buffers table will likely be restructured and simplified into standardized types of buffers since there is currently a lot of repetition in that table.

¹³⁸ Currently 45 feet.

B. Agricultural (N-AG)¹³⁹

1. Purpose¹⁴⁰

The purpose of the N-AG district is to establish and preserve areas in the city for agricultural lands, rural residential, open space, and other related uses. The N-AG district is characterized by open areas of land, large planted areas, and detached residential uses surrounding more densely populated rural and urbanized areas of the community.



¹³⁹ From current 15.03.130, with changes as noted.

¹⁴⁰ From current 15.03.130.A, revised to add defining character of the district.

2. N-AG District Dimensional Standards

Table 3.13: N-AG District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	1 acre ¹⁴¹
Setbacks (Minimum)		
A	Front yard	20 feet
B	Side yard	10 feet
C	Rear yard	20 feet
Building Standards (Maximum)		
D	Building height	2 stories, 45 feet ¹⁴²

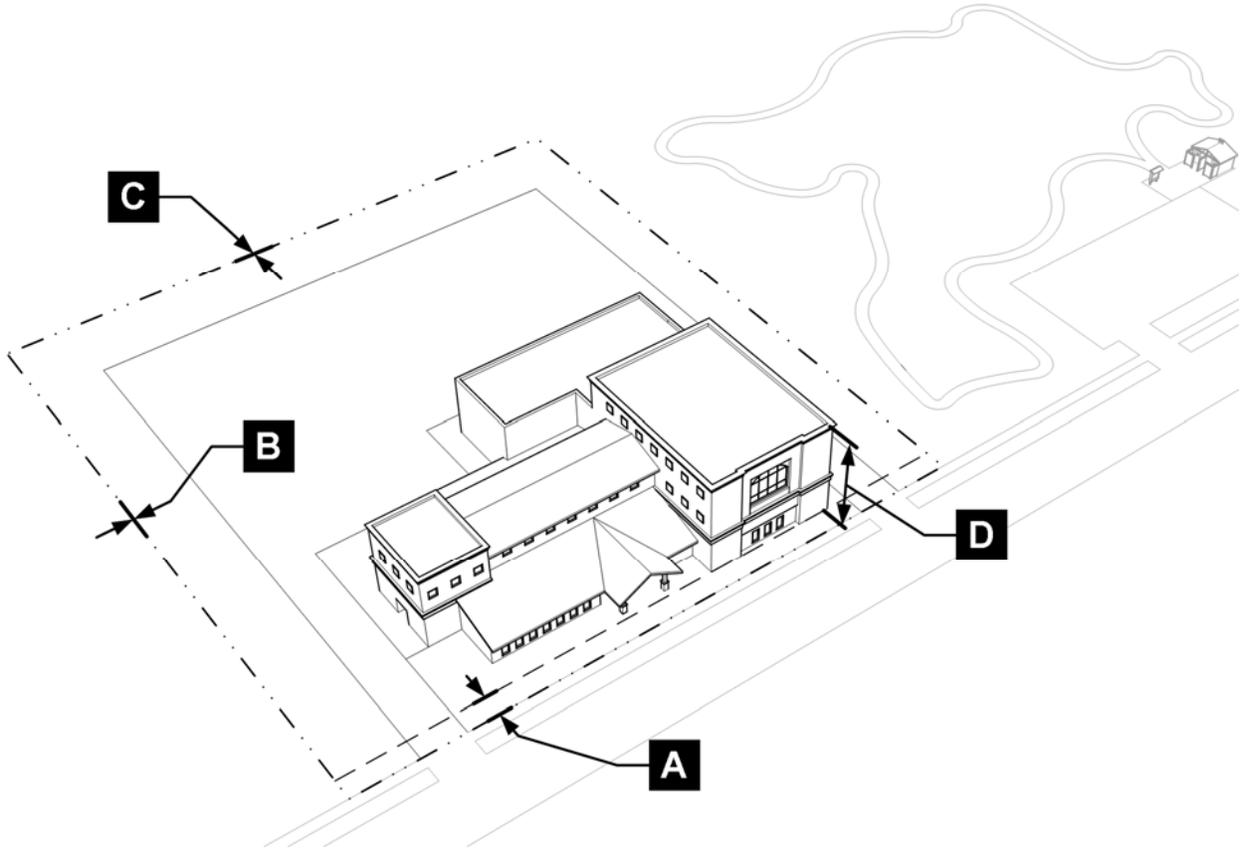
¹⁴¹ Consolidated draft: Changed from 5 acres.

¹⁴² Consolidated draft: Added 2 story maximum.

C. Public Facilities (N-PF)¹⁴³

1. Purpose¹⁴⁴

The purpose of the N-PF district is to establish and preserve areas in the city for public, quasi-public, and limited private facilities and uses. The N-PF district can be used to protect the scenic and environmental quality of sensitive natural areas and also essential services or activities for the city such as active and passive recreational uses, with flexibility to accommodate unique operational and site characteristics.



¹⁴³ Carried forward from current P (public) zoning district.

¹⁴⁴ Expands on current 15.03.070.A.

2. N-PF District Dimensional Standards

Table 3.14: N-PF District Dimensional Standards		
Lot Standards (Minimum)		
	Lot area	None
Setbacks (Minimum)		
A	Front yard	10 feet ¹⁴⁵
B	Side yard	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes
C	Rear yard	
Building Standards (Maximum)		
D	Building height	4 stories 55 feet ¹⁴⁶

Notes:

[1] Building height shall comply with residential compatibility standards in section 15.05.200D.

¹⁴⁵ Currently 20 feet.

¹⁴⁶ Currently 45 feet.

15.03.050 Overlay Zoning Districts

Commentary:

The Airport Influence Overlay was generally carried forward generally as-is, with minimal revision for clarity. As proposed in the 2016 Assessment Memo, we did not carry forward the following overlay districts:

- Medical overlay
- Scenic entry overlay
- Floodway and floodway fringe overlay

Some of the standards from these overlay districts may be carried forward for broader applicability through development standards in later drafts (e.g., floodway regulations will be assigned its own section within the development standards).

Consolidated draft: Earlier drafts did not carry forward the Conservation Overlay or the Terry lake Overlay. Those were added back in per staff direction.

A. Airport Influence Overlay (AI-O)

1. Purpose

The purpose of the AI-O district is to:

- a. Allow the airport to serve the city's air transportation needs and protect the public investment in the airport;
- b. Minimize risks to public safety and hazards to airport users;
- c. Protect property values and restrict incompatible land use; and
- d. Promote appropriate land use planning and zoning in proximity to the airport.

2. Applicability

The AI-O district is intended to regulate the following:

- a. The construction or establishment of any new building or use;
- b. The addition or expansion to an existing structure, when such addition is greater than 1,000 square feet or ten percent of the structure area or massing;
- c. The moving or relocation of any building or structure to a new site or new location; and
- d. The change from one use to another of any building, structure or land.

3. Conflicting Provisions

If the regulations stated in this section conflict with any other chapter or section of this development code, or with any other applicable land development regulation, the regulations in this section shall apply.

4. Site Plan or Development Plan Review Required

A site plan is required for all applicable development to ensure compliance with this section's regulations. See section 15.02.070C for applicable site plan review procedures.

5. District Standards¹⁴⁷

The following standards shall apply to all property within the AI overlay district:

¹⁴⁷ From 15.03.120.D, carried forward as-is. Paragraphs 'c' through 'f' should be coordinated with nonconformities section generally (chapter 15.08).

a. Use Restrictions

No use shall create any electrical interference with navigational signals for communications between the airport and the aircraft, make it difficult for pilots to distinguish airport lights from others, result in glare for pilots using the airport, impair visibility in the vicinity of the airport or otherwise in any way create a hazard or endanger the landing, take-off, or maneuvering of aircraft using the airport.

b. Height Limitations

No structure or object of natural growth shall be erected, altered, allowed to grow, or be maintained at a height that intrudes into the 14 CFR Part 77¹⁴⁸ surfaces for the Vance Brand Airport.

c. Nonconforming Uses—Hazard Marking and Lighting

The owner of any existing nonconforming structure or object of natural growth shall permit the installation, operation, and maintenance of markers and/or lights as shall be deemed necessary by the airport manager, to identify the presence of airport hazards.

d. Other Uses—Hazard Marking and Lighting

Any building permit or development application approval granted may include conditions that require the owner to install, operate, and maintain markers and lights on structures or objects of natural growth as may be necessary to identify the presence of airport hazards.

e. No Permits if Hazard will be Created or Intensified

No permit shall be granted that would allow an existing use to become a hazard or a greater hazard to air navigation.

f. Procedure when Nonconforming Uses are Abandoned or Destroyed

Whenever the director determines that a nonconforming structure has been abandoned for a period of 180 consecutive days or has physically deteriorated as defined in the adopted building code, no permit shall be granted that would allow such structure to deviate from the regulations of this section, except that the city may grant a permit for demolition and removal of the nonconforming structure.

B. Conservation Overlay (C-O)¹⁴⁹

1. Purpose

To conserve residential neighborhoods and areas in the City of Longmont that retain the character of periods of development, to stabilize and improve property values in such areas, and to promote new construction that is compatible with the character of such areas. These requirements will "overlay" or supplement the applicable standards found in the underlying zoning districts, while not affecting permitted uses.

2. Minimum Criteria for Designation of a C-O District¹⁵⁰

The following shall be the minimum standards and requirements for zoning an area as a C-O district:

¹⁴⁸ Changed reference from "FAR Part 77" to be consistent with current federal regulations.

¹⁴⁹ Consolidated draft: The C-O district was not carried forward in earlier drafts.

¹⁵⁰ Did not carry forward requirement for 50 percent of the lots to contain structures that are more than 50 years old.

- a. At least 75 percent of the land area within the proposed district, not including streets and other rights-of-way, is developed.
- b. Prior to an application submittal to rezone an area to a C-O district, the applicant shall submit one of the following:¹⁵¹
 - i. A letter from a registered neighborhood group requesting the C-O district zoning for all properties within the proposed district; or
 - ii. For areas without a registered neighborhood group, written evidence that more than 50 percent of the owners of properties within the proposed district agree to the C-O district zoning.

3. Findings Required

In addition to compliance with the review criteria for rezonings stated in section 15.02.050.H of this development code, the city council may zone an area as a C-O district only if the area meets the minimum criteria stated in subsection 2 above and the city council finds that:

- a. The district retains the general character and appearance of its original period of development;
- b. The district evidences on-going maintenance of existing buildings and/or there is potential for rehabilitation of existing buildings in the district;
- c. There is potential or existing pressures for redevelopment and new infill development in the district; and
- d. The district exhibits a significant degree of continuity in terms of the built environment.

4. Allowed Uses

Principal permitted, conditional, secondary, and accessory uses allowed in the underlying zoning district are allowed in the C-O district.

5. Special Development Standards

All development in a C-O district shall comply with the following development standards. In the case of conflict between these C-O district development standards and any other provision of this development code, these C-O district development standards shall govern and apply.

a. Average Front Setbacks

- i. When more than 50 percent of the existing front setbacks on the same and facing block faces (both sides of the street) are less than the minimum required by the underlying zoning, applicants shall use an average front setback rather than the minimum front setback for the underlying zoning district stated in chapter 15.03.
- ii. The average front setback is the average of the existing front setbacks of buildings located on the same and facing block faces as the proposed development.
- iii. For purposes of paragraphs i and ii above, only lots with similar uses to the use proposed for development are included in the calculations.
- iv. If lots on the same or facing block face are vacant, the setback that "exists" on such vacant lots is the minimum front setback required by the underlying zoning.

¹⁵¹ Requirement for a letter from a registered neighborhood group is new.

b. Contextual Building Heights

Notwithstanding the maximum height limit in chapter 15.03 for the underlying zoning district, a contextual height standard shall be used in the C-O district.

- i. The contextual height may fall at any point between the maximum height limit and the height of existing buildings on any lot adjacent to the subject lot.
- ii. The height on adjacent vacant lots shall be considered to be the maximum height allowed in the underlying zoning.

c. Residential Lot Coverage Limits

The lot coverage of a proposed dwelling shall be at least 50¹⁵² percent and no more than 125 percent, of the average lot coverage of other dwellings located on the same or facing block face (both sides of the street).

d. Architectural Design

Development in a C-O district shall be designed and constructed to be generally compatible with the design and appearance of other existing buildings on the block. At least three of the following features shall be substantially similar to other buildings on the same or facing block face (both sides of the street):

- i. Roof slope and overhang;
- ii. Exterior building materials;
- iii. Window and door opening shape, size, and alignment; or
- iv. Front porches or porticos.

e. Site Development¹⁵³

Site development shall address the following the maximum extent practicable:

- i. Preserve desirable trees and other vegetation pursuant to section 15.05.040;
- ii. Locate off-street parking to mitigate impacts on adjacent properties;
- iii. Accommodate solar access of adjacent properties; and
- iv. Provide fencing that is compatible with materials, height, and design of fencing on adjacent properties.

f. Preservation of Special District Features

Historic, culturally significant, and unique buildings, structures, and features in the district shall be preserved to the maximum extent feasible.

g. Specific Neighborhood Design Standards

An applicant, subject to the requirements of subsection 2.b above, may propose neighborhood design standards specific to a proposed or existing C-O district pursuant to the following:

- i. Design standards for a proposed C-O district shall be reviewed and approved in conjunction with the rezoning request for the C-O district.
- ii. Design standards for an existing C-O district shall be reviewed and approved according to the procedures for a concept plan amendment under section 15.02.060F.2

¹⁵² Currently 75 percent.

¹⁵³ New.

- iii. All construction and development in the C-O district shall comply with the design standards. In the case of conflict between such adopted neighborhood design standards and any other provision of this development code, the specific neighborhood design standards shall apply.

C. Terry Lake Overlay (TL-O)¹⁵⁴

1. Purpose

To implement the Highway 66 mixed use corridor framework master plan and design guidelines (the "guidelines"), as amended. The intent of the guidelines is to facilitate the development of a unique area with a balanced mix of uses (entertainment, retail, residential, employment, civic, recreation), pedestrian orientation with outdoor gathering spaces, well-planned access, parking, and landscaped areas, and quality architectural design.

2. Application

- a. This section shall apply to property within the Terry Lake Mixed Use Area land use designation on the comprehensive plan land use map.
- b. The guidelines shall be used for any development plan within the TL-O district. Where the guidelines are less restrictive than the requirements of the development code, the guidelines shall be considered in review of any modifications, variances, or exceptions from the development code requirements. Where the guidelines are more restrictive than the development code, the guidelines shall be followed.
- c. The guidelines are available at the planning and development services department during normal business hours. The guidelines are also available on the City website.

15.03.060 Planned Unit Development

Commentary:

This PUD district replaces the current system in 15.03.060 by which PUDs are established with an overlay district type (e.g., PUD-R for residential, PUD-C for commercial, PUD-I for industrial, and PUD-M for mixed-use). This new proposed district would still require individually negotiated site development, with the standards in this development code as the basis and a PUD plan modifying those standards as appropriate/necessary. In the assessment memo, we suggested that the city consider eliminating the PDP/FDP process for PUDs and instead creating an overall development plan or master plan procedure to establish high-level conceptual approval prior to requiring detailed engineering through site plans for development.

A. Purpose¹⁵⁵

Planned unit developments (PUDs) are intended to encourage innovative site design and land use planning to provide a more creative design than would otherwise be achieved through strict application of a base zoning district. PUDs may allow greater freedom in mixes of uses within a development, and greater development densities when justified by exceptional design. In exchange for greater flexibility, PUDs are expected to include exceptional design to preserve critical environmental resources; provide above-average common areas and recreational amenities; incorporate creative design in the layout of buildings, common areas, and circulation; assure

¹⁵⁴ Consolidated draft: Earlier draft did not include the Terry Lake Overlay.

¹⁵⁵ From 15.03.060, substantially simplified and revised for clarity.

compatibility with surrounding land uses and neighborhood character; and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

B. Applicability

1. Establishing a PUD District

A PUD district shall be established pursuant to the PUD overall development plan procedures in section 15.02.060G.

2. Applicability of Development Standards¹⁵⁶

- a.** Unless specifically approved as part of the PUD plan during the overall development plan (ODP) procedure, the PUD shall comply with all standards in this development code.
- b.** Where the approved PUD standards conflict with the standards in this development code, the regulations of the approved PUD plan shall control.

¹⁵⁶ New standards except as noted.

15.03.070 Summary Tables of Dimensional Standards

In case of a discrepancy with the summary tables for any specific zoning district in this Article, the master tables in this section govern.

A. Residential Districts

Table 3.15: Residential Districts Dimensional Standards

	R-RU	R-SF	R-MN	R-MF	R-MH
Lot Standards (Minimum)					
Lot area[see note 1]	1 acre	5,000 sq ft	4,000 sq ft		3,000 sq ft
Area of mobile home park or subdivision					5 acres
Lot area, per unit for attached dwellings [see R-MN and R-MF districts for additional information]			2,500 sq ft	1,250 sq ft	
Lot width [see note 1]	150 feet	50 feet		20 feet	
Lot width per detached dwelling [see note 1]			40 feet		
Lot width per attached dwelling [see note 1]			20 feet		
Setbacks (Minimum)					
Front yard	20 feet			15 feet	10 feet
Front yard, dwelling unit		15 feet	15 feet		
Front yard, front-facing garage		20 feet	20 feet	20 feet	
Side yard	10 feet	5 feet	5 feet	5 feet	5 feet
Side yard, interior common wall			None	None	
Rear yard					15 feet
Rear yard, without alley	20 feet	20 feet	15 feet	10 feet	
Rear yard, abutting an alley	6 feet	6 feet	6 feet	6 feet	
Perimeter facing public right-of-way					20 feet
Building Standards (Maximum)					
Building height	2 stories; 35 feet	2 stories; 35 feet	2 stories; 35 feet [see note 2]	4 stories; 55 feet [see notes 2 and 3]	1 story; 20 feet
Other building and structure height					2 stories; 35 feet

Notes:

[1] Reduced lot area and width is permitted for affordable housing pursuant to section 15.03.080B, Lot and Site Requirements.

[2] Additional height may be permitted for affordable housing or vertical mixed-use development pursuant to Table 3.19, *Exceptions to Height Requirements*.

[3] Building height shall comply with residential compatibility standards in section 15.05.200D.

B. Mixed-Use Districts

Table 3.16: Mixed-Use Districts Dimensional Standards

	MU-N	MU-C	MU-D	MU-E	MU-R
Lot Standards (Minimum)					
Lot area	None	None	None	None	None
Setbacks					
Front yard, minimum	10 feet	10 feet		10 feet	10 feet
Front yard, maximum (build-to), from Main Street [see note 1]			Zero feet for at least 75 percent along street frontage; 20 feet for the remaining portion of the building along the street frontage		
Front yard, maximum (build-to), from arterials		90 feet	Between zero and 20 feet		
Front yard, maximum (build-to), from other streets		25 feet			
Side yard, minimum					
Rear yard, minimum, adjacent to alley	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes				
Rear yard, without alley					
Building Standards					
Building height, maximum [see notes 2 and 3]	3 stories; 45 feet	4 stories; 55 feet	4 stories; 55 feet	4 stories; 55 feet]	4 stories; 55 feet
Building height, minimum, fronting Main Street [see note 4]			2 stories; 25 feet		

Notes:

[1] Maximum setbacks (build-to) may be adjusted by the director to allow adequate space for sidewalk and seating areas.

[2] Additional height outside the historic district may be permitted for affordable housing pursuant to Table 3.19, *Exceptions to Height Requirements*.

[3] Building height shall comply with residential compatibility standards in section 15.05.200D.

[4] A one-story building may be approved pursuant to section 15.03.080D.3, *Exceptions to Minimum Height Requirements*.

C. Nonresidential Districts

Table 3.17: Other Nonresidential Districts Dimensional Standards

	N-PE	N-AG	N-PF
Lot Standards (Minimum)			
Lot area	None	1 acres	None
Setbacks (Minimum)			
Front yard	20 feet	20 feet	10 feet
Side yard	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes	10 feet	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes
Rear yard	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes	20 feet	None, provided compliance with landscape buffers pursuant to Table 15.05-5.2 and any other applicable city codes
Building Standards (Maximum)			
Building height	4 stories; 55 feet [see note 1]	2 stories; 45 feet	4 stories; 55 feet [see note 1]
Notes:			
[1] Building height shall comply with residential compatibility standards in 15.05.200D.			

15.03.080 Measurements and Exceptions¹⁵⁷

A. Purpose

The purpose of this section is to provide standardized requirements for measuring dimensional standards and to list any exceptions to those standards.

B. Lot and Site Requirements

1. Lot Area¹⁵⁸

- a. Lot area is measured as the total area within the property lines of a lot or parcel, excluding adjacent right-of-way.
- b. Minimum lot area in the R-SF, R-MN and R-MF districts shall be reduced by 20 percent for projects including at least ten percent affordable rental housing or affordable owner housing.¹⁵⁹

2. Lot Width¹⁶⁰

- a. Lot width is measured as the distance parallel to the front lot line measured between side lot lines at a depth equal to the front building setback.
- b. Minimum lot width in the R-SF, R-MN and R-MF districts shall be reduced by 20 percent for projects including at least ten percent affordable rental housing or affordable owner housing.

3. Street Frontage¹⁶¹

Street frontage is measured between side lot lines along the front lot line abutting the street (Figure 3.1). On corner lots, street frontage is measured along both lot lines dividing the lot from the street.

¹⁵⁷ New section to consolidate current information in 15.05.010 related to measurement and exceptions. Some of these standards are new, whereas others are revisions based on existing standards, as noted. The dimensional standards by district were relocated from the current 15.05.010 to individual summary tables within each zoning district in this draft.

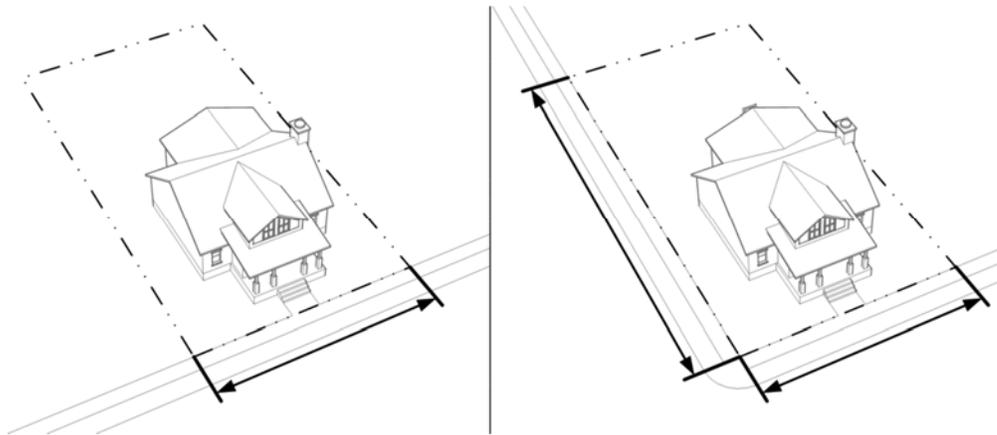
¹⁵⁸ From 15.05.010.A.5.

¹⁵⁹ New standard based on the adopted affordable housing ordinance earlier in 2017. The ordinance did not specify the total amount reduction, but rather referenced the table of dimensional standards (Table 15.05-A). This new standard applies a more broad 20 percent reduction. A similar standard was included to address a reduction in lot width for affordable housing.

¹⁶⁰ From 15.05.010.A.6.

¹⁶¹ From 15.05.010.A.4, clarifies that corner lots have two street frontages.

Figure 3.1: Street Frontage



4. Number of Principal Building or Uses on a Lot¹⁶²

- a. In the R-RU and R-SF zoning districts, only one principal building shall be permitted on a single lot.
- b. In all other zoning districts, more than one principal building or use may be permitted on a single lot or development parcel provided the minimum and average lot area per dwelling unit (if applicable) is met.

C. Setbacks¹⁶³

1. Measurement

- a. Except for rear setbacks from non-dedicated alleys, setbacks are the distance between the nearest property line and the closest projection of a building or structure along a line at right angles to the property line.¹⁶⁴
- b. For non-dedicated alleys, the rear setback shall be measured from the fence line, if applicable, or from the closest edge of the travel lane.¹⁶⁵
- c. Unless exempted in Table 3.18, setbacks shall be unobstructed from the ground to the sky.¹⁶⁶

2. Attached Dwellings¹⁶⁷

For attached dwellings sharing a common wall, interior side setbacks may be permitted at zero feet.

3. Setbacks from Natural Areas¹⁶⁸

Setbacks from natural areas and features, including wetlands, stream/river corridors, riparian areas, and wildlife habitat, shall be measured as the horizontal distance (plan view) between the delineated edge of the natural area and the closest projection of a building or structure. Except as

¹⁶² Combines standards from current 15.05.010.B.3 and C.3, simplified and revised to match proposed lineup of zoning districts. We did not carry forward 15.05.010.C.3.b, which reads as a guideline for encouraging a mix of uses. That level of encouragement is covered more broadly by the new suite of mixed-use zoning districts.

¹⁶³ Various standards from current code carried forward and revised as noted. We did not include the setback variation requirement (of 2 ½ feet) from the residential design standards in current 15.05.110.D.

¹⁶⁴ From 15.05.010.A.2.a.

¹⁶⁵ From 15.05.010.A.2.a.i.

¹⁶⁶ From 15.05.010.A.2.a.ii, revised for clarity and to refer to new exceptions section.

¹⁶⁷ New.

¹⁶⁸ From 15.05.010.A.2.f.

expressly allowed in this chapter, setbacks from natural areas shall be unobstructed from the ground to the sky.

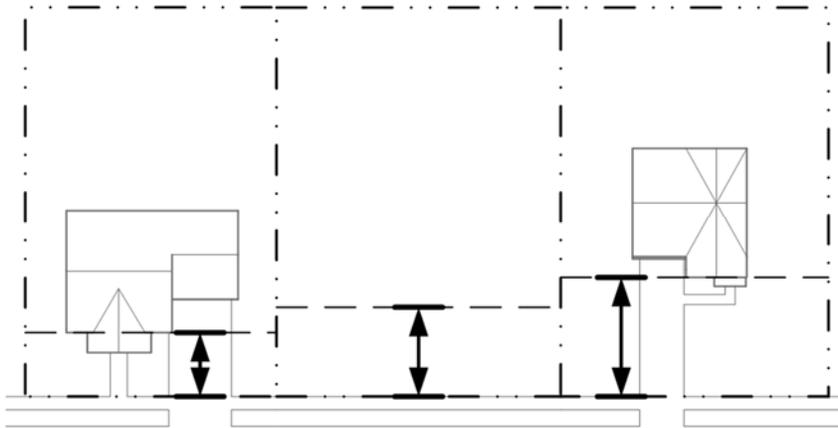
4. Contextual Setbacks¹⁶⁹

a. In Residential Districts

In residential zoning districts, the mean average of existing front setbacks of buildings located on the same and facing block as a proposed development may be applied pursuant to Figure 3.2 and the following:

- i. Contextual setbacks can only be applied where more than 50 percent of the lots on the same block face, on the same side of the street, are developed with dwellings.
- ii. Lots with similar uses as the use proposed shall be the only lots included in the average setback calculation.
- iii. Vacant lots shall be considered as having the minimum front setback as required by the zoning district for purposes of calculating the mean average.

Figure 3.2: Contextual Setbacks



b. In All Other Districts¹⁷⁰

In all other zoning districts, the mean average of existing front, side, and/or rear setbacks of buildings located on the same and facing block as a proposed development may be applied, except that nonresidential uses or buildings abutting residential uses and/or buildings shall comply with landscape buffer requirements.

5. Nonresidential and Mixed Use Abutting Residential¹⁷¹

The minimum side and rear setbacks for any nonresidential use or building abutting a less intensive residential use and/or building shall be determined pursuant to the landscape buffer requirements in section 15.05.040F.

¹⁶⁹ Combines 15.05.010.A.2.c and 15.05.010.B.2.e, revised for clarity and to specify “mean” average.

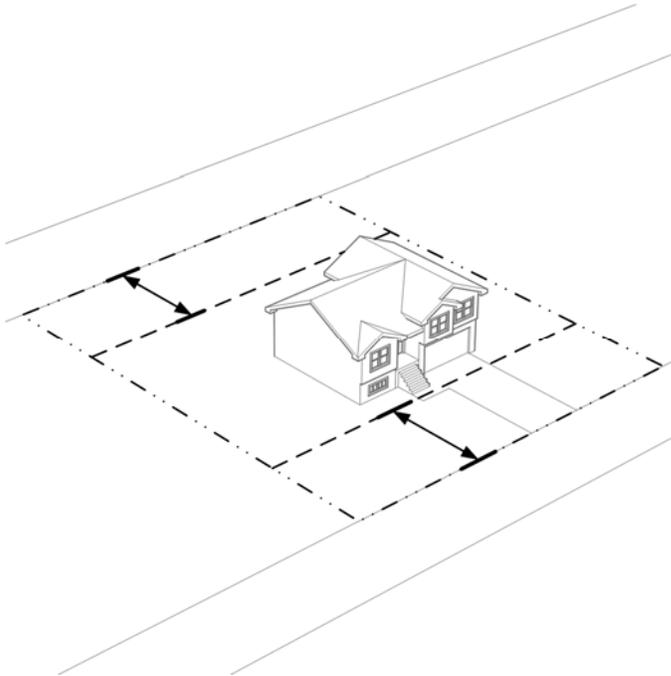
¹⁷⁰ From 15.05.010.C.2.b. and c, revised for clarity.

¹⁷¹ Current 15.05.010.C.2.c.

6. Multiple-Frontage Lots¹⁷²

For multiple-frontage lots, including corner lots, all sides of the lot with street frontage shall comply with applicable front setback requirements. (Figure 3.3)

Figure 3.3: Multiple Frontage Lots



7. Cluster Lots¹⁷³

See section 15.07.040 for reductions in setbacks and other lot dimensions for cluster lot subdivisions in the R-RU and N-AG zoning districts.

8. Compliance with Other Regulations

- a. All buildings, structures, and uses shall comply with setback regulations for oil and gas facilities in section 15.04.030E.4.¹⁷⁴
- b. All building and structures shall comply with all other adopted city codes.¹⁷⁵

9. Easements¹⁷⁶

No portion of any building or structure shall encroach into or over an easement.

10. Exceptions to Setbacks

The features listed in Table 3.18 may be allowed to project into the required setbacks of the applicable zoning district, subject to compliance with other applicable code requirements and

¹⁷² From 15.05.010.A.2.e, revised for clarity. *Consolidated draft: Combined the corner lot and multiple-frontage lot standards since they were the same.*

¹⁷³ From 15.05.010.B.2.g, revised for clarity.

¹⁷⁴ From 15.05.010.A.2.g, revised to simplify.

¹⁷⁵ From 15.05.010.A.2.h and I, combined and simplified.

¹⁷⁶ From 15.05.010.A.2.j.

does not extend into or over an easement. These exceptions apply to all zoning districts unless otherwise stated.

Table 3.18: Exceptions to Setbacks

Accessibility ramps ¹⁷⁷	May be located within required yards. Ramps shall be removed within three months after the need for such ramp no longer exists. Ramps shall not be located in the public right-of-way without approval from the city.
Cornices, canopies, eaves, or other similar architectural features	May encroach up to two feet into any required yard.
Decks	May encroach into a required rear and/or side yard provided such deck is uncovered, no more than 24 inches above grade, and is designed to accommodate lot drainage.
Fences or walls	May encroach into a required yard subject to fence and wall standards in 15.05.100. Fences may extend into easements if designed to accommodate lot drainage.
Front porches and stoops	May encroach up to eight feet into required front yard provided such porch or stoop is not enclosed and is not located closer than five feet from any property line. ¹⁷⁸
Ground-mounted mechanical equipment ¹⁷⁹	May encroach up to five feet into a required side or rear yard provided no equipment or component of such equipment is located closer than two feet from any property line and the equipment location complies with drainage and screening requirements in 15.05.130A.4
Storage sheds ¹⁸⁰	In residential zoning districts, storage sheds may encroach into any required side or rear yard, provided such shed is less than 120 square feet in size, is not located closer than three feet to any property line, is not placed on a permanent foundation or over an easement, and are designed to accommodate lot drainage.
Swimming pools, hot tubs and/or spas	May encroach into required side and rear yard provided they comply with building code requirements and are designed to accommodate lot drainage. ¹⁸¹
Uncovered balconies, fire escapes, and stairwells	May encroach into any required yard up to six feet provided at or below grade features are located no closer than five feet to any property line. ¹⁸²
Uncovered slabs, patios, sidewalks, and driveways	May encroach into any required yard provided they are not located closer than three feet from an adjacent property line. In the case of a shared or joint access or driveway, such features may apply a zero lot line setback.
Window wells	May encroach into a required yard setback up to three feet, provided that window wells closer than five feet to the property line are designed to accommodate lot drainage.
Notes:	

¹⁷⁷ New.

¹⁷⁸ Currently front porches can encroach up to five feet into the required setback. This proposed eight-foot standard is a flexible standard that would allow a decent size porch to be constructed in most cases.

¹⁷⁹ Replaces current exceptions for utility lines, services, and structures.

¹⁸⁰ New standard.

¹⁸¹ Currently includes a reference to 15.04.030.A.12, which does not exist. Instead we propose cross-referencing building code.

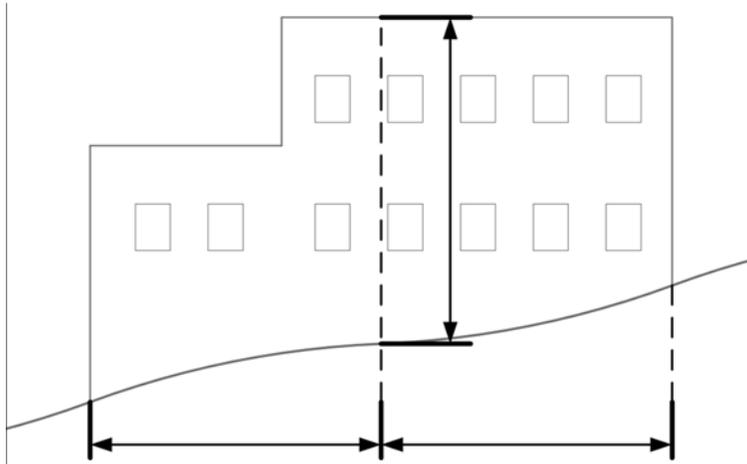
¹⁸² Revised to limit these features from encroaching too close to adjacent properties (especially side yards).

D. Building Height¹⁸³

1. Measurement¹⁸⁴

Building height is measured from the average finished grade at the center of all walls of the building to the top of the highest part of the building. (Figure 3.4)

Figure 3.4: Building Height Measurement



¹⁸³ Did not carry forward the minimum height standard in 15.05.010.A.3.d requiring 75 percent of the roof surface to be higher than 10 feet from grade.

¹⁸⁴ This simplifies the current method for measuring height which differs depending on the type of roof or building type.

2. Exceptions to Maximum Height Requirements¹⁸⁵

The features listed in Table 3.19 shall be allowed to extend beyond the height limitations of the applicable zoning district. These exceptions apply to all zoning districts unless otherwise stated. Exceptions included in Table 3.19 below shall be designed to be consistent with surrounding height, scale, and context to the maximum extent practicable.¹⁸⁶

Table 3.19: Exceptions to Height Requirements

Affordable housing	Multifamily residential or mixed-use projects in the R-MF, MU-N, MU-C, MU-D, MU-E, and MU-R zoning districts including at least 10 percent affordable rental housing or affordable owner housing shall be eligible for up to one additional story (10 additional feet) than otherwise allowed in the respective zoning district, unless otherwise noted in the zoning district.
Belfries, spires, steeples, cupolas, and domes associated with places of worship	May extend up to 10 feet above the maximum height provided they are not used for dwelling purposes.
Chimneys, cooling towers, smokestacks, ventilators, or flues	May extend up to 10 feet above the maximum height provided that such features collectively cover no more than five percent of the horizontal surface area of the roof.
Elevator bulkheads and stairway enclosures	May extend up to 10 feet above the maximum height provided that such features collectively cover no more than five percent of the horizontal surface area of the roof.
Parapet walls ¹⁸⁷	May extend up to 30 inches above maximum height.
Public utility and emergency service facilities	For purposes of specifying structure height and limitations, the term "structure" shall not apply to public utility or street lighting poles and appurtenances attached to them, and city-owned emergency communication facilities, including outdoor warning systems and radio and telecommunication structures necessary for the delivery of emergency services.
Rooftop mechanical equipment ¹⁸⁸	May extend up to five feet above the maximum height provided the equipment complies with screening requirements in 15.05.130A.4.
Roof-mounted solar energy system ¹⁸⁹	On flat roofs, may extend up to five feet above the maximum height.
Utility poles, support structures, water towers, and fire towers	May extend up to 10 feet above the maximum height provided that such features cover no more than five percent of the horizontal surface area of the roof.
Vertical mixed-use development within ¼-mile of a transit center, along a major corridor, or within a major center identified in the comprehensive plan ¹⁹⁰	May be eligible for up to one additional story (10 additional feet) than otherwise allowed in the respective zoning district.

3. Exceptions to Minimum Height Requirements¹⁹¹

Where a minimum height requirement is stated as two stories or higher, a one-story building may be allowed by the director based on location, scope, design, and context of the proposed project consistent with the administrative modification procedure and criteria in 15.02.080B.

¹⁸⁵ From current 15.05.010.A.3.c, simplified and revised for clarity. Added provision allowing additional height for affordable housing as adopted by ordinance earlier in 2017.

¹⁸⁶ Consolidated draft: Added second sentence to address neighborhood concerns.

¹⁸⁷ New.

¹⁸⁸ New.

¹⁸⁹ New.

¹⁹⁰ Consolidated draft: New.

¹⁹¹ New exception to allow administrative approval of one-story buildings. The nonconformities section should be clear regarding the treatment of existing one-story buildings that end up being mapped to a mixed-use district.

Chapter 15.04: Use Regulations

Commentary:

This chapter contains the standards related to land uses in Longmont. This chapter includes a substantially revised table of allowed uses (Table 4.1) as recommended in the assessment memorandum. Following the table of allowed uses are the use-specific standards applicable to certain use types. Some of those standards were carried forward with minimal revision while other standards were either revised or developed as new standards to address issues raised by staff or based on Clarion’s knowledge of planning trends and best practices. The use-specific standards, whether existing or new, are indicated as such in the footnotes. The final sections of this chapter address accessory and temporary uses and structures.

15.04.010 Purpose and Organization of the Use Regulations

This chapter identifies the land uses allowed in the Longmont zoning districts and establishes the standards that apply to certain uses (use-specific standards). This chapter is organized as follows:

1. Section 15.04.020, *Table of Allowed Uses*, lists the uses allowed by zoning district and cross-references applicable use-specific standards.
2. Section 15.04.030, *Use-Specific Standards*, establishes the standards applicable to certain land use types.
3. Section 15.04.040, *Accessory Uses and Structures*, establishes standards applicable to uses and structures that are accessory to the principal use of the property and/or structure.
4. Section 15.04.050, *Temporary Uses and Structures*, establishes standards applicable to non-permanent (temporary) structures and uses.

15.04.020 Table of Allowed Uses

Table 4.1 lists the uses allowed within each zoning district. Each listed use is defined in chapter 15.07, Definitions.

A. Use Permission Levels¹⁹²

1. Permitted Uses

A “P” designation in a cell within Table 4.1 indicates that the use is allowed in the respective zoning district. Permitted uses are subject to all other applicable standards in this development code.

2. Conditional Use Permit¹⁹³

A “C” designation in a cell within Table 4.1 indicates that the use is allowed in the respective zoning district only with approval of a conditional use permit pursuant to section 15.02.060C. Uses requiring conditional use permits are also subject to all other applicable standards in this development code. The “C” designation does not constitute authorization or ensure that a

¹⁹² Replaces current 15.04.010 A through E.

¹⁹³ Revisions to procedures have not yet been drafted. The city may consider allowing some conditional use permits with administrative approval, whereas others would require a public hearing before the Planning and Zoning Commission.

conditional use permit will be approved for that use. Each conditional use permit application shall be evaluated on its own merit based on the approval criteria in section 15.02.060C.

3. Accessory Uses

An “A” designation in a cell within Table 4.1 indicates that the use is allowed as an accessory and subordinate use to a permitted principal use.

4. Prohibited Uses

A blank cell in Table 4.1 indicates that the use is prohibited in the respective zoning district.

5. Secondary Uses¹⁹⁴

An “S” designation in a cell within Table 4.1 indicates that the use is either allowed (“PS”) or allowed with a conditional use permit (“CS”) in the respective zoning district as a secondary use subject to the standards in section 15.04.030A.1 and all other applicable standards in this development code.

6. Use-Specific Standards

For all uses, additional standards may be applicable to that use. Such use-specific standards are identified and cross-referenced in the last column of Table 4.1.

B. Interpretation of Table of Allowed Uses

1. Compliance with Development Standards

Although a use may be identified in the table of allowed uses as a permitted use in a particular zoning district, such use is permitted only if it can be accommodated in full compliance with the density, dimensional, parking, landscape, and other applicable development standards of this development code, as applicable.

2. Definitions and Interpretations

The uses listed in Table 4.1 below are defined and described in chapter 15.07, Definitions. The general use classifications are intended to be mutually exclusive. Specific uses listed in the table are allowed only in the districts indicated.

3. Classification of New and Unlisted Uses

- a. If a specific use is not listed, the director shall, upon the request of any interested party and under the procedures for written code interpretations stated in section 15.02.100, interpret the table to determine within which use classification and zoning district, if any, such use best fits and whether such use best fits as a permitted use or through conditional use. The table, as so interpreted, shall govern that principal use.
- b. To determine whether a use not specifically identified in the table is allowed, the director shall use the zoning district purpose and intent statements, definitions of uses, and the use-specific standards in section 15.04.030. Any proposed use shall be substantially similar to other uses specifically permitted in such district, and shall be more similar to such identified uses than to uses allowed in a less restrictive district. If a proposed use is more similar to a conditional use than a permitted use, then any interpretation shall be as a conditional use rather than a permitted use. The director shall consider the potential impacts of the proposed use including the nature of the use and whether it includes dwellings, sales, processing, storage operations,

¹⁹⁴ Consolidated draft: New. Added to distinguish between primary and secondary uses to implement Envision Longmont.

employment characteristics, nuisances, requirements for public utilities, and transportation requirements.

- c. During the initial determination and/or interpretation, the director shall determine whether or not additional use-specific standards are necessary to reduce potential impacts to the surrounding properties or the community.

C. Table of Allowed Uses¹⁹⁵

Commentary:

This revised use table reflects the new proposed list of zoning districts as presented in chapter 15.03. In this draft we included a row of current zoning districts for reference, which will be removed with the consolidated draft. Many of the use types in this revised table were consolidated as indicated in the footnotes. We also made several changes to the current level of permission either because of district consolidations, use type consolidations, or based on the intent of each zoning district. Changes in level of permission are also noted. We did not carry forward the “limited” or “L” uses, except for those related to oil and gas facilities. Limited uses are currently administratively approved and therefore we do not believe an additional procedural type is necessary. The “L” uses in the current use table (except for oil and gas facilities) were translated to “P” in this draft.

The final column in the use table indicates whether or not additional standards apply to that use type, and if so there is a cross-reference to those specific standards. Each district in which use-specific standards apply is marked with an asterisk (*) next to the “P,” “C,” or “S.”

Zoning Districts Established	
Residential	
R-RU	Residential Rural
R-SF	Residential Single-Family
R-MN	Residential Mixed Neighborhood
R-MF	Residential Multifamily
R-MH	Residential Mobile Home
Mixed-Use	
MU-N	Mixed-Use Neighborhood
MU-C	Mixed-Use Corridor
MU-D	Mixed-Use Downtown
MU-E	Mixed-Use Employment
MU-R	Mixed-Use Regional Center
Nonresidential	
N-PE	Primary Employment
N-AG	Agricultural
N-PF	Public Facilities
Overlay Districts	
AI-O	Airport Influence Zone Overlay
C-O	Conservation Overlay
TL-O	Terry Lake Overlay
Planned Unit Development	
PD	Planned Unit Development District

¹⁹⁵ Replaces current Table 15.04-A, table of principal uses by zoning districts. *Consolidated draft: Added the table of district names as a convenience prior to the use table.*

Table 4.1: Table of Allowed Uses

P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
A = Accessory Use Blank Cell = Prohibited Use * = Use-specific standards apply to that district

	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
RESIDENTIAL USES¹⁹⁸														
Household Living Uses¹⁹⁹														
Co-housing (<i>new</i>)			P*	P*	P*									15.04.030B.2
Dwelling, single-family attached ²⁰⁰			P	PS				PS*	P*					15.04.030B.3
Dwelling, single-family detached ²⁰¹	P	P	P					PS*				P		15.04.030B.3
Dwelling, live/work ²⁰²			CS*	CS*		P*	PS*	PS*	PS*	PS*				15.04.030B.4
Dwelling, multifamily ²⁰³			P	P		PS*	P	P*	PS*	PS*				15.04.030B.5
Mobile home park or subdivision ²⁰⁴					P*									15.04.030B.6
Group Living²⁰⁵														
Boarding, rooming house ²⁰⁶			P	P		PS	P	PS*						15.04.030B.7
Group care home or sober living home ²⁰⁷	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*	P*	15.04.030B.8 15.04.030B.9
Group care facility						P*	P*	P*	P*					15.04.030B.9
Independent living facility ²⁰⁸			P*	P*		PS*	P*	P*	P*	P*				15.04.030B.11
Rehabilitation and treatment facility ²⁰⁹							C*		C*					15.04.030B.12

¹⁹⁶ Consolidated draft: Renamed district from “residential mixed” to “residential mixed-neighborhood.”

¹⁹⁷ New zoning district, therefore all of the uses in this column are considered “new.”

¹⁹⁸ Renamed from “residences and other living accommodations.” Moved explanation of category to definitions.

¹⁹⁹ New subcategory. Did not carry forward “urban dwelling units” as a use type. Consolidated draft: Removed affordable housing as a separate use type. Standards for affordable housing are located in the use-specific standards.

²⁰⁰ Consolidates “townhome dwelling” and “two-, three-, and four-family dwellings.” Currently prohibited in R1, C, BLI, and MI districts.

²⁰¹ Renamed from “one-family dwelling.” Currently L in the R2, R3, and CBD districts.

²⁰² Renamed from “live/work dwelling.” Currently prohibited in the R2, R3, and CR districts.

²⁰³ Renamed from “multi-family dwellings (5 or more units).” Currently prohibited in CR and BLI districts, and a conditional use in the C and MI districts. We did not carry forward “urban dwelling units” which differentiated from other multi-family units by its integration with nonresidential uses in the same building or lot.

²⁰⁴ Consolidated “mobile home parks” and “mobile home subdivisions.”

²⁰⁵ Did not carry forward the “group care institution” which was overlapping other specific uses such as independent living facilities and skilled nursing facilities. Also did not carry forward “family care home.”

²⁰⁶ Currently L in the R2 district.

²⁰⁷ Renamed from “group home.” Definition expanded to include all protected classes under the federal Fair Housing Act Amendments (FHAA). Also included sober living homes under same group living category. Currently not permitted in the A district. Currently requires conditional use permit in the E1, E2, R1, and RLE districts.

²⁰⁸ Currently prohibited in BLI district and CR districts. Currently L in the R2 district.

²⁰⁹ Combines “halfway house”, “residential rehabilitation facility” and “residential child care facility.” Currently prohibited in the BLI, MI, and CR districts.

Table 4.1: Table of Allowed Uses

P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
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	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Public, Institutional, and Civic Uses														
Community and Cultural Facilities														
Assembly uses ²¹⁰	C*	C*	PS*	PS*	PS*	PS*	P*	PS*	P*	P*			P*	15.04.030C.1
Cemetery or interment facility ²¹¹												C*	C*	15.04.030C.2
Convention and conference center ²¹²							P	PS	PS	P			P	
Day care, commercial ²¹³				P	P	P	P	P*	P	P	CS*	C	P	15.04.030C.3
Day care, residential ²¹⁴	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		15.04.030C.4
Emergency services ²¹⁵						P*	P*		P*	P*			P*	15.04.030C.5
Funeral facility ²¹⁶							P*	P*	P*					15.04.030C.6
Library, museum, or art center ²¹⁷			CS*	CS*		P	PS	PS	PS	P			P	15.04.030C.7
Penal/correctional institution													C*	15.04.030C.8
Performing arts center or auditorium ²¹⁸				CS*			P	P	P	P			C	15.04.030C.9
Reception/banquet hall ²¹⁹				CS			P	P	P	P		C	P	
Other community uses, services, and facilities operated by a government and not listed elsewhere in this table ²²⁰	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS	C	

²¹⁰ Renamed from “social, fraternal clubs and lodges” and includes “places of religious assembly.” “Social, fraternal clubs and lodges” are currently prohibited in all zoning districts except for the C, CBD, MI, and MU districts. Clubs and lodges are currently listed as “L” in the MI district; however, there are no specific use standards referenced. Currently religious assembly requires a conditional use permit in BLI district.

²¹¹ Renamed from “cemeteries.” We propose only allowing this use as “conditional” in the PF district. Currently a conditional use in the E1, E2, R1, R2, R3, C, MI, and P districts. Currently prohibited in RLE and BLI districts.

²¹² Currently L in the C district and prohibited in the CR district. Currently a C in the R3 district.

²¹³ Renamed from “day care centers.”

²¹⁴ Consolidated “day care home” and “large child care home.”

²¹⁵ Renamed to exclude “rescue squad/ambulance services.” Currently L in the CR district.

²¹⁶ Renamed from “funeral homes with or without crematory or alkaline hydrolysis facilities.” Currently prohibited in BLI district.

²¹⁷ Renamed from “libraries, museums, or art centers, including accessory educational facilities.” Did not carry forward special use standard: 15.04.020.B(30); 15.04.020.B(28); 15.04.020.B(29); and 15.04.020.B(2). Currently prohibited in the CR district. Currently L in the MI district. Currently a C in the R1 and BLI districts.

²¹⁸ Currently L in MI district. Currently permitted by right in the P district. Currently prohibited in the CR district.

²¹⁹ Currently L in MI district. Currently prohibited in the R3, CR, and P districts.

²²⁰ Currently L in MI district. Did not carry forward “or non-profit organization.”

Table 4.1: Table of Allowed Uses

P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
A = Accessory Use Blank Cell = Prohibited Use * = Use-specific standards apply to that district

	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Educational Facilities														
College or university ²²¹							P	C	P	P			P	
School, public or private ²²²			PS	PS	PS	P	P		P	PS			P	
School, vocational or trade ²²³							P	C	P	P				
Healthcare Facilities														
Hospital ²²⁴						PS	P		P	PS			P	
Medical or dental clinic ²²⁵			CS*	CS*		P	P	P	P*	PS	CS			15.04.030C.10
Medical laboratory or research facility ²²⁶							P	P*	P	PS*	P			15.04.030C.11
Skilled nursing or rehabilitation facility ²²⁷							P	P	P	PS	CS			
Commercial Uses														
Agricultural and Animal Uses														
General agriculture ²²⁸												P*	P*	15.04.030D.1
Kennel ²²⁹							C*		C*			C*		15.04.030D.2

²²¹ Did not carry forward specific use standards: 15.04.020(2), 15.04.020(24), 15.04.020(29), and 15.04.020(30). Did not carry forward standard from Table 15.04-A requiring conditional use in the MU and overlay. We propose to change the level of permission from “C” to prohibited in the R-MF zoning district (previously R3 zoning district). Currently “L” in the MI district. Currently “C” in the BLI and “L” in the MI district.

²²² Consolidated “schools for kindergarten, elementary, or secondary education that meet all applicable prescribed Colorado state standards: Public” and “schools private.” Public and private schools are allowed in the same zoning districts; however, all private schools currently require conditional use approval. Schools are currently permitted in the E1, E2, R1, and RLE districts. We propose allowing “schools, public and private” as a “P” in the MU-N and MU-R districts. Did not carry forward special use standards: 15.04.020.B(24), 15.04.020.B(28), 15.04.020.B(29), the standards limiting private schools to non-profit, and the standard prohibiting public or private schools from the MU district overlay.

²²³ Consolidated “trade or vocational schools” and “special schools such as martial arts, dance, or other similar personal skill instruction.” Currently “C” in the BLI and “L” in MI district. Currently prohibited in the CR district. Did not carry forward specific use standards: 15.04.020(2), 15.04.020(9), 15.04.020(24), 15.04.020(29) and 15.04.020(30). Did not carry forward standard from Table 15.04-A prohibiting vocational or trade schools in the MU and overlay.

²²⁴ Did not carry forward specific use standard 15.04.020(24) or standard prohibiting use from the MU district overlay. Currently permitted in the CBD. Currently prohibited in BLI and a “C” in the MI districts. Currently an “L” in the P district.

²²⁵ Consolidated “medical or dental offices and clinics 15,000 square feet or less” and “medical or dental offices and clinics more than 15,000 square feet.” Included the conditional use requirement for the larger facilities in the use-specific standards. Did not carry forward specific use standards: 15.04.020(2), 15.04.020(8), and 15.04.020(24). Currently prohibited in the R2 and R3 districts. Currently “L” in the C and BLI districts. Larger facilities currently prohibited in the CR.

²²⁶ Currently prohibited in the C and CR districts.

²²⁷ Currently L in C and MI districts. Currently prohibited in the CBD and CR districts.

²²⁸ Renamed from “agricultural use (refer to definition in Chapter 15.10).”

²²⁹ Consolidated “kennels,” “animal care facilities without outdoor activities,” and “animal care facilities with outdoor activities.” “Kennels” is currently only allowed in the GI district as “C.” Animal care facilities with outdoor activities currently allowed as an L in the MI, GI, and A districts.

Table 4.1: Table of Allowed Uses

P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
A = Accessory Use Blank Cell = Prohibited Use * = Use-specific standards apply to that district

	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Veterinary clinic or hospital ²³⁰						P*	P*	P*	P*	PS*				15.04.030D.3
Recreation and Entertainment²³¹														
Commercial entertainment facility ²³²							P*	P*	P*	P*				15.04.030D.4
Commercial recreation facility, indoor ²³³				CS*		P*	P*	C*	P*	P*	CS			15.04.030D.4
Commercial recreation facility, outdoor ²³⁴							CS*		CS*	CS*				15.04.030D.4
Golf course and/or swimming and tennis club ²³⁵			CS	CS					CS			C	P	
Indoor shooting range ²³⁶							C*		C*					15.04.030D.5
Public open space, park, or playground ²³⁷	P	P	P	P	P	P	P	P	P	P	P	P	P	
Public recreation facility ²³⁸			CS	PS			P	P	P	PS			P	
Food and Beverage Services														
Bar or nightclub ²³⁹						P*	P*	P*	P*	P*				15.04.030D.6
Brewery, cidery, distillery, or winery ²⁴⁰						P*	P*	P*	P*	P*				15.04.030D.7
Commercial kitchen or catering establishment ²⁴¹							P	P*	P					
Restaurant ²⁴²			CS*	CS*		P*	P*	PS*	P*	P*	CS			15.04.030D.8
Restaurant, with drive-through ²⁴³							CS*			CS*				15.04.030D.9

²³⁰ Renamed from “veterinary clinics.” Currently prohibited in BLI district. Currently L in the CR district.

²³¹ Did not carry forward “country club for golf, tennis, swimming, or other outdoor recreational activities as well as social and dining activities.”

²³² Consolidates “live entertainment with and without outdoor seating or activity areas” and “movie theaters.” Currently prohibited in the BLI district and L in the MI district. Currently C in the CR district.

²³³ Renamed from “commercial recreation facility, indoor: all others” since indoor shooting range was given its own distinct use type. Currently L in CR and MI districts. Also includes “private membership clubs for health, recreation, and athletic activities” which are currently prohibited in the MI district.

²³⁴ Currently prohibited in the CR district.

²³⁵ Consolidated “public golf course” and “country club.”

²³⁶ Currently prohibited in the C and BLI districts.

²³⁷ Consolidates “public open space” and “public parks and playgrounds.”

²³⁸ Renamed from “public play field, court, recreation center, and other public recreation facility.” Currently prohibited in RLE and CR districts. Currently L in BLI district.

²³⁹ Consolidated with “bars, nightclubs with outdoor seating or activity area.” Currently prohibited in BLI district. Currently L in the MI and CR districts.

²⁴⁰ Currently L in BLI district.

²⁴¹ Added “commercial kitchen” to the use type. Currently L in BLI district.

²⁴² Consolidated with “restaurants with outside eating area.” Currently L in the MI and BLI districts. Currently prohibited in the R2 and R3 districts.

²⁴³ Renamed from “restaurants with drive-up/drive-in facilities.” Currently L in the C district.

Table 4.1: Table of Allowed Uses

P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
A = Accessory Use Blank Cell = Prohibited Use * = Use-specific standards apply to that district

	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Office, Business, Personal, and Professional Services														
Artist studio			P*	P*		P	P	P	P					15.04.030D.10
Bank or financial institution ²⁴⁴						P*	P*	P*	P*	P*	CS			15.04.030D.11
Business service establishment ²⁴⁵			CS*	CS*		P	P	P	P	P	CS			15.04.030D.12
Commercial laundry, linen supply service, or dry cleaning plant ²⁴⁶									P					
Data, radio, TV, or other broadcasting studio or facility ²⁴⁷							P*	P*	P*				P*	15.04.030D.13
Day labor center							C*		C*					15.04.030D.14
Office ²⁴⁸			CS*	CS*		P	P	P	P	PS	PS	C*	P*	15.04.030D.15
Personal services, general						P*	P*	P*	P*	P*				15.04.030D.16
Other community uses, services, and facilities, operated by a government or non-profit organization and not listed elsewhere in this table ²⁴⁹	CS	CS	CS	CS	CS	CS	CS	CS	CS	CS		CS	CS	
Retail Sales²⁵⁰														
Pawn shop ²⁵¹							P							
Retail sales, general ²⁵²			CS*	CS*	CS*	P*	P*	P*	PS*	P*				15.04.030D.17
Retail sales, marijuana establishment or store ²⁵³						P	P	P	P	P				15.04.030D.18

²⁴⁴ Consolidated “financial institutions,” “Financial Institutions—Off-site, drive-up facility not located on same lot as principal use,” “Financial Institutions—Automatic teller machines (ATMs).” “Financial Institutions—Off-site, drive-up facility not located on same lot as principal use” is currently L in MU-C and MI districts; C in MU-D, MU-E, and MU-R districts. Currently L in BLI district.

²⁴⁵ Currently prohibited in the CR district. Currently prohibited in the R2 and R3 districts. Did not carry forward “copying and printing service” as a separate use type.

²⁴⁶ Currently prohibited in BLI district. Currently L in the MI district.

²⁴⁷ Consolidated with same use type with and without outdoor transmission or receiving facilities. That distinction relocated to use-specific standards.

²⁴⁸ Renamed from “all other professional offices” Currently L in BLI zoning district. Includes “general administrative offices,” which are currently prohibited in the CR district. Includes “government administrative and service offices,” which are currently permitted as a C in the residential zoning districts.

²⁴⁹ Currently L in MI district.

²⁵⁰ Did not carry forward “auction facility” as a separate use type. Consolidated draft: Did not carry forward “retail sales, outdoor” as a use.

²⁵¹ New.

²⁵² Renamed from “retail sales – general, less than 25,000 sq. ft. or less than 5,000 sq. ft. in the MU transition area of gross floor area.” Currently L in the MI and BLI. “Includes hardware, building materials, nursery, or garden store,” which are currently prohibited in the BLI and L in the MI district.

²⁵³ Consolidated draft: New.

Table 4.1: Table of Allowed Uses

P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
A = Accessory Use Blank Cell = Prohibited Use * = Use-specific standards apply to that district

	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Lodging Facilities														
Bed and breakfast ²⁵⁴			CS*	PS*	PS	P*	P*	P*						15.04.030D.19
Hotel ²⁵⁵							P	P*	P	P	CS			15.04.030D.20
Short-term rental ²⁵⁶	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*		P*		15.04.030D.21
Vehicles and Equipment														
Car wash ²⁵⁷							P*		P*					15.04.030D.22
Equipment sales, rental, and repair ²⁵⁸							P*		C*					
Parking lot or garage ²⁵⁹							P	P*	P	P			P	15.04.030D.24
Vehicle fueling station ²⁶⁰							P*	C*	P*	P*				15.04.030D.25
Vehicle repair and maintenance ²⁶¹							C*	C*	P*	C*				15.04.030D.26
Vehicle sales and rental ²⁶²							CS*			CS*				15.04.030D.27
Adult Entertainment Establishments														
Adult or sexually-oriented business ²⁶³									C*					15.04.030D.28

²⁵⁴ Currently L in the R3 district.

²⁵⁵ Currently L in MI district and C in the BLI and CR districts.

²⁵⁶ New, reflecting recent city policy discussion.

²⁵⁷ Currently prohibited in BLI district. Currently L in the C and MI districts. Currently C in the CBD district.

²⁵⁸ Consolidates “rental of small equipment, trailers, party goods and other items excluding heavy equipment,” “rental of small equipment, trailers, party goods and other items excluding heavy equipment, with outdoor storage or display,” “heavy equipment repair and maintenance,” “machine shops, tool and die equipment and engine repair,” and “heavy equipment sales and rental.” Except for “machine shops...” these uses are currently prohibited in the BLI district. “Machine shops...” currently an L in the MI district. “Rental of small equipment, trailers, party goods and other items excluding heavy equipment” is currently permitted by right in the C, CBD, and MI districts.

²⁵⁹ Consolidates “parking garage,” “parking lot to serve other principal uses within the district.” And “park-and-ride commuter parking lot or garage.” Currently L in the C, CBD, and CR districts.

²⁶⁰ Consolidates “automobile service station” and “gasoline sales in conjunction with other uses.” “Automobile service station” currently L in the C, CR, and MI districts and C in the BLI district. “Gasoline sales in conjunction with other uses” is currently L in the C and MI districts, and C in the BLI district.

²⁶¹ Consolidated “Retail sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers),” “Motor vehicle repair and maintenance,” “Motor vehicle repair and maintenance, Conducted partially or completely outside an enclosed structure,” and “Motor vehicle painting and bodywork excluding long-term (30+ days) storage of wrecked or inoperable vehicles.” Currently prohibited in BLI zoning district. Currently L in the MI and CR districts. Currently permitted by right in the C and CBD districts.

²⁶² Consolidated “Motor vehicle sales and rental (Outdoor display of merchandise allowed),” “Motor vehicle sales and rental, and light trucks (SUVs, vans, pickup trucks),” and “Motor vehicle sales and rental, Larger vehicles (RVs, Trucks, U-Hauls, etc.)” Currently prohibited in BLI zoning district. Passenger automobiles and light trucks are currently L in the MI. Larger vehicles currently prohibited in the CR district.

²⁶³ Consolidated all types of sexually-oriented businesses. Currently all of these uses are prohibited in the BLI district, and are only allowed in the GI and MI districts which were both proposed to be eliminated.

Table 4.1: Table of Allowed Uses

P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
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	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Industrial Uses														
Manufacturing and Processing²⁶⁴														
Artisanal manufacturing ²⁶⁵						P	P	P*	P	P		P		15.04.030E.1
Light industrial ²⁶⁶						CS*	PS*		P		P			15.04.030E.2
Medium industrial ²⁶⁷									P*		P*			15.04.030E.3
Oil and gas well operation or facility											L/C*	L/C*	L/C*	15.04.030E.4
Printing, publishing, and production facility ²⁶⁸								PS*	P					15.04.030E.5
Recycling facility ²⁶⁹									C*				C*	
Wholesale or research nursery or greenhouse ²⁷⁰									P		CS	C	C	
Storage and Warehousing														
Commercial short-term storage of inoperable vehicles ²⁷¹									CS*					
Commercial storage of boats, trailers, recreational vehicles, or other operable vehicles or equipment ²⁷²									CS*				C*	15.04.030E.6
Contractor's shop ²⁷³									C*					15.04.030E.7
Self-storage warehouse ²⁷⁴									CS*					15.04.030E.8
Warehouse or storage facility for business and consumer goods ²⁷⁵									P		P			

²⁶⁴ We did not carry forward “Heavy industrial uses, Use may occur indoor or outdoor” since that use was only permitted in the GI and RP districts, neither of which was carried forward. Should heavy industrial uses be considered in Longmont?

²⁶⁵ New use type.

²⁶⁶ Renamed to exclude “Indoor use only except for storage meeting accessory use standards” which was relocated to the definition. Currently prohibited in the C district.

²⁶⁷ Renamed to exclude “majority of use occurs indoor” which was relocated to the definition. Currently L /C in the BLI and MI districts.

²⁶⁸ Renamed to remove “newspaper” from use type. Combined with “publishing, binding, and engraving establishment.”

²⁶⁹ Consolidated “ recycling plant, indoor or outdoor,” “recycling centers,” and “recycling centers with outdoor operations or outdoor storage or activity.” Recycling centers currently L in MI zoning district. Recycling plant currently C in the MI and prohibited in the P district.

²⁷⁰ Consolidated those with outdoor activity and those without. Currently prohibited in BLI and P zoning districts.

²⁷¹ Renamed to exclude “(30 days or less) of inoperable vehicles, with towing operations (excluding salvage yards) with outdoor activity or storage.” Currently prohibited in BLI zoning district.

²⁷² Consolidated those with outdoor activity and storage and those without. Currently prohibited in BLI zoning district.

²⁷³ Consolidated those with outdoor activity and storage and those without. Currently L in the C and MI districts and those with outdoor storage are currently prohibited in the BLI district.

²⁷⁴ Currently L in MI zoning district and permitted in the C district.

²⁷⁵ Consolidated those with and those without outdoor storage and activities. Currently L in BLI zoning district.

Table 4.1: Table of Allowed Uses

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	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Wholesale trade ²⁷⁶								CS*	P		P			15.04.030E.9
Transportation														
Airport and associated uses ²⁷⁷											CS		P*	15.04.030E.10
Bus, railroad, or public transit terminal ²⁷⁸							C	C*	C	C			P	15.04.030E.11
Transportation depot, trucking terminal, or distribution center ²⁷⁹									C*		C*			15.04.030E.12
Public and Semi-Public Utility Uses														
Energy and General														
Alternative energy production ²⁸⁰												P	P	
Essential municipal and public utility uses, facilities, services and structures ²⁸¹	P	P	P	P	P	P	P	P	P	P	P	P	P	
Water/wastewater treatment plant ²⁸²													C	
Wireless Telecommunications Facilities²⁸³														
Alternative tower structure ²⁸⁴			C	C			P		P	P	P	P	P	15.04.030F.1
Amateur radio facility	P	P	P	P	P	P	P	P	P	P	P	P	P	15.04.030F.1
Building or structure mounted wireless telecommunication facility ²⁸⁵	P	P	P	P	P		P	P	P	P	P	P	P	15.04.030F.1
Lattice tower ²⁸⁶									C	C		P	C	15.04.030F.1
Monopole ²⁸⁷							P		P	P	P	P	P	15.04.030F.1
Rooftop-mounted wireless telecommunication facility ²⁸⁸			P	P	P	P	P	P	P	P	P	P	P	15.04.030F.1
Small cell facilities ²⁸⁹	P	P	P	P	P	P	P	P	P	P	P	P	P	15.04.030F.1

²⁷⁶ Consolidated those with outdoor activity and storage and those without. Currently prohibited in BLI zoning district.

²⁷⁷ Consolidates all private and publicly-owned airport uses.

²⁷⁸ Did not carry forward limitation on location of these uses at least 250 feet from residential uses. Currently C in the P district.

²⁷⁹ Currently prohibited in BLI zoning district.

²⁸⁰ New use type.

²⁸¹ Consolidated with “electrical substation or water storage shed” which is currently a conditional use in all districts except for the BLI and MI where it is an L use.

²⁸² Currently a C in the BLI and MI districts.

²⁸³ Wireless telecommunication facilities updated as part of a separate project, then integrated into this draft.

²⁸⁴ Currently L in the C district.

²⁸⁵ Currently L in the residential zoning districts.

²⁸⁶ Currently L in the A district.

²⁸⁷ Currently all L uses.

²⁸⁸ Currently all L uses.

²⁸⁹ Currently L in residential zoning districts.

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P = Permitted Use L = Limited Use C = Conditional Use PS = Permitted Secondary Use CS = Conditional Secondary Use
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	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Wireless mesh networking facility	P	P	P	P	P	P	P	P	P	P	P	P	P	15.04.030F.1
Accessory Uses and Structures²⁹⁰														
Accessory dwelling unit	A*	A*	A*	A*				A*				A*		15.04.040C.1
Artisanal manufacturing						A	A	A	A	A		A		
Automated teller machine (ATM)						A	A	A	A	A			A	
Cafeteria or dining hall						A	A	A	A	A	A		A	
Day care center ²⁹¹		A*	A*	A*		A	A	A	A	A	A		A	15.04.040C.2
Dwelling unit for owner, caretaker, or employee					A*	A*	A*	A*	A*	A*		A*	A*	15.04.040C.3
Flagpole	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	15.04.040D.1
Home occupation	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	15.04.040C.4
Incidental household structures	A	A	A	A	A			A				A		
Livestock uses ²⁹²												A*	A*	15.04.040C.5
Offices related to other principal use ²⁹³						A	A	A	A	A	A		A	
Outdoor sales, display of merchandise, or other activity ²⁹⁴						A*	A*	A*	A*	A*			A*	15.04.040C.6
Playlot, recreation facility, on-site management office, and laundry facility for residential use		A	A	A	A	A	A	A	A					
Recycling collection point ²⁹⁵							A*		A*	A*	A*		A*	15.04.040C.7
Retail sales ²⁹⁶						A*	A*	A*	A*	A*	A*	A*		15.04.040C.8
Solar energy system, roof-mounted and small scale ground mounted	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	15.04.040D.1
Storage or parking of vehicles or recreational equipment ²⁹⁷	A	A	A	A	A			A*				A*	A	15.04.040C.9
Urban agriculture	A	A	A	A	A	A	A	A	A	A	A	A	A	

²⁹⁰ Did not carry forward “Production of fermented malt beverages, malt, special malt and vinous and spirituous liquors (brew pub)” as an accessory use.

²⁹¹ Currently prohibited in the CR and BLI districts.

²⁹² Renamed to delete “for educational agencies and scientific research facilities.” Currently only permitted as accessory in the P (now PF) district, but added to the A district since agricultural uses are allowed as a primary use in that district.

²⁹³ Renamed from “offices used to operate principal use.”

²⁹⁴ Consolidated two separate use types currently listed for outdoor sales, display, and activities. Currently prohibited in BLI district.

²⁹⁵ Currently allowed in the CBD.

²⁹⁶ Consolidated same accessory use listed for industrial and warehouse uses and agricultural uses.

²⁹⁷ Renamed from “storage of parking of trucks, cars or major recreational equipment, including, but not limited to, boats, boat trailers, camping trailers, motorized homes and house trailers.”

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	Residential Districts					Mixed-Use Districts					Non-Residential Districts			Use-Specific Standards
	R-RU	R-SF	R-MN ¹⁹⁶	R-MF	R-MH	MU-N ¹⁹⁷	MU-C	MU-D	MU-E	MU-R	N-PE	N-AG	N-PF	
Vehicle rental accessory to self-storage warehouse ²⁹⁸									A*					15.04.040C.10
Vehicle wash bay							A*	A*	A*	A*	A*		A*	15.04.040C.11
Wind turbines	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	15.04.040D.1
Other accessory uses not specifically addressed in this table, as determined by the director to meet accessory criteria and standards ²⁹⁹	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	A*	15.04.040C.12

²⁹⁸ Consolidated draft: New.

²⁹⁹ Renamed from “other accessory uses, as determined by the director of planning and development services to meet accessory criteria.”

15.04.030 Use-Specific Standards

Commentary:

Many of the use-specific standards included in this section are from the current code section 15.04.020.B, with revisions as noted. There are also a lot of use-specific standards that are currently listed directly in the table of principal uses Table 15.04-A. Many of the use-specific standards in the current code have broad applicability to multiple use types. We consolidated those standards to the extent possible. For example, we included a new section up front for standards that apply to all residential uses, rather than referencing the same standards for each residential use type.

Some of the standards in this section are new, as noted. Others are carried forward intact or with revisions as noted. We did not carry forward the standard that stated “not allowed in MU district overlay,” since that district was not carried forward.

Consolidated draft: Several of the formerly proposed use-specific standards intended to prevent more intensive uses near residential uses were revised to require a conditional use permit (e.g., day labor center, car wash, light industrial).

A. General Use Standards³⁰⁰

1. Secondary Uses³⁰¹

Secondary uses will be evaluated by the director on a case-by-case basis to determine whether or not such use should be approved or recommended for approval. The following standards shall apply to secondary uses:

- a. In residential districts, secondary uses shall be limited to lots adjacent to arterial streets, corner lots on collector streets. In no case shall a secondary use provide access directly to a local street.
- b. Secondary uses requiring a conditional use permit pursuant to Table 4.1 shall comply with the conditional use permit approval criteria in section 15.02.060C.2.
- c. Secondary uses allowed as a permitted use pursuant to Table 4.1 shall comply with the site plan approval criteria in section 15.02.070C.3.

2. On-Site Storage of Supplies, Equipment, or Vehicles³⁰²

The following standards shall apply to all subject uses that abut a public right-of-way, a residential use, or a residential zoning district boundary, unless the subject use and related activities are entirely enclosed within a building:

- a. Outdoor storage shall comply with the outdoor storage standards in subsection 3 below and in section 15.05.130A.
- b. Junked vehicles, as that term is defined in section 11.12.030 of the Longmont Municipal Code, shall not be stored, maintained, or allowed on the subject property unless the use is an

³⁰⁰ This section consolidates the myriad use-specific standards from 15.04.020.B that apply broadly to multiple uses. We did not carry forward 15.04.020.B.2 related to adequate land supply and the LACP. That level of analysis shall be conducted at time of zoning and not use permits or building permits. We also did not carry forward the design standards from the RLE and LMD districts, which should either be included in the zoning districts for the R1 district or in the development standards for site and building design since they are not related to use as much as design of structures and site. Did not carry forward standard from 15.04.020.B.29 that stated “to the maximum extent feasible, site design measures have been taken to mitigate any adverse impacts that permitted and existing uses in the district may have on the proposed use.”

³⁰¹ *Consolidated draft: Previously only discussed in concept through the commentary – this draft includes standards for secondary uses.*

³⁰² From 15.04.020.B.21.

approved vehicle repair or vehicle storage establishment where vehicle storage is expressly or conditionally permitted. Such storage shall be subject to any applicable screening requirements.

3. Outdoor Display, Sales, Service/Storage Areas, and Activities³⁰³

- a. Outdoor display, sales, service/storage areas and activities shall comply with the residential compatibility standards in section 15.05.200.
- b. Outdoor displays, sales, service/storage areas, and activities shall not be located on a required parking area except for approved temporary outdoor sales.
- c. Outdoor displays, sales, service/storage areas, and activities shall not be located within a required landscaped area.
- d. As applicable, all outdoor storage, sales, and activities shall comply with the screening requirements stated in section 15.05.090 of this development code and the regulations stated in subsection 2 above if the use abuts a public right-of-way, residential use, or residential zoning district boundary.
- e. Outdoor storage shall not be located on a lot adjacent to a highway or arterial street.

4. Uses with Outdoor Seating and/or Outdoor Activity Areas³⁰⁴

Uses providing outdoor seating and/or outdoor activity areas shall comply with the following:

- a. Outdoor seating and activities shall comply with the residential compatibility standards in section 15.05.200.
- b. All outdoor seating and food service areas on public property or right-of-way that meet the definition of "business extension" as stated in LMC section 13.37.020 shall comply with applicable requirements stated in chapter 13.37.
- c. The outdoor seating or food service area shall not obstruct the movement of pedestrians through plazas, along adjoining sidewalks, or through other areas intended for public usage.
- d. In approving outdoor seating or food service areas, the decision-making body may impose conditions relating to the location, configuration, and operational aspects of such outdoor areas to ensure that such outdoor areas will be compatible with surrounding uses, will be maintained in an attractive manner, and will comply with applicable building and fire codes.

B. Residential Uses

1. Affordable Housing³⁰⁵

Affordable housing is permitted in any district that allows household living uses. Affordable housing is limited to the specific residential use types allowed in each respective zoning district. Affordable housing is subject to the standards applicable to the specific residential use type.

2. Co-Housing³⁰⁶

a. Design Requirements

- i. The minimum project size shall be one acre.

³⁰³ From 15.04.020.B.22.

³⁰⁴ From 15.04.020.B.23, revised for clarity.

³⁰⁵ Consolidated draft: New. Previously a separate use type in the table of allowed uses.

³⁰⁶ New standards for a new use. These types of arrangements could be applied to tiny home developments.

- ii. The setbacks from the applicable zoning district shall only apply to the project boundaries as a whole, and not to individual co-housing dwellings.
- iii. Each detached co-housing dwelling unit shall be separated by a minimum of five feet, subject to building code requirements.

b. Operation and Ownership

- i. Each co-housing dwelling shall be on a permanent foundation and connected to public water and sanitary sewer.
- ii. Co-housing projects shall be organized as condominiums, pursuant to state law.
- iii. The co-housing development shall not be subdivided into individual lots for dwellings.

3. Dwelling, Single-Family Detached and Attached³⁰⁷

In the MU-D zoning district, single-family detached dwellings shall not be located on lots adjacent to Main Street and shall only be located on a block face with existing single family dwellings; single family attached dwellings shall not be located in a Main Street storefront.

4. Dwelling, Live/Work

- a. Subject to building code area limits and requirements for live/work units.
- b. In the MU-D zoning district, shall not be located in a Main Street storefront.

5. Dwelling, Multifamily³⁰⁸

In the MU-D zoning district, shall not be located in a Main Street storefront.

6. Mobile Home Park or Subdivision³⁰⁹

- a. Mobile homes on individual lots, outside of mobile home subdivisions or mobile home parks, are not permitted as permanent dwellings and shall be subject to all other city regulations.
- b. Mobile home parks and subdivisions shall be subject to the applicable review procedures in chapter 15.02 and other provisions of this development code.
- c. Mobile home development shall be subject to the development standards stated in section 15.05.180, "Mobile homes," of this development code.

7. Boarding, Rooming House

In the MU-D zoning district, shall not be located on a lot adjacent to Main Street.

8. Group Care Home³¹⁰

a. Location

In the MU-D zoning district, shall not be located on a lot adjacent to Main Street.

b. Number

Only one group care home is permitted per dwelling unit.

³⁰⁷ Consolidated draft: New. Eliminated the standard that single-family attached dwellings shall not exceed 50 percent of the total floor areas in the MU-N, MU-D, and MU-E districts. That requirement is now covered by "secondary use" standards and approval criteria.

³⁰⁸ New standard to limit secondary uses from the mixed-use districts. Standalone multifamily buildings would still be permitted in the MU-C district.

³⁰⁹ From 15.04.020.B.19.

³¹⁰ From 15.04.020.B.13.

c. Licensing

Certification or licensing by the applicable governmental agency is a prerequisite to site plan approval or issuance of a certificate of occupancy.

d. Security and Supervision

- i. The residence or facility shall not include more than one person required to register as a sex offender C.R.S. § 18.3-412.5, as amended, unless preempted by state or federal law.
- ii. The decision-making body may require full-time security personnel or other qualified staff on the premises at all times if it finds that the facility poses a potential security threat to the surrounding neighborhood.

e. Occupancy Limits

The number of residents occupying a facility at any one time, including staff and family of staff, shall not exceed building code occupancy limitations.

f. Development Standards for Facilities

- i. No private kitchen facilities shall be located in any bedroom.
- ii. Such use sited in an existing structure and housing more than five clients shall meet the requirements stated in the current city-adopted building code.
- iii. Only housing types allowed in each zoning district are allowed for group care homes. All new or existing structures shall be compatible in terms of building mass, scale, and design with the character of any surrounding residential neighborhood(s).

g. Abandonment of Use

If active and continuous operations are not carried on for a period of 12 consecutive months in a group home that was approved under this development code, the use shall be considered abandoned. The use may be reinstated only after obtaining site plan approval, as applicable.

9. Sober Living Home

- a. Only housing types allowed in each zoning district are allowed for sober living homes.
- b. In the MU-D zoning district, shall not be located in a Main Street storefront.
- c. The number of residents occupying a home shall not exceed building code occupancy limits.

10. Group Care Facility

- a. Shall comply with the same standards for a group care home in section 15.04.030B.8.
- b. In the MU-D zoning district, shall not be located on a lot adjacent to Main Street.

11. Independent Living Facility

In the MU-D zoning district, shall not be located on a lot adjacent to Main Street.

12. Rehabilitation and Treatment Facilities

Shall comply with the same standards for a group care home in section 15.04.030B.8. In addition, shall comply with the following:

- a. All halfway houses shall comply with the reporting requirements stated in chapter 9.48 of the Longmont Municipal Code.
- b. A plan for security of the premises shall be submitted with the application.

C. Public, Institutional, and Civic Uses

1. Assembly Uses³¹¹

a. Location & Access

- i. Assembly facilities shall be sited with primary vehicle access from a collector or arterial street.
- ii. In the MU-D zoning district, shall not be located in a Main Street storefront.³¹²

b. R-RU, R-MH, MU-N, N-PE, and N-AG Zoning Districts

Assembly facilities shall not exceed 15,000 square feet.

c. R-SF, R-MN, R-MF, MU-D, MU-E, and N-PF Zoning Districts

Assembly facilities larger than 15,000 square feet shall require a conditional use permit under section 15.02.060C

2. Cemetery or Internment Facility³¹³

- a. Grave sites shall be set back from property lines a minimum of 20 feet.³¹⁴
- b. Crematoriums and alkaline hydrolysis facilities are prohibited.³¹⁵

3. Day Care, Commercial³¹⁶

- a. In the N-PE zoning district, only allowed as an accessory use to the principal business within the same structure.
- b. In the MU-D zoning district, shall not be located in a Main Street storefront.

4. Day Care, Residential³¹⁷

- a. Day care facilities shall be operated in the permanent residence of the provider.
- b. Day care facilities shall provide care for no more than 12 children under the age of 18 years or eight adults. All residents of the home and all children and adults on the premises who receive care in the facility are included in the total number of children allowed.
- c. Day care facilities shall comply with all federal, state, and local regulations.

³¹¹ Consolidated draft: Changed the size thresholds from 600 person capacity to 15,000 sf of floor area (which is consistent with library, museum, art centers, and auditoriums). Did not carry forward standards in 15.04.020(2); 15.04.020.B(24); 15.04.020.B(28); and 15.04.020(29). These standards will be addressed in future modules addressing neighborhood protection standards and development design standards. These standards were previously located in Table 15.04-A for religious assembly uses.

³¹² Added restriction to ground-floor assembly uses.

³¹³ Previously 15.04.020.B.5. Did not carry forward landscaping, fencing, maintenance, and pet cemetery requirements.

³¹⁴ Currently 100 feet.

³¹⁵ Revised to include alkaline hydrolysis facilities.

³¹⁶ Previously 15.04.020.B.9. Revised standard to apply specifically to day care and not a broader category of uses. Did not carry forward standards in 15.04.020.B.2, 8, 28, and 29. These standards will be addressed in future modules addressing neighborhood protection standards and development design standards.

³¹⁷ Standards taken from the “day care home” and “large child care home” definitions and Table 15.04-A. Did not carry forward specific use standard in 15.04.020.B.29. This standard will be addressed in a future module addressing neighborhood protection standards.

5. Emergency Services³¹⁸

Such use shall front on and have direct access to an arterial or collector street. The decision-making body may impose conditions to limit use of sirens or other potential significant adverse impacts.

6. Funeral Facility³¹⁹

- a. Funeral homes with or without crematory or alkaline hydrolysis facilities shall be located a minimum of 500 feet from a residential lot in a residential zoning district.
- b. In the MU-D zoning district, shall not be located in a Main Street storefront.

7. Library, Museum, or Art Center³²⁰

In the R-MN and R-MF districts, such uses shall not exceed 15,000 square feet unless located within a vertically mixed-use building.

8. Penal/Correctional Institution

Private institutions or facilities are not allowed.

9. Performing Arts Center or Auditorium³²¹

In the R-MF district, such use shall not exceed 15,000 square feet unless located within a vertically mixed-use building.

10. Medical or Dental Clinic

In the R-MNR-MN and R-MF districts, such use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.³²²

11. Medical Laboratory or Research Facility³²³

In the MU-D district, shall not be located in a Main Street storefront and uses greater than 10,000 square feet shall require a conditional use permit under section 15.02.060C..

D. Commercial Uses

1. General Agriculture³²⁴

- a. Parcels with agricultural uses shall be at least one acre.³²⁵
- b. At least one acre of open pasture area is required for livestock.
- c. No more than one principal dwelling shall be allowed on each parcel.
- d. Structures for keeping farm animals shall be setback from the property line a minimum of 20 feet.³²⁶
- e. The maximum number of livestock shall not exceed one animal unit per one acre of open area. Animal units are calculated based on the following animal unit chart:

³¹⁸ From 15.04.020.B.12. Revised to simplify. Did not carry forward size limitation.

³¹⁹ Previously 15.04.020(14). Also represents the distance requirement from 15.04.020.B.24. Did not carry forward many of the standards in 15.04.020.B(24), which will be addressed in a future module addressing neighborhood protection standards.

³²⁰ New.

³²¹ New.

³²² New.

³²³ From 15.04.020.B.11, revised to say “drive-through” instead of “drive-in.”

³²⁴ Did not carry forward standards in 15.04.020(33) related to nonconforming uses, annexed property, site plan review, or other general standards applicable to all use types. These standards will be addressed in future modules.

³²⁵ The AG zoning district establishes a minimum lot size of five acres.

³²⁶ Replaces 15.04.020.B(33)(f), currently 50 feet.

Livestock Category	Animals per Animal Unit
Cattle/Buffalo/Horse	1
Swine/Ostrich	5
Goat/Sheep/Llama	5
Poultry	50
Other Livestock	1

Note:
Young animals shall not be counted until they are weaned.

2. Kennel³²⁷

a. Location³²⁸

Kennels with outdoor activities shall not be located within 500 feet of a residential lot in a residential zoning district. Kennels that are entirely enclosed (indoor) shall not be located within 250 feet of a residential lot in a residential zoning district.

b. Enclosed Building Requirement

The parts of a building where animals are boarded shall be fully enclosed and secured and shall be sufficiently insulated so no unreasonable noise or odor can be detected off premises.³²⁹

c. Kennels with Outdoor Facilities

- i. Outdoor activity areas of animal care facilities shall be located and designed to minimize impacts on surrounding properties.
- ii. Overnight boarding in animal care facilities shall occur indoors between the hours of 7:00 p.m. and 7:00 a.m.

3. Veterinary Clinic or Hospital³³⁰

- a. A veterinary clinic or hospital shall comply with the same requirements for a kennel in section 15.04.030D.2 above except that veterinary clinics or hospitals in the MU-N, MU-D, and MU-R districts shall not include any outdoor runs, remains disposal, or other activities.
- b. In the MU-D zoning district, shall not be located in a Main Street storefront.
- c. Veterinary clinics or hospitals with outdoor runs or remains disposal through cremation or alkaline hydrolysis and within 500 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.

4. Commercial Entertainment and Commercial Recreation Facilities³³¹

The city may require a nuisance abatement plan and restrict hours of operation to minimize adverse impacts on adjacent properties.

³²⁷ From 15.04.020.B.34 and 24. Did not carry forward 15.04.020.B.2 or 9, or other standards applicable to all use types (such as “shall comply with applicable city, county, state licensing, nuisance...”).

³²⁸ From 15.04.020.B.24.

³²⁹ This standard replaces the standard in 15.04.020.B.24, requiring a 250 foot distance requirement from residential uses or districts.

³³⁰ New standards.

³³¹ From 15.04.020.B.6. Relocated standards related to indoor shooting range to that specific use type. Did not carry forward specific uses identified in the current standards (such as fishing clubs, driving ranges, livery stables, etc.) or the standard limiting crowds in excess of 1,000 people which is impossible to enforce. Did not carry forward standard limiting dwelling unit to the caretaker, since that is covered in the accessory uses. Did not carry forward design standards for commercial shopping centers

5. Indoor Shooting Range³³²

Shall comply with the standards for commercial recreation facility, indoor under section 15.04.030D.4. The following additional standards shall also apply:

- a. Indoor shooting ranges within 250 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.
- b. The Longmont police department shall review all indoor shooting range applications and shall forward recommendations for the decision-making body's consideration.

6. Bar or Nightclub³³³

Bars and nightclubs shall not be located within 250 feet of a residential lot in a residential zoning district.

7. Brewery, Cidery, Distillery, or Winery³³⁴

a. Generally

Breweries, distilleries, cideries, or wineries located within 250 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C and shall comply with the residential compatibility standards in section 15.05.200.³³⁵

b. MU-C, MU-D, and MU-R Districts

- i. Such uses shall include a tasting room.
- ii. Breweries, cideries, distilleries, or wineries over 5,000 square feet in the MU-D zoning district and over 10,000 square feet in the MU-C zoning district shall require a conditional use permit under section 15.02.060C.

8. Restaurant

- a. In the R-MN and R-MF districts, such uses shall not exceed 5,000 square feet unless located within a vertically mixed-use building.
- b. Restaurants with a liquor license located within 250 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C and shall comply with the residential compatibility standards in section 15.05.200.

9. Restaurant, with Drive-Through³³⁶

- a. Shall comply with the standards governing vehicle stacking areas and drive-through facilities under section 15.05.080.H.
- b. Restaurants with drive-through facilities located within 250 feet of a residential lot in a residential zoning district shall comply with the residential compatibility standards in section 15.05.200.³³⁷

in the CR district, since those should be addressed in the development standards. Did not carry forward 50 foot setbacks, outdoor lighting, and the requirement to only be designed for surrounding residences.

³³² From 15.04.020.B.6, revised for clarity. Did not carry forward limitation on the use of firearms, which is assumed by municipal law.

³³³ From 15.04.020.B.24.b.iii.

³³⁴ New.

³³⁵ From 15.04.020.B.24.

³³⁶ From 15.04.020.B.11, revised for clarity.

³³⁷ From 15.04.020.B.24.

10. Artist Studio

In the R-MN and R-MF districts, such use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

11. Bank or Financial Institution

- a. Drive-through uses are prohibited in the MU-N and MU-D districts.³³⁸
- b. If a drive-through is included in other districts, the use shall comply with the standards governing vehicle stacking areas and drive-through facilities in section 15.05.080.H.

12. Business Service Establishment

In the R-MN and R-MF districts, such uses shall not exceed 5,000 square feet unless located within a vertically mixed-use building.

13. Data, Radio, TV, or other Broadcasting Studio or Facility

If outdoor receiving and/or transmission facilities are provided, the use requires a conditional use permit under section 15.02.060C.

14. Day Labor Center³³⁹

Day labor centers located within 250 feet of any residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.

15. Office

- a. In the R-MN and R-MF districts, such use shall not exceed 5,000 square feet unless located within a vertically mixed-use building.
- b. In all residential districts and in the N-AG and N-PF districts, only government services offices shall be allowed.

16. Personal Services, General

- a. Drive-through uses are prohibited in the MU-N and MU-D districts.³⁴⁰
- b. If a drive-through is included in other districts, the use shall comply with the standards governing vehicle stacking areas and drive-through facilities in section 15.05.080.H.

17. Retail Sales, General

a. Size Limitations and Approvals Required

- i. Retail sales in the R-MN and R-MF districts shall only be permitted on the first floor of a vertically mixed-use building. Stand-alone retail buildings are prohibited.
- ii. Retail sales over 10,000 square feet in the MU-D and over 25,000 square feet in the MU-N zoning district shall require a conditional use permit under section 15.02.060C.

b. Drive-Through

- i. Drive-through uses are prohibited in the MU-N and MU-D districts.³⁴¹

³³⁸ Currently the MU district allows for drive-up windows and facilities but regulates them through district-specific standards in 15.03.150.F.4. Those were not carried forward.

³³⁹ Revised to prohibit day labor centers in the MU-D (currently CBD) and to require conditional use permit for all day labor centers.

³⁴¹ Currently the MU district allows for drive-up windows and facilities but regulates them through district-specific standards in 15.03.150.F.4. Those were not carried forward.

- ii. If a drive-through is included in other districts, the use shall comply with the standards governing vehicle stacking areas and drive-through facilities in section 15.05.080.H.

18. Retail Sales, Marijuana Establishment or Store³⁴²

Shall comply with chapter 6.70.

19. Bed and Breakfast³⁴³

In the MU-D zoning district, shall not be located in a Main Street storefront.

20. Hotel³⁴⁴

In the MU-D district, motels are prohibited.³⁴⁵

21. Short-Term Rental

a. Dwellings Allowed as Short Term Rentals

The following dwellings are allowed as short term rentals:

- i. The property owner's primary dwelling where the owner resides at least six months of the term of the permit.
 - (A). Individual rooms may be rented only when the property owner is also occupying the dwelling.
 - (B). The entire dwelling shall only be rented to one group at a time when the property owner is not present and occupying the dwelling.
- ii. The property owner's accessory dwelling unit when the owner lives and is present in the principal dwelling. An accessory dwelling unit shall not be used for short term rentals if individual rooms are rented in the principal dwelling.
- iii. An entire dwelling unit that constitutes a second or investment dwelling of a resident of Longmont.
 - (A). Rental of a second or investment dwelling unit as a short term rental is limited to one per Longmont resident.
 - (B). The entire dwelling shall only be rented to one group at a time. Individual rooms shall not be rented in a second or investment dwelling.

b. Occupancy Limit

Occupancy in short term rentals shall be limited to no more than two persons per legal conforming bedroom, plus two additional persons.

c. Inspections

The city shall inspect the short term rental for compliance with the requirements of this code section, building and fire code, and conditions of approval prior to the initial permit, and each permit renewal as determined by the city.

d. Limit on Number of Short Term Rentals

- i. In R-RU and R-SF districts, no more than one short term rental shall be allowed per street segment of a block, except that additional short term rentals on a street segment of a block shall require a conditional use permit under section 15.02.060.C.

³⁴² Consolidated draft: New use.

³⁴³ Consolidated draft: New. Did not carry forward the standards from 15.04.020.B.4.

³⁴⁴ Consolidated draft: Did not carry forward standards from 15.04.020.B.17.

³⁴⁵ From current standard related to the MU district, which was not carried forward.

ii. The city reserves the right to impose a limit on the total number of short term rentals within the city.

e. Off-Street Parking

Unless specified as a condition of approval on the short term rental permit, no additional parking is required for short term rentals.

f. Signs

A short term rental permit authorizes no additional signage at the location.

g. Posting of Short Term Rental Permit

A copy of the short term rental permit shall be posted in a prominent location within the rental. The permit shall specify the term of the permit, occupancy approved for the short term rental, compliance with section 10.20.100 regarding unreasonable noise, the location of fire extinguisher(s), the property manager address, phone number and email address, and any conditions of approval.

h. Posting of City Permit on Listings

The applicant shall post the city permit number on all short term rental advertisements and listings.

22. Car Wash

- a. Car washes shall comply with the location and minimum separation and the storage and accessory sales of materials and equipment standards for vehicle fueling stations in section 15.04.030D.21.
- b. Car washes within 250 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.³⁴⁶

23. Equipment Sales, Rental, and Repair³⁴⁷

Equipment sales, rental, or repair uses shall be subject to the following standards:

- a. Heavy equipment sales, rental, or repair shall require a conditional use permit under section 15.02.060C.
- b. Vehicle or equipment displays shall not be located within a required buffer area.
- c. Not more than one vehicle display pad, which may be elevated up to two feet above adjacent displays or grade, shall be permitted per 100 feet of street frontage. There shall also be no racks that tilt vehicles in any way to show the underside, unless they are used inside a showroom. Motor vehicle display shall not be allowed on top of any building.³⁴⁸
- d. No other materials for sale shall be displayed between the principal structure and the street.

24. Parking Lot or Garage

In the MU-D zoning district, a parking lot shall not be located on a lot adjacent to Main Street.

25. Vehicle Fueling Station³⁴⁹

Vehicle fueling stations shall comply with the following standards:

³⁴⁶ Consolidated draft: New.

³⁴⁷ From 15.04.020.B.20.

³⁴⁸ The city is considering additional regulations to limit the display height of equipment stored outdoors. For example, cranes and bucket lifts that can be extended far beyond the building height. Those may be included prior to adoption.

³⁴⁹ From 15.04.020.B.16. Reorganized for clarity.

a. Location and Minimum Separation

- i. In the MU-D district, vehicle fueling stations, except for electric vehicle charging stations³⁵⁰, shall not be located on a lot adjacent to Main Street.³⁵¹
- ii. Such uses, except for electric vehicle charging stations, located within 250 feet of any school, day care center, residential use or residential zoning district shall require a conditional use permit under section 15.02.060C and shall comply with the residential compatibility standards in section 15.05.200.³⁵²

b. Storage and Accessory Sales of Materials and Equipment

- i. No outdoor displays of vehicle equipment, including tires, shall be allowed.
- ii. Storage of unlicensed, inoperable, or junked vehicles is prohibited.
- iii. Long-term storage of vehicles for more than 30 days shall be prohibited.

c. Fuel Pump Location

- i. Fuel pumps, excluding electric vehicle charging stations, shall be located at least 30 feet from all property lines.
- ii. Fuel pumps shall be oriented away from adjacent residential uses.
- iii. All tanks containing fuel, oil, waste oils and greases, or similar substance shall be placed underground at least 30 feet³⁵³ from any property line, and vented, according to Colorado State health and safety requirements.

d. Fuel Pump Canopy³⁵⁴

A canopy over the fuel pumps may be erected provided the following conditions are met:

- i. The height of the canopy from the ground to the underside of the canopy shall not exceed 16 feet.
- ii. The canopy structure shall not be enclosed.
- iii. The canopy shall use the same architectural and design treatment, including roof forms, materials and colors, as the principal building.
- iv. All lighting on the underside of the canopy shall be recessed. A maximum of 25 percent of each canopy facade area visible from a public street may be illuminated. Each side of a fuel pump canopy shall be considered a separate facade area.

e. Repair Work

- i. All permitted repair work, vehicle washing, lubrication, and installation of parts and accessories shall be performed within an enclosed structure.
- ii. All dismantled vehicles, parts, and repair supplies shall be stored within an enclosed building or totally screened from view by a solid fence. All vehicles awaiting repair or service shall be stored on-site in approved parking spaces and not on a public right-of-way.

³⁵⁰ Consolidated draft: *The exception for electric vehicle charging stations is new.*

³⁵¹ Consolidated draft: *New.*

³⁵² Also from 15.04.020.B.24, revised to be consistent with other proposed use regulations with applicable residential transition standards.

³⁵³ Currently 25 feet.

³⁵⁴ Did not carry forward limitation on FAR for canopy, since FAR was not proposed to be carried forward as a method of measuring density. Also did not carry forward standards related to attached vs. detached canopy, compliance with setbacks, and timing of lights since those will be covered in other sections of the LDC, including new residential transition standards.

26. Vehicle Repair and Maintenance

a. Generally

- i. Vehicle repair and maintenance facilities shall comply with the standards for automobile service stations under section 15.04.030D.21.
- ii. Vehicle repair and maintenance facilities within 250 feet of any school, day care center, residential use or residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.³⁵⁵
- iii. Vehicle painting and bodywork facilities shall not be located closer than 500 feet from any school, day care center, residential use or residential lot in a residential zoning district.
- iv. Vehicle painting and bodywork facilities shall not be allowed in the MU-D and MU-R zoning districts, and shall require a conditional use permit under section 15.02.060C in the MU-C and MU-E zoning districts.

b. MU-D District³⁵⁶

- i. Shall not be located on a lot adjacent to Main Street.
- ii. Outside activities or work associated with this use is prohibited.
- iii. Substantial bodywork, or any dismantling or storage of wrecked vehicles is prohibited.

27. Vehicle Sales and Rental

- a. In the MU-R district, vehicle sales are limited to new car dealerships.
- b. Vehicle sales and rental shall comply with the standards for equipment sales, rental, and repair under section 15.04.030D.23.
- c. Vehicle sales and rental within 250 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.³⁵⁷

28. Adult or Sexually-Oriented Business

All adult or sexually oriented business uses shall comply with the distance/spacing, licensing, and operational standards stated in LMC chapter 6.65, "Sexually Oriented Business Regulation."

E. Industrial Uses

1. Artisanal Manufacturing³⁵⁸

In the MU-D zoning district, shall not be in a Main Street storefront.

2. Light Industrial³⁵⁹

- a. In the MU-N district, such use over 5,000 square feet shall require a conditional use permit under section 15.02.060C.
- b. In the MU-C district, such uses over 10,000 square feet shall require a conditional use permit under section 15.02.060C.

³⁵⁵ From 15.04.020.B.24.

³⁵⁶ Current standards from the MU overlay.

³⁵⁷ From 15.04.020.B.24.

³⁵⁸ Consolidated draft: New.

³⁵⁹ New standards.

3. Medium Industrial

For uses with outdoor activities, a conditional use permit shall be required under section 15.02.060C.

4. Oil and Gas Well Operation or Facility³⁶⁰

All oil and gas well operations and facilities shall comply with the procedures and standards in section 15.05.090.

5. Printing, Publishing, and Production Facility³⁶¹

In the MU-D zoning district, shall not be in a Main Street storefront.

6. Commercial Storage of Boats, Trailers, Recreational Vehicles, or Other Operable Motor Vehicles or Equipment

For uses with outdoor activity and/or storage, a conditional use permit is required under section 15.02.060C.

7. Contractor's Shop³⁶²

Outdoor storage of equipment, supplies, or vehicles may be stored on site, except that any material stored on site shall not exceed a height of eight feet.

8. Self-Storage Warehouse³⁶³

- a. Self-storage warehouses shall not be located on a lot adjacent to a highway or arterial street.
- b. Self-storage warehouse facilities shall provide adequate drive aisles between all buildings for vehicle circulation and fire and emergency access.
- c. Self-storage warehouse facilities are allowed one on-site resident manager/caretaker living unit.³⁶⁴
- d. All buildings in the self-storage warehouse facility shall be architecturally compatible with the surrounding development in terms of architectural style and building materials and colors.
- e. Hours of public access to self-storage warehouse units adjacent to a residential zoning district shall be restricted to 7:00 a.m. to 10:00 p.m. unless the applicant demonstrates that the use will not create an adverse impact through screening, buffering, noise mitigation, or other techniques.³⁶⁵

9. Wholesale Trade³⁶⁶

In the MU-D zoning district, shall not be located in a Main Street storefront.

10. Airport and Associated Uses

Uses shall satisfy all applicable requirements of the FAA and the local airport rules and regulations.

³⁶⁰ We did not include the current limitations in section 15.04.020.B.32. *Consolidated draft: Further discussion required on the appropriate location of the oil and gas regulations – e.g., as a separate chapter, a section within the development standards, or outside the LDC.*

³⁶¹ *Consolidated draft: New.*

³⁶² From 15.04.020.B.10, revised for clarity. Did not carry forward reference to screening standards and variance for fence height.

³⁶³ From 15.04.020.B.27.

³⁶⁴ Did not carry forward limitations on the caretaker's living unit.

³⁶⁵ This standard may be relocated to the residential transition standards if hours of operations are considered for multiple use types.

³⁶⁶ *Consolidated draft: New.*

11. Bus, Railroad, or Public Transit Terminal³⁶⁷

- a. In the MU-D district, such use shall not be located on a lot in the 200 through 800 blocks adjacent to Main Street.
- b. Terminals within 500 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.

12. Transportation Depot, Trucking Terminal, and Distribution Center³⁶⁸

Within 500 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.

F. Public and Semi-Public Utility Uses

1. Wireless Telecommunication Facility³⁶⁹

All wireless telecommunication facilities shall comply with the standards in section 15.05.170.B.

15.04.040 Accessory Uses and Structures

Commentary:

The current standards for accessory uses and structures are located in section 15.04.030. Some of the standards are located directly in table 15.04-B, table of accessory uses, and others are located in standards that follow that table. This revised section is organized first by general standards that apply to all accessory uses and structures, and then those standards that apply to specific accessory uses and structures. The use permissions from the current table 15.04-B were relocated to the overall table of allowed uses in the proposed section 15.04.030.

A. Purpose³⁷⁰

The purpose of this section is to authorize the establishment and continuation of land uses and structures that are incidental and customarily subordinate to principal uses. This section is intended to allow a broad range of accessory uses and structures provided they are listed in Table 4.1, Table of Allowed Uses, and comply with the standards in this section.

B. General Standards for All Accessory Uses and Structures³⁷¹

1. Relationship to Principal Use or Structure

- a. Except as otherwise allowed in this development code, an accessory use or structure shall not be established or constructed before the establishment or construction of the principal use or structure.
- b. If the principal use or structure is destroyed or removed, the accessory use or structure shall no longer be allowed.
- c. The total floor area of accessory structures to a residential use shall not exceed 50 percent of the floor area of the principal structure(s).
- d. Accessory uses shall not be permitted as the exclusive use of any property.

³⁶⁷ New standard for consideration of locational restrictions that keep these facilities away from the center of downtown. Alternatively, a standard could specifically identify locations where these would be acceptable in the MU-D (currently CBD) district.

³⁶⁸ From 15.04.020.B.24.

³⁶⁹ These standards are currently being revised by a separate project.

³⁷⁰ New.

³⁷¹ New. Common standards we typically include in development codes.

- e. Accessory structures in residential districts shall not be taller than the principal structure(s).³⁷²

2. Location of Accessory Uses and Structures

- a. No accessory structure shall be located within any platted or recorded easement or over any known utility, or in an area designated as a fire lane or emergency access route on an approved site plan.
- b. No accessory structure shall impede the access to or function of a vehicle use area.
- c. Accessory structures more than 120 square feet in size shall be located a minimum of five feet from the property line. Accessory structures less than 120 square feet shall not occupy more than 50 percent of the combined required rear and side setbacks and shall be located a minimum of three feet from the property line and located to accommodate lot drainage.
- d. Accessory structures shall not be located closer to the front property line than the principal structure(s).³⁷³

3. Same Ownership Required

Accessory uses and structures, and principal uses and structures, shall be under the same ownership.

4. Use of Accessory Structures

Accessory structures, except for accessory dwelling units, shall not be used for living or sleeping quarters and shall not contain plumbing capable of facilitating a bathroom or kitchen. Accessory structures, including garages, shall not be used for the storage of goods, vehicles, or maintenance tools related to another use off-site.

C. Standards Applicable to Accessory Uses

1. Accessory Dwelling Unit³⁷⁴

Accessory dwelling units (ADU) are allowed pursuant to Table 4.1 and subject to the following standards:

- a. **Location and Use**³⁷⁵
 - i. Shall only be permitted as accessory to single-family detached dwellings.
 - ii. An accessory dwelling may be integrated into the principal dwelling structure or located in a detached, accessory structure such as a garage.
 - iii. The accessory dwelling unit shall be located on the same lot as the principal single-family detached dwelling.
 - iv. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units and shall not be used as permanent dwellings in any zoning district pursuant to the Municipal Code.

³⁷² Consolidated draft: New.

³⁷³ Consolidated draft: New.

³⁷⁴ From 15.04.030.D.1, revised as noted. Did not carry forward parking requirement, since that information is inconsistent with the current parking requirements in section 15.05.080, Schedule A.1, which requires 1 space per bedroom up to 2 spaces maximum.

³⁷⁵ Currently “where permitted.”

b. Number and Size of Accessory Units³⁷⁶

- i. Only one accessory dwelling unit is allowed on a lot in addition to the principal single-family detached dwelling.
- ii. Accessory dwellings shall not exceed one-half of the finished floor area of the principal dwelling unit.
- iii. Accessory dwelling units located in detached structures shall not exceed the height of the principal dwelling unit.³⁷⁷

c. Setbacks

i. New Detached ADU

(A). Front: 20 feet; however, no ADU shall be located closer to the front property line than the principal dwelling unit.

(B). Rear: 10 feet.

(C). Side: 5 feet.

ii. ADU located in Existing Detached Structure

Accessory dwelling units located in existing detached structures shall not be required to meet new setback standards unless such structure is expanded.

iii. Attached ADU

Accessory dwelling units that are attached to the principle structure shall meet setbacks for the principle structure.

d. Limit on Sale, Tenancy, and Occupancy

- i. The property owner shall occupy the principal and/or accessory dwelling unit.
- ii. Accessory dwelling units shall not be sold apart from the principal dwelling.
- iii. Accessory dwelling units may be leased or rented for tenancies of less than 30 days as a short-term rental only when the property owner is present.³⁷⁸

e. Review Procedures

Accessory dwelling units shall comply with site plan and building code requirements under section 15.02.070C.

2. Day Care Center³⁷⁹

In the R-SF, R-MN, and R-MF districts, day care center is only permitted as an accessory to a nonresidential use.

3. Dwelling Unit for Owner, Caretaker, or Employee³⁸⁰

- a. Except for properties in the R-MH district, these units shall only be permitted as accessory to nonresidential use.³⁸¹
- b. Only one such dwelling unit per property shall be allowed.

³⁷⁶ Did not carry forward statement that there is not a minimum size limit.

³⁷⁷ Currently 25 feet.

³⁷⁸ Consolidated draft: *New standard based on recent short-term rental policy discussions.*

³⁷⁹ Consolidated draft: *New.*

³⁸⁰ From 15.040.030.D.2.

³⁸¹ Replaces current "A dwelling unit for an owner, caretaker, or employee is one that is accessory to a nonresidential uses except for mobile home parks or subdivisions."

- c. In nonresidential zoning districts, the dwelling unit shall be inside or attached to the principal building.

4. Home Occupations³⁸²

It is the intent of this subsection to regulate home occupations so that the average neighborhood resident, under normal circumstances, will not be negatively impacted by and will be minimally aware of their existence. Home occupations shall meet the following standards:

- a. Home occupations shall only be permitted as accessory to a principal residential use.
- b. Home occupations shall be conducted entirely within the principal structure or an accessory structure associated with the residential use, and shall be carried on by at least one resident of the principal dwelling as well as no more than one additional non-resident.
- c. Home occupations shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes and shall not change the residential character of the property.
- d. Size for home occupation:
 - i. For home occupations not serving the public at the location, the total area used for the home occupation shall not exceed an area representing 50 percent of the gross floor area of the principal dwelling unit.
 - ii. For home occupations engaged in serving the public at the location, the total area used for the home occupation shall not exceed an area representing 15 percent of the gross floor area of the principal dwelling unit unless the area of the home occupation is a live/work unit as defined in the building code as adopted by the City of Longmont.
- e. There shall be no advertising or other display or indications of a home occupation.
- f. There shall be no substantial retailing or wholesaling of stocks, supplies, or products conducted on the premises of a home occupation; however, delivery of retail products to the consumer off the premises, such as in the course of a mail order business, shall be permitted.
- g. There shall be no exterior storage on the premises of supplies or material used in the home occupation, nor of any chemically hazardous, explosive, or combustible material within the dwelling or upon the exterior of the property.
- h. A home occupation shall provide additional off-street parking area adequate to accommodate all needs created by the home occupation, without changing the residential character of the premises.
- i. A home occupation shall not generate or result in nuisances such as traffic, on-street parking, noise, vibration, odor, glare, fumes, electrical interference, or hazards greater than that usually associated with residential uses.

5. Livestock Uses³⁸³

a. Applicability

Livestock uses, as specified on the animal unit chart, shall be permitted as accessory uses only by public and private educational agencies and scientific research facilities, provided that the following requirements are met:

³⁸² From current 15.04.030.D.4.

³⁸³ From current 15.04.030.D.5, revised for clarity.

b. Plan Required

An operation plan shall be submitted to and approved by the director. The following issues shall be satisfactorily resolved:

- i. Control of odors, noise, insects, pests and rodents;
- ii. Waste disposal;
- iii. Containing and cleaning the runoff from the site;
- iv. Containing the animals;
- v. Lighting the facilities;
- vi. Hours of operation of equipment such as tractors, trucks, feed mills, feed-processing operations and other noise- and dust-producing equipment necessary for operation.

c. Setbacks

- i. Livestock uses located within 1,000 feet of a residential lot in a residential zoning district shall require a conditional use permit under section 15.02.060C.
- ii. All buildings associated with the accessory use shall be located a minimum of 50 feet from all property lines.

d. Minimum Amount of Open Area

A minimum area of one acre of open area is required.

e. Maximum Number of Animals

The maximum number of animals must not exceed 1½ animal units per one acre of open area if the animals are to be primarily located outside. Animal units are calculated based on the animal unit chart below. For animals contained within a structure, the maximum number of animals permitted shall be determined by recognized livestock industry standards.

Table 4.3: Animal Unit Chart	
Livestock Category	Animals per Animal Unit
Cattle/Buffalo/Horse	1
Swine/Ostrich	5
Goat/Sheep/Llama	5
Poultry	50
Other Livestock	1
Note: Young animals shall not be counted until they are weaned.	

6. Outdoor Sales, Display, or other Activity

Shall comply with the standards for outdoor service, storage, equipment, loading, and display in section 15.05.130.

7. Recycling Collection Point³⁸⁴

- a. Recyclable materials shall be collected and stored in a completely enclosed building unless the director determines that completely enclosed containers located adjacent to or behind a building will be compatible with the surrounding businesses and neighborhood.

³⁸⁴ From 15.04.030.D.6. Revised to remove “Notice shall be clearly posted on the building or containers” that no materials should be left outside the container or building. New standards simply states that materials shall not be left outside the container or building. Also did not carry forward standard for picking up items left outside by 8am, since standards were revised to prohibit that behavior.

- b. No materials shall be left outside of the building or containers.

8. Retail Sales³⁸⁵

a. Retail Sales as Part of Industrial and Warehouse Uses

- i. All retail sales shall be conducted within the same structure housing the principal industrial or warehouse use, and no permanent outdoor retail sales activity shall be allowed;
- ii. Items for sale shall either be manufactured by the principal use or part of the principal warehouse's stock;
- iii. Maximum area of the accessory retail use shall be 10 percent of the total gross floor area of the principal use.

b. Retail Sales as Part of Agricultural Uses³⁸⁶

- i. Hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.
- ii. Items for sale shall be agricultural goods produced on-site (excluding livestock of any type or form) as part of an allowed agricultural use.
- iii. The maximum area of the accessory retail use shall be 10 percent of the area of all buildings on the parcel.

9. Storage or Parking of Vehicles or Recreational Equipment³⁸⁷

In the MU-D and N-AG districts, these uses are only allowed as accessory to residential uses.

10. Vehicle Rental Accessory to Self-Storage Warehouse³⁸⁸

- a. No more than five trucks or trailers available for rent shall be allowed on-site.
- b. Rental trucks and trailers shall be parked behind the warehouse buildings and screened according to the standards in this code.

11. Vehicle Wash Bay³⁸⁹

A single-bay car wash shall only be allowed as accessory to a permitted gasoline service station use, public vehicle storage and maintenance facility, or motor vehicle sales and rental uses.

12. Other Accessory Uses, as Determined by the Director

The Director shall have the authority to determine other appropriate accessory uses not otherwise listed as such in Table 4.1.

D. Standards Applicable to Accessory Structures

1. Flagpoles, Satellite Dishes and Antennas, Solar Energy Systems, and Wind Turbines³⁹⁰

- a. The height shall not exceed the maximum structure height for the zoning district in which they are located, except that roof-mounted solar energy systems may exceed the structure height per Table 3.19.

³⁸⁵ From 15.04.030.D.7 and D.8.

³⁸⁶ Did not carry forward limits on advertising signs for agricultural uses, which are addressed more broadly in the sign regulations.

³⁸⁷ Consolidated draft: Recent ordinance on this subject still needs to be folded into these standards prior to adoption.

³⁸⁸ Consolidated draft: New.

³⁸⁹ Did not carry forward standards from 15.05.080.N, which is a cross-reference in the current accessory use table to a section that does not exist.

³⁹⁰ From 15.04.030.D.9.

- b. Satellite dishes and antennas, solar energy systems, and wind turbines shall not be located in the front setback in a residential zoning district.
- c. Ground-mounted solar energy systems shall represent the lowest profile as technically feasible.

2. Residential Garages and Carports³⁹¹

a. Height

The maximum height shall not exceed the height of the principal structure.

b. Size

The maximum size shall not exceed half of the size of the gross floor area of the principal dwelling unit. However, a dwelling unit with a gross floor area of less than 1,000 sq. ft. shall be allowed a detached garage or carport up to 500 sq. ft.

³⁹¹ From 15.04.030.D.3.

15.04.050 Temporary Uses

Commentary:

This section was largely carried forward from sections 15.02.070 and 15.04.040, with some minor changes for clarity.

A. Purpose³⁹²

The purpose of this section is to authorize the establishment of certain uses and structures of a limited duration. This section is intended to ensure that such uses or structures do not negatively impact adjacent land, are discontinued upon the expiration of a set period of time, and do not involve the construction or alteration of any permanent building or structure.

B. Applicability

1. Activities that Require a Temporary Use Permit

The following temporary uses shall require a temporary use permit:

- a. Temporary event;
- b. Seasonal and holiday sales;
- c. Real estate sales office;
- d. Retail mobile food vending;
- e. Cell on wheels; and
- f. Other temporary uses as determined by the director.

See chapter 13.04 for work in the right-of-way and chapter 13.37 for use of public places.

2. Exempt Activities

The following events or activities are exempt from the requirements of this section, but remain subject to this development code and the Longmont Municipal Code:

- a. Temporary events or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multifamily residential development.
- b. Temporary uses and structures needed as the result of a natural disaster or other health and safety emergencies during the period of the emergency.

C. General Standards Applicable All Temporary Uses

1. Traffic

The use shall be served by streets or drives with improvements adequate to accommodate the anticipated type and quantity of traffic that such temporary use will or could reasonably generate in addition to existing traffic.

2. Parking

The use shall provide adequate parking area and improvements, either on-site or at alternate locations, adequate to accommodate anticipated vehicular traffic reasonably expected to be generated by such use in addition to existing traffic.

³⁹² New.

3. Signs

Any signs permitted under the permit shall comply with chapter 15.06.

4. On-Site Lighting

All on-site lighting shall conform to the outdoor lighting provisions of section 15.05.140, and shall be removed when the permit expires, unless authorized by other provisions of this code.

5. Waste Material

The temporary use permittee is responsible for storage and removal of all waste material on the site. All waste storage areas shall be screened from view from adjacent rights-of-way and residential areas, and the site shall be maintained in a clean and safe manner.

6. Noise

All temporary uses shall comply with noise standards in sections 10.20.100 and 10.20.110 unless exempted by other provisions of this code.

7. Hours of Operation

The decision making body may restrict the hours of operation to mitigate impacts of the use on surrounding properties and uses.

8. Review Criteria

All temporary uses shall meet the requirements of section 15.02.080.C "Temporary use permit."

D. Specific Temporary Use Standards

1. Temporary Events

a. Referral Authorized

A completed temporary use application shall be referred to other appropriate city departments or agencies for approval, as needed.

b. Grounds for Denial of Permit

An application for a temporary event permit may be denied upon the director's written determination that one or more of the following exists:

- i.** The application contains intentionally false or materially misleading information.
- ii.** The proposed event creates an unreasonable risk of significant:
 - (A).** Damage to public or private property beyond normal wear and tear;
 - (B).** Injury to persons;
 - (C).** Public or private disturbances or nuisances;
 - (D).** Unsafe impediments or distractions to, or congestion of, vehicular or pedestrian travel;
 - (E).** Additional police, fire, waste removal, maintenance, or other public services demands;
 - or
 - (F).** Other adverse effects upon the public health, safety, or welfare;
- iii.** The proposed special event is of such a nature, size, or duration that the particular location requested cannot reasonably accommodate the event; or
- iv.** The time and location requested for the proposed special event has already been permitted or reserved for other activities.

c. Term of Permit

An event authorized under this subsection shall be limited to a maximum duration of 14 days, which may be nonconsecutive, unless otherwise specifically authorized by the development services manager.

2. Temporary Seasonal and Holiday Sales**a. Locations Permitted**

Seasonal and holiday sales activities shall be permitted in all nonresidential zoning districts.

b. Term of Permit

The term of the temporary use permit shall not exceed 60 days, which may be nonconsecutive, unless otherwise specifically authorized by the development services manager, or restricted by another provision of the Municipal Code.

c. Standards

Permitted sales activities may occur within required zoning district setbacks provided the following conditions are satisfied:

- i.** No activity or display shall encroach more than 50 percent into a required setback;
- ii.** No activity or display shall be located within 25 feet of an abutting residential lot or use;
- iii.** No activity, display, or related equipment shall be located within a required intersection or driveway sight triangle; and
- iv.** No activity shall be within a required landscape buffer, nor occupy more than ten percent of a required off-street parking area.

3. Real Estate Sales Office and Model Homes**a. Locations Permitted**

Temporary real estate sales offices, including model or show homes, shall be permitted in all zoning districts when incidental to a new residential development.

b. Term of Permit

The temporary use permit shall automatically expire 30 days after completion of construction of the last housing unit or one year after issuance, whichever occurs first. Permits may be renewed in one-year increments upon written request and a finding that the use is in compliance with the original permit.

c. Commencement of Use

A real estate sales office or model home shall not be moved onto or erected on the development site until construction acceptance for the development has been granted, unless the public improvement agreement stipulates another date.

d. Activities Allowed

- i.** Temporary real estate sales offices and model homes shall be used only as temporary field offices for new home sales or leasing and for storage of incidental supplies, and shall not be used as any type of dwelling.
- ii.** Use of the temporary real estate sales office or model home for sales of residential sites or projects located off-site is prohibited.
- iii.** A model home shall not be open for public viewing or business before 8:00 a.m. or later than 8:00 p.m.

e. Building Setbacks

All temporary real estate sales offices and model homes shall comply with the building setbacks in the zoning district in which the building is located.

f. Off-Street Parking

An accessible paved parking area for visitors shall be provided if the director determines on-street parking is not sufficient.

g. Restroom Facilities

Americans with Disabilities Act (ADA) compliant restroom facilities shall be provided for all temporary real estate sales offices and model homes.

h. Completion of Use

Upon termination of the permit, all temporary real estate sales offices shall be removed, and all model/show homes closed for viewing and the site of the temporary office use shall be returned to its original condition.

4. Retail Mobile Food Vending

a. Locations Permitted

Mobile retail food establishments and pushcarts are permitted in all nonresidential zoning districts subject to the following separation requirements:

- i. They shall be located at least 250 feet from any restaurant, measured in a direct line from the mobile retail food establishment or pushcart to the nearest edge of the building of a restaurant, unless written permission is obtained from all restaurant owners within 250 feet of the proposed mobile retail food establishment or pushcart location.
- ii. Exception: Ice cream vendors are permitted in residential zoning districts.

b. Criteria for operation

- i. A mobile retail food vending permit is required and must be kept with the mobile retail food or pushcart operators and presented to authorized city officials upon request.
- ii. Operators are responsible for obtaining consent of property owners to operate on private property.
- iii. Operators are responsible for maintaining trash receptacles and maintaining all areas used for food vending in a safe and clean condition, and must dispose of all waste in accordance with health department regulations.
- iv. Mobile retail food establishments and pushcarts must be removed from any site at the end of each business day (unless otherwise approved).
- v. Operators must obey all parking and traffic laws.
- vi. Mobile retail food establishments and pushcarts must not obstruct pedestrian or bicycle access or passage, or parking lot circulation nor impede traffic flow.
- vii. Structures, canopies, tables or chairs must not be set up around the mobile retail food establishment or pushcart.
- viii. If operated on public property (including city rights-of-way), operators must have liability insurance in amounts of \$1,000,000.00 per occurrence, as approved by the city risk manager, and must provide a certificate of insurance naming the City of Longmont as an additional insured. Applicant can petition city manager for full or partial waiver of this insurance requirement.

c. Term of the Permit

All permits shall be valid for one year from the date of issuance.

5. Cell on Wheels

a. Locations Permitted

Cells on wheels shall be permitted in all mixed use and nonresidential zoning districts.

b. Term of Permit

The term of the temporary use permit shall not exceed 180 days unless otherwise authorized by the director, or restricted by another provision of the Municipal Code. The permit may be renewed on an as-need basis with approval from the director.

c. Setbacks

A cell on wheels shall meet the greater of the following minimum setbacks from all property lines:

- i. The setback requirements for buildings within the applicable zoning district; or
- ii. The maximum tower height of the COW including antennas.

d. Facility Height

COW facility height including antennas shall not exceed the maximum building height of the applicable zoning district.

e. Landscaping and Screening

The director may require landscaping and screening where adjacent or nearby properties or tenants may be impacted.

f. Site Plan Review

COWs are subject to site plan review or waiver, taking into consideration the proposed location of the COW, the height of the COW, and its visual impacts on the surrounding neighborhood.

6. Other Temporary Uses

Subject to this section and the temporary use procedures and criteria in section 15.02.080C, the director may approve other temporary uses and activities if it is determined that such uses would not jeopardize the health, safety or general welfare, or be injurious or detrimental to properties adjacent to, or in the vicinity of, the proposed location of the activity.

Chapter 15.05: Development Standards

15.05.010 Purpose

The purpose of this chapter 15.05 is to provide standards regarding environmental protection, landscaping, multi-modal access and connectivity, parking, oil and gas extraction, fences, residential, mixed use and nonresidential design, storage and screening, outdoor lighting, adequate public facilities, wireless telecommunications, mobile homes, and residential compatibility that apply to applications reviewed under this development code.

15.05.020 Protection of Rivers/Streams/Wetlands/Riparian Areas

Commentary:

Carried forward without substantive edits, except for some proposed edits to the setback modification criteria and procedure in 15.05.20.E.3. More changes possible pending the Open Space and Trails Master Plan and Wildlife Management Plan updates, in addition to ongoing work on Resilient St. Vrain and the St. Vrain Blueprint.

A. Purpose

This section is intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, wetlands, and associated riparian areas, provide in the City of Longmont.

B. Applicability

This section applies to development applications for site plans, subdivision plats, PUD developments, conditional uses, limited uses, secondary uses, rezonings, and annexations. Appropriate strategies for the protection of rivers, streams, wetlands and riparian areas should be identified as early on in the development process as possible.

C. Boundaries

1. Wetland Boundaries

All wetland boundary delineations are subject to the city's approval.

a. Qualified Professional

A qualified person with demonstrated expertise in the field shall delineate all wetland areas.

b. Mapped Wetlands

Boundary delineation of wetlands shall be established by reference to the Boulder County Wetlands Survey (as amended), which is adopted and incorporated by reference into this development code.

c. Unmapped/Disputed Wetlands

If a wetlands has not been mapped, or its boundaries not clearly established, or if either the city or applicant dispute the existing boundaries, the applicant shall retain a qualified person with demonstrated expertise in the field to delineate the boundaries of the wetland according to professional standards approved by the city. The applicant shall use the Corps of Engineers

Wetlands Delineation Manual, Technical Report Y-87-1 (January 1987, or as amended), as a guideline and reference for the wetland determination.

2. River/Stream Corridor Boundaries

River and stream corridors shall not include ditches that are commonly known to be irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife. See chapter 15.10, definitions, for the definition "rivers" and "streams" subject to protection under this section.

3. Riparian area Boundaries

All riparian area boundary delineations are subject to the city's approval. See chapter 15.10, definitions, for the definition of "riparian area" subject to protection under this section.

D. Compliance with Applicable Federal Wetlands Laws or Regulations

1. No person shall engage in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations.
2. Notwithstanding any contrary federal law or regulations, draining any wetland that falls in the jurisdiction of the federal government and its agencies is prohibited.
3. The city shall not grant final approval to any development or activity, including subdivisions, in a wetland that falls within the federal government's jurisdiction until the applicant shows that all necessary federal approvals and permits have been obtained.
4. The city shall not prohibit execution of a permitted mitigation plan or maintenance of those projects, nor shall it take responsibility for the mitigation project, even within areas to be accepted by the city upon final acceptance of all improvements. A letter from the Army Corps of Engineers, accepting the mitigation, is required to release the development from further obligations.

E. Compliance with Floodplain Regulations

For construction or activity in a floodplain or flood hazard area, refer to title 20, floodplain regulations, regarding floodplain development permit requirements.

F. Setbacks

The following setbacks are considered minimum distances:

1. River/Stream Corridors and Riparian Areas

All buildings, accessory structures, and parking areas shall be set back at least 150 feet from the below-listed river/stream corridors and riparian areas, measured from the outer edge of riparian vegetation, including the outer edge of the canopy edge of riparian trees and shrubs, or from the top of the bank when riparian vegetation is not present.

- a. St. Vrain River;
- b. Boulder Creek;
- c. Dry Creek #2;
- d. Union Reservoir;
- e. Left Hand Creek.

For all other river and stream corridors (as defined in chapter 15.10) not listed above, the setback shall be 100 feet.

2. Wetlands

- a.** All buildings, accessory structures, and parking areas or lots shall be set back at least 100 feet from the delineated edge of wetlands.
- b.** Where the applicant demonstrates that there is sufficient grade separation between the wetlands and the proposed development to minimize adverse impacts to the wetlands, the decision-making body may reduce the setback to no less than 50 feet, measured horizontally (plan view).

3. Modifications of the Setback Standards

The director may modify the setback standards stated in subsections E.1. and E.2. of this section, based on the findings of a detailed species or habitat conservation plan (see section 15.05.030.H.). The following standards shall be used to determine the appropriateness of a modification.

a. Increased Setbacks

Increased setbacks may be warranted based on site specific conditions if any of the following conditions is present on a site:

- i.** An established tiered vegetative system with native ground cover, shrub areas or mature canopy trees creating a diverse habitat; or
- ii.** Adjacency or proximity to like areas or other associated habitat or other wildlife resources; or
- iii.** Significant oxbows or meanders in the adjacent waterway that would create diverse aquatic habitat; or
- iv.** Presence of known species of concern, including, but not limited to, threatened and endangered species that would enhance the wildlife values of the city.

b. Reduced Setbacks

The following criteria shall be used to identify circumstances where riparian setback reductions may be warranted:

- i.** The purpose and intent of this section, to allow for preservation and enhancement of river and stream corridors and other riparian areas, is maintained; and
- ii.** The reduced setback is consistent with the scope of the development, taking into consideration existing conditions and the extent of site changes; and
- iii.** The conservation plan demonstrates an absence of wildlife species or existing or potential wildlife habitat along the river or stream corridor or riparian area; and
- iv.** The development mitigates a modified setback standard by providing a higher quality, more desirable wildlife habitat enhancements along the corridor, or alternatively, in another location, as approved by the director.

G. Prohibited Activities

No person shall engage in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation and wildlife habitat, within stream corridors, wetlands, and their setbacks, except as may be expressly allowed in this development code or by other applicable city laws or regulations.

H. Bridges

The construction of bridges according to city standards over a stream corridor and within the stream setback area is permitted, provided such bridges are planned and constructed so as to minimize impacts on the stream corridor. Construction of bridges within the wetland setback area shall be prohibited unless appropriate federal permits are granted.

I. Utilities

Utilities may be allowed in a stream corridor or wetlands setback area only if the city determines there is no practical alternative. The applicant shall reclaim any disturbance of the setback area by re-grading and re-vegetation. Provisions for reclamation of the disturbed area shall be included in any development or subdivision agreement for the project, with adequate security to guarantee the reclamation shall be completed. Utility corridors in setback areas shall be located at the outside edge of the area and access roads for maintenance of utilities shall be located outside the setback area. Access for maintenance of utilities in setback areas should be at specific points rather than parallel to the utility corridor.

J. Recreation, Education, or Scientific Activities

Structures and improvements for recreational, educational, or scientific activities such as trails, fishing access, and wildlife management and viewing may be permitted in a stream corridor or wetlands setback area provided a management plan that establishes long-term protection of the setback area is submitted with the final plat or plan and approved.

K. Design and Aesthetics

Projects adjacent to large natural areas or natural area corridors, including, but not limited to, the St. Vrain River, Boulder Creek, Dry Creek #2, Union Reservoir, and Left Hand Creek, shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.

15.05.030 Habitat and Species Protection

Commentary:

Carried forward without substantive edits. Pending changes with Open Space and Trails Master Plan and Wildlife Management Plan updates, in addition to ongoing work on Resilient St. Vrain and the St. Vrain Blueprint.

A. Purpose

To maintain and enhance the diversity of wildlife species, wildlife habitat, and plant species that occur in the Longmont area, and to plan and design land uses to be compatible with habitat and the species that depend on this habitat for the economic, recreational, and environmental benefit of residents and visitors.

B. Applicability

This section applies to development applications for site plans, subdivision plats, PUD developments, conditional uses, limited uses, secondary uses, rezonings, and annexations. Appropriate strategies for habitat and species protection should be identified as early on in the development process as possible.

C. Exemptions

The procedures and regulations contained in this section shall not apply to:

1. Agricultural activities such as soil preparation, irrigation (including maintenance of irrigation ditches), planting, harvesting, grazing, and farm ponds;
2. Maintenance and repair of existing public roads, utilities, and other public facilities within an existing right-of-way or easement;
3. Maintenance and repair of flood control structures and activities in response to a flood emergency;
4. Maintenance and repair of existing residential or nonresidential structures; or
5. Wildlife habitat enhancement and restoration activities undertaken pursuant to a wildlife conservation plan approved under this section.

D. Other Regulations

This section does not repeal or supersede any existing federal, state, or local laws, easements, covenants, deed restrictions or habitat conservation plans pertaining to wildlife or plant species or habitat. When this section imposes a higher or more restrictive standard, this section shall apply.

E. Habitat and Species Database

The following sources shall be used to identify important plant or wildlife species or important wildlife habitat areas, including federally identified endangered or threatened plant or wildlife species, for purposes of review under this section. Any site-specific studies undertaken by the applicant and accepted by the city shall be used in place of any of the cited maps or data:

1. Colorado Division of Wildlife habitat maps for Boulder and Weld Counties, as amended from time to time.

2. Other maps or surveys completed by Boulder or Weld Counties, such as the "map of wildlife and plant habitats, natural landmarks and natural areas" included in Boulder County's comprehensive plan, as amended from time to time.
3. Other information and maps as the city may from time to time identify in cooperation with the Colorado Division of Wildlife, the U.S. Fish and Wildlife Service, or any other county, state, or federal agency.
4. Any habitat conservation plans adopted by the city, including the wildlife management plan, as amended from time to time.
5. Habitat and species information referenced by this section is typically intended for general planning purposes only. Obvious errors or omissions may be corrected by the city after consultation with the division of wildlife or other appropriate county, state, or federal agency.

F. Review Procedures

The following procedures shall apply to all applications for development that contain identified important plant or wildlife species or important riparian or other habitat areas, including federally identified endangered or threatened plant or wildlife species:

1. Application

The applicant shall submit a plan, as applicable, depicting the general location of the property, location of structures on the site, prominent natural areas such as streams and wetlands, and other features that the director may require for review pursuant to this section.

2. Preliminary Review/Referral

The director shall refer the submitted plan or plat to the Colorado Division of Wildlife, U.S. Fish and Wildlife Agency, or other appropriate county, state, or federal agency for review. Applicants are also advised to meet with the division of wildlife, and other agencies as determined appropriate by the director to ensure compliance with the requirements of this section.

3. Agency Review

For applications referred to it, the Colorado Division of Wildlife, U.S. Fish and Wildlife Service, City of Longmont Parks and Open Space Division, or other appropriate agency shall determine whether the proposal shall result in significant adverse impact on important wildlife species or habitat, or on important plant species, or on an endangered or threatened species, and make specific recommendations as to appropriate mitigation, if any.

4. Review Determination

Based on recommendations from the agency review indicated in subsection (F)(3) above, the director shall determine whether the applicant must submit a wildlife/plant conservation plan prior to approval of any development application. The director may submit a conservation plan to the appropriate agencies for review and recommendation as to whether the plan adequately addresses the adverse impacts identified in subsection (F)(3) above. (See section 15.05.030(H), species or habitat conservation plans, below.)

5. Waivers/Modifications of Standards

The director may waive or approve minor modifications of any development standard or review criteria contained in this section if the director finds that:

- a. The waiver or modification is consistent with the stated purposes of this section;

- b. The waiver or modification shall have no significant adverse impacts on wildlife species or habitat or on important plant species;
- c. The waiver or modification does not violate or circumvent any applicable state or federal regulation;
- d. Any potential adverse impacts shall be mitigated or offset to the maximum extent practicable; and
- e. Application of the standard or criteria is not warranted based on the location of the development, the absence of a particular species on the site, or other relevant factors.

6. Retention of Experts

The director may retain a qualified wildlife/plant expert, at the applicant's expense, to aid in the city's administration of this section, including but not limited to determinations to require a conservation plan or to waive or modify applicable standards.

G. Habitat and Species Protection Standards

The following standards shall apply to all development applications subject to review under this section, unless the director determines that a specific standard may be waived or modified under subsection (F)(5) above. These standards should be applied to protect wildlife habitat and wildlife and plant species in the most responsible and feasible manner.

1. Buffers

All development shall provide a development setback from any important wildlife habitat area, riparian area, or plant species area, identified according to this chapter. See section 15.05.020(E) for river/stream/ riparian area and wetland setbacks.

2. Connections

- a. If the development site contains existing habitat or natural areas that connect to other off-site natural areas or habitat, the development plan shall preserve such natural area connections to the maximum extent feasible.
- b. If natural areas are adjacent to the development site on more than one side of the site, but such natural areas are not presently connected across the development site, then the development shall, to the maximum extent practicable, provide such connection.
- c. Such connections shall be designed and constructed to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between natural areas for the movement of wildlife.

3. Non-Native Vegetation

On any site containing important wildlife habitat area, the applicant shall retain a qualified professional to recommend native and adapted plant species that may be introduced. In no instance shall trees prohibited in the city, as specified in the city standards, be introduced on the site. To the maximum extent feasible, existing, non-noxious and not prohibited herbaceous and woody cover on the site shall be maintained and removal of native vegetation shall be minimized except to adjust grades as necessary.

4. Fencing

The type of fencing (materials, opacity, etc.) and fence height shall be determined by the decision-making body as appropriate for the wildlife species on the site based on advice from the Colorado Division of Wildlife or other appropriate agency.

5. Exterior Lighting

Use of exterior lighting shall be minimized in areas of important wildlife habitat, and lighting shall be designed so that it does not spill over or onto such critical habitat. See also section 15.05.140, outdoor lighting.

6. Refuse Disposal

Developments on sites containing important wildlife habitat must use approved animal-proof refuse disposal containers or other city-approved containers that shall not adversely affect important wildlife habitat or species and threatened or endangered plant species.

7. Domestic Animals

Development applications for property that includes important wildlife habitat must include a plan with specified enforcement measures for the control of domestic animals and household pets. The plan must include provisions to prevent the harassment, disturbance, and killing of wildlife and to prevent the destruction of important wildlife habitat.

8. Wildlife Conflicts

If wildlife that may create conflicts for the future occupants of the development are known to exist in areas adjacent to or on the development site, then the development must, to the maximum extent practicable, include provisions such as barriers and protection mechanisms for landscaping and other site features to minimize conflicts that might exist between the wildlife and the developed portion of the site.

9. Prairie Dog Removal

- a.** Before the commencement of construction on the development site, any black-tailed prairie dogs inhabiting portions of the site that shall be disturbed shall be relocated according to a relocation plan approved by the city. Relocation plans must be in compliance with applicable state laws pertinent to relocation and include provisions for recolonization of the prairie dogs to a property. The relocation plan shall include the written consent of the owner of the relocation property.
- b.** Only after a good faith effort to relocate the prairie dogs, and after consultation with the city about alternatives, may an applicant eradicate the prairie dogs. All good faith efforts shall be documented in writing and submitted to the city for consideration. Eradication shall be by the use of a poisonous substance that is either approved for such use by the United States Environmental Protection Agency or is applied by a certified operator regularly engaged in the business of fumigation or pest extermination and was licensed by the State of Colorado pursuant to C.R.S. § 35-10-114.

10. Construction Timing

Construction shall be organized and timed to minimize disturbance of important wildlife species occupying or using on-site and adjacent natural areas, especially during nesting or denning times.

11. Design and Aesthetics

Projects adjacent to large natural areas and/or natural area corridors, including but not limited to the St. Vrain River, Boulder Creek, Dry Creek #2, Union Reservoir, and Left Hand Creek, shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.

12. Standards for Protection during Construction

- a. Any limits on disturbance and buffer or setback areas approved by the director shall be shown on the final plat or plan for development. Such areas shall be designated in the field prior to commencement of excavation, grading, or construction with fencing or other methods approved by the director.
- b. Storage of construction materials, including fill or topsoil, within important habitat areas or required buffer or setback areas is prohibited.

H. Species or Habitat Conservation Plans

1. Plan Preparation

The applicant shall retain a qualified person with demonstrated expertise in the field and who is acceptable to the director to prepare a species or habitat conservation plan required by this section.

2. Plan Content

A conservation plan shall include the following information, at a minimum, and as applicable. The director may waive specific requirements due to the development's location, previous use of the site, the size and potential impact of the development, the absence of particular species on a site, the prohibition of a reasonable use of the site, and other relevant factors.

- a. A description of the ownership, location, type, size, and other attributes of the habitat, plant species, or other natural areas on the site, and verification of property ownership.
- b. A description of the populations of wildlife species that inhabit or use the site, including a qualitative description of their spatial distribution and abundance.
- c. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat, or on important plant species, on- or off-site.
- d. A list of proposed mitigation measures and an analysis of the probability of success of such measures.
- e. A plan for implementation, maintenance, and monitoring of mitigation measures.
- f. A plan for any relevant enhancement or restoration measures.
- g. A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan.

15.05.040 Landscape and Common Area Regulations

Commentary:

We understand that generally the current landscaping standards are working well, and were recently updated. That being said, we made several improvements to this section based on our observations and more recent staff comments.

Substantial reorganization. Throughout this section we relocated current landscaping provisions to read more clearly. Where information was repeated in multiple sections, we consolidated the information in one section (for example, maintenance and installation).

Simplification of required buffers. The current buffer requirements table (15.05C) is overly complex and does not account for more urban conditions where wide buffers would not be reasonable or desirable. We simplified that table by describing the five types of buffers required (A through E) and under what conditions such buffers would apply. We also introduced more flexible standards throughout the draft for alternatives to traditional landscaping (e.g., hardscape and other pedestrian amenities vs. turf grass and plants).

Additional authority for director-approved alternatives. Even with a good set of standards, there will increasingly be applications for developments in mixed-use areas that meet the intent of providing quality streetscape design without meeting the strict application of the LDC. Throughout the draft we have carried forward and introduced new standards giving the director the authority to review and approve alternatives to the various landscaping requirements.

A. Purpose

These regulations are intended to achieve the following purposes:³⁹³

1. Further the goals, policies, and strategies stated in the comprehensive plan;³⁹⁴
2. Preserve open areas, wildlife habitat, water quality, and sensitive natural lands or features;
3. Enhance the visual quality of the city;
4. Promote safe and compatible design;
5. Provide passive and active recreation opportunities and amenities;
6. Provide off-street multi-modal transportation routes;
7. Provide for stormwater systems including low-impact development (LID);
8. Screen or separate incompatible uses; and
9. Conserve water, energy and other limited resources.

B. Applicability³⁹⁵

1. General Applicability

Unless otherwise exempted in paragraph 2, the standards in this section shall apply to:

- a. New development or redevelopment in any zoning district; and

³⁹³ Did not carry forward “screen or separate incompatible uses,” which is not the primary purpose of landscaping, and is already covered by earlier purpose statements.

³⁹⁴ Revised to replace reference to the “LACP” with “comprehensive plan.”

³⁹⁵ Replaces current standard that applies to all subdivisions, construction, and development. The thresholds for applicability to modification of existing development are new, and should be reviewed collectively with other development standard chapters.

- b. Modification or enlargement of any existing development in an amount greater than 25 percent of the gross floor area.

2. Exemptions

The following types of development are exempt from the specific landscaping standards listed below:

- a. Single-family subdivisions and developments of fewer than 25 dwelling units are exempt from pocket park requirements.
- b. Multifamily developments with fewer than 25 units are exempt from the pocket park requirements.

C. Landscaping Requirements³⁹⁶

The landscaping requirements in this subsection apply to all development.

1. Landscape Areas³⁹⁷

- a. The following areas are required to be landscaped according to the standards in this section:³⁹⁸
 - i. Landscape buffers;
 - ii. Pocket parks, plazas and courtyards;
 - iii. Parking areas (islands/medians/perimeters);
 - iv. Greenways;
 - v. Streetscape;
 - vi. Stormwater areas; and
 - vii. Residential, mixed use and nonresidential lots.
- b. The following existing natural areas shall be preserved, reserved, or dedicated to the maximum extent practicable³⁹⁹:
 - i. Floodplains;
 - ii. Lakes, rivers, stream corridors, wetlands, and riparian areas, including setbacks from river/stream corridors, riparian areas, and wetlands required under section 15.05.020F.3;
 - iii. Wildlife habitat and migration corridors;
 - iv. Steep slope areas or geologic hazard areas such as expansive soils, rockfalls, faulting;
 - v. Significant stands of mature desirable trees and existing vegetation; and
 - vi. Significant cultural and historical resources.

2. Ineligible Areas⁴⁰⁰

The following shall not count towards required landscape areas:

- a. Parking areas and driveways, except for landscaped parking lot islands, medians, and perimeters;⁴⁰¹

³⁹⁶ From 15.05.040.H. Did not carry forward preceding section 15.05.040.G that described the organization of the landscaping regulations.

³⁹⁷ From 15.05.040.H.9 and 10, modified as noted.

³⁹⁸ New.

³⁹⁹ From 15.05.040.H.10. Added "to the extent practicable." Otherwise these conditions (such as views) would prevent many sites from any development.

⁴⁰⁰ From 15.05.040.H.11.

⁴⁰¹ Revised to clarify that required parking lot landscaping shall count toward required landscaping.

- b. Land covered by structures; and
- c. Designated outdoor storage areas.

3. Landscaping Standards

a. Landscaping Types and Specifications⁴⁰²

- i. All landscaping materials shall be compatible with local climate and the intended purpose.
- ii. Trees and other plants listed in the city standards approved materials list shall be used.
- iii. In landscape buffers, pocket parks, arterial rights-of-way, greenways, parking area perimeters, and stormwater areas, a minimum of 50 percent of the required trees shall be deciduous canopy species, and a minimum of 25 percent of the required trees shall be coniferous. Conifers shall not be planted where they shade public street and sidewalk intersections during the winter months.
- iv. Grading in landscaped areas shall not exceed slopes greater than 6:1 in pocket parks and 4:1 for all other areas, except that public maintained shrub beds and native grass areas shall not exceed 3:1 slope.
- v. Landscaped areas shall be covered with live irrigated, lower water consuming ground cover over at least 75 percent of the landscaped area, except for areas where additional hardscape is allowed.
- vi. No large mulch or bare soil areas are allowed, except that rock mulch areas may be allowed provided they do not exceed 10 percent of the landscaped area.⁴⁰³

b. Plant Selection and Diversity⁴⁰⁴

- i. All plant materials used in landscaping shall be from the approved materials list and meet the diversity requirements in section 600 of the city standards.
- ii. All tree species prohibited within the city shall be removed by the applicant from their site unless approved by the public works and natural resources department.

c. Plant Sizes

- i. All required trees and shrubs shall be installed at the following sizes:
 - (A). Deciduous canopy trees: Minimum two-inch caliper.
 - (B). Ornamental trees: Minimum one and one-half-inch caliper.
 - (C). Coniferous trees: Minimum six feet in height.
 - (D). Shrubs: Minimum #5 container.
- ii. Plants exceeding required quantities are not subject to size requirements.

d. Restricted Planting Areas⁴⁰⁵

Landscaping or plant materials shall not:

- i. Obstruct the operation and maintenance of utilities.
- ii. Interfere with the function, safety, and access to any public easement or right-of-way, or the flow of stormwater runoff.

⁴⁰² From 15.05.040.H.4, revised to combine and simplify standards.

⁴⁰³ Added rock mulch allowance.

⁴⁰⁴ From 15.05.040.J.1. Paragraph J.4 was not carried forward (soil preparation) and should be relocated to the design standards and construction specifications.

⁴⁰⁵ From 15.05.040.J.2.

- iii. Be installed within a specified sight distance triangle at street and driveway intersections (see section 205.02 of the city standards).

e. Ground Covers⁴⁰⁶

- i. Irrigated lower water consuming grass or other approved vegetation or material suitable for the areas shall be the primary ground cover in areas where hardscape is not proposed.
- ii. Mulches and other inorganic ground cover shall be installed in shrub/planting beds to reduce water evaporation.
- iii. Soil amendments at a ratio of three cubic yards of organic matter or compost per 1,000 square feet of soil shall be applied and tilled to a depth of at least six inches on all landscape areas not covered by approved impervious surfaces and permeable paving.

f. Alternative Requirements for Hardscape Features

- i. In residential zoning districts, pedestrian walks and other hardscape landscape features and amenities, such as outdoor seating areas and recreation courts, may comprise up to 25 percent of the landscaped area.
- ii. In mixed-use and nonresidential districts, pedestrian walks and other hardscape landscape features and amenities, such as outdoor seating areas, and plazas with recreation and entertainment areas, water features, and public art, and approved permeable pavement may comprise up to 50 percent of the landscaped area.⁴⁰⁷
- iii. The director may approve an administrative modification under section 15.02.080B for greater percentages of hardscape features based on the consideration of the scope and scale of the proposed development and mix of uses, the proposed building placement and design, and the quality of the proposed landscape design.⁴⁰⁸

4. Installation and Maintenance

a. Design and Installation⁴⁰⁹

- i. Landscape improvements shall be designed, constructed, and installed in accordance with the city standards.
- ii. Concrete paths shall be designed in accordance with the city standards.
- iii. Xeriscape practice shall be applied in all areas (e.g. ground cover and plants selection, irrigation design based on water needs) unless the director or public works and natural resources manager (for public areas) determines that application is not appropriate given the proposed use of the area.

b. Irrigation Systems⁴¹⁰

- i. The applicant shall be responsible for all costs associated with the installation of the irrigation system, including applicable tap fees. The public works and natural resources manager may waive tap fees upon request when the irrigation system is used to water only city-owned property.
- ii. A separate irrigation tap and system shall be provided for each legal lot, outlot, or parcel unless otherwise approved by the city.

⁴⁰⁶ From 15.05.040.J.3.

⁴⁰⁷ New – expands on current allowance for 25 percent hardscape features.

⁴⁰⁸ New broad authority for director to allow alternative standards for more urban development patterns.

⁴⁰⁹ From 15.05.040.H.1 through 3.

⁴¹⁰ From 15.05.040.H.5.d through f.

- iii. A reduced irrigation standard may be approved by the director or public works and natural resources manager (for public areas) to irrigate xeriscape areas if determined that all of the following standards are met:⁴¹¹
 - (A). The plant material will be maintained in a healthy condition without regular irrigation after the plant establishment period.
 - (B). Underground irrigation shall provide reliable automated irrigation for all plants during the establishment period.
 - (C). The applicant has demonstrated the ability to provide ongoing maintenance of xeriscape areas necessary to keep plant material healthy without irrigation.

D. Tree Preservation⁴¹²

1. All trees within areas proposed to be disturbed by development on- and off-site and in the adjacent right-of-way shall be surveyed and have location, species, size, and condition or health noted in a tree preservation plan – also refer to the administrative manual and city standards.⁴¹³
2. Existing desirable trees shall be preserved and protected from damage during site development.
3. Existing desirable trees shall be incorporated into the design in their existing location whenever possible.
4. Existing desirable trees may be used to satisfy the quantity requirements of landscape standards.
5. If feasible, a tree that cannot remain in its existing location shall be spaded and relocated by a professional tree spade company. All measures shall be taken to ensure the survival and health of the tree. The city shall be consulted for tree relocations.
6. All existing desirable trees that are incorporated into the design shall be adequately protected in the tree protection zone from damage during construction.
7. If design solutions preclude incorporation then replacement shall be made as follows:
 - a. For any desirable trees that cannot be incorporated or are lost due to or prior to construction, the applicant shall provide the corresponding caliper lost on site and in the right-of-way adjacent to the property, in addition to meeting or exceeding the minimum tree planting requirements.
 - b. If the director or public works and natural resources manager (for public areas) determines that on-site or right-of-way replacement is not possible, the required replacement shall be provided on an adjacent site, the nearest public land, or the dollar value of the trees (including the estimated cost of installation) deposited into the city's tree planting fund.
8. See chapter 13.24 regarding tree preservation on city property.⁴¹⁴

E. Developments Adjacent to Public Parks, Natural Areas, and Open Space

Developments adjacent to public parks, natural areas, and open space shall meet the following criteria:

⁴¹¹ Currently these standards are related to providing “temporary irrigation.” Revised to allow reduced standards.

⁴¹² From 15.05.040.O, revised as noted.

⁴¹³ Added reference to tree preservation plan and submittal requirements.

⁴¹⁴ New cross reference.

1. Shall be reasonably accessible, taking into consideration specific areas designated for protection, such as wildlife habitat and movement corridors.
2. Private lots shall not be immediately adjacent to a public park or public open space, and shall be separated by public streets or other buffer acceptable to the city. Also see subsection below for required buffers.⁴¹⁵
3. Access to public parks, nature areas or open space shall be a minimum of 20 feet wide with an eight foot wide concrete path.
4. Pocket parks and other common areas and trails, shopping and activity centers and employments centers shall connect to adjacent public parks, nature areas, open space and greenways.

F. Landscape Buffers⁴¹⁶

1. General Buffer Standards

- a. Buffers may be interrupted for necessary pedestrian and vehicle access.
- b. Buffers may contain a combination of landscaping, berms, and walls/fences.⁴¹⁷
- c. Landscaping provided in buffer areas shall be located in front of walls or fences to maximize the intent of the screening and buffering.
- d. Buffers in mixed-use districts may include a combination of hardscape in buffer design.
- e. For multifamily, mixed-use, and nonresidential uses, and parking areas requiring buffers from other uses in a mixed-use or nonresidential zoning district, the minimum buffer width requirement, excluding buffer type A, shall be one-half the width specified in Tables 5.1 and 5.2.⁴¹⁸
- f. Gateway buffers are required on lots fronting the following community gateway areas and may compromise no more than 50 percent stormwater areas:
 - i. Highway 287 between the northern city limits and Highway 66;
 - ii. Highway 287 between the southern city limits and Pike Road;
 - iii. Highway 119 between the western city limits and Hover Street;
 - iv. Highway 119 between the eastern city limits and Highway 287;
 - v. Highway 66 adjacent to the city limits;
 - vi. 3rd Avenue between Highway 119 and Lashley Street.

2. Buffer Types and Where Required⁴¹⁹

The types of buffers listed in Table 5.1 below shall be provided according to the locations specified in Table 5.2.

⁴¹⁵ Added cross-reference to buffer requirements.

⁴¹⁶ From 15.05.040.I, revised as noted.

⁴¹⁷ Did not carry forward “as determined by the decision-making body.”

⁴¹⁸ New – allows reduction for developments of similar intensity.

⁴¹⁹ This table replaces the current Table 15.05-C with a simplification of similar requirements. Added reductions for streets in mixed-use districts and for adjacent mixed-use development. Did not carry forward requirement for 50-foot buffer for nonresidential buildings with mechanical equipment oriented toward residential uses.

Table 5.1: Types of Landscape Buffers

Buffer Type	Minimum Width	Planting Requirements
A	Building setback	1 tree and 5 shrubs per 750 sq. ft. and each 30 linear feet; An alternative landscape design shall be submitted if the buffer width precludes tree planting
B	20 feet	1 tree and 5 shrubs per 500 sq. ft. and each 30 linear feet
C	30 feet	1 tree and 5 shrubs per 500 sq. ft. and each 30 linear feet
D	50 feet	1 tree and 5 shrubs per 500 sq. ft. and each 30 linear feet
E	50 feet	1 tree and 5 shrubs per 1,000 sq. ft. and each 50 linear feet

Table 5.2: Required Buffer Type by Adjacent Land Use

Uses Requiring Buffer ↓	Adjacent Frontages				Adjacent Use Types		
	Arterial Streets	Other Streets	Primary Greenways, Public Parks and Nature Areas	Gateways	Single-Family Detached	Other Residential	Mixed-Use Development
Mobile home park or subdivision	C	B	B	E	B	B	B
Multifamily and other attached residential buildings (less than three stories)	A	A	B	E	B	A	A
Multifamily (three or more stories)	A	A	C	E	C	A	A
Mixed-use and nonresidential buildings (less than 25,000 sq. ft. AND three stories)	A ⁴²⁰	A	B	E	B	A	A
Mixed-use and nonresidential buildings (25,000 sq. ft. or more OR three or more stories)	A	A	C	E	C	A	A
Parking areas and drive through facility lanes	C	B	C	E	B	B	B
Medium industrial manufacturing and processing uses/recycling facilities/uses with outdoor storage	C	C	D	E	D	D	C

3. Alternative Buffer Requirements⁴²¹

The director may approve an administrative modification under section 15.02.080B for alternative buffer requirements based on the consideration of the scope and scale of the proposed development and mix of uses, the proposed building placement and design, and the quality of the proposed landscape design, decorative screen wall as applicable, the width of the buffer, and site perimeter conditions.

⁴²⁰ Did not carry forward differentiation between nonresidential uses in residential vs. nonresidential zoning districts, which requires a 30-foot buffer along arterials in a residential district.

⁴²¹ New.

G. Residential Standards⁴²²

The following standards shall apply to all residential development unless specifically exempted in this section 15.05.040.

1. Pocket Parks

a. Applicability

Pocket parks are required for:

- i. Residential subdivisions and developments of 25 or more single-family dwelling units; and
- ii. Multifamily developments with 25 or more dwelling units.

b. Size⁴²³

- i. One-quarter acre for every 25 single-family dwelling units.
- ii. One-quarter acre for every 50 multifamily dwelling units.
- iii. For developments with fewer than 50 dwelling units, the director shall determine the appropriate size of the pocket park(s).

c. Location⁴²⁴

- i. Shall be centrally located within the development and accessible to the lots and dwellings they are intended to serve.
- ii. Shall have frontage on at least one local or collector street.

d. Design Standards

- i. Access corridors to and through pocket parks shall be a minimum of 20 feet wide with a minimum five foot wide concrete path.
- ii. Pocket parks shall contain amenities such as playgrounds, community gardens, tot lots, picnic areas, game courts, playing fields, swimming pools, clubhouses or other approved common area buildings or similar facilities based on the size of the park and the number of residents it is intended to serve.⁴²⁵
- iii. Dog parks may be provided so long as they do not make up more than 25 percent of the total required pocket park area.⁴²⁶
- iv. Rear and side yard fences on lots abutting pocket parks shall not exceed five feet in height.
- v. Pocket parks shall not include:
 - (A). Primary or secondary greenways; or
 - (B). Right-of-way landscaped areas.⁴²⁷

⁴²² From 15.05.040.L, revised as noted. We did not carry forward two-family dwellings as a use – therefore the standards have been converted to apply to single-family attached units.

⁴²³ Simplified the requirements to apply to a ratio per 50 dwelling units.

⁴²⁴ Did not carry forward prohibition of pocket parks adjacent to riparian and wildlife habitat areas.

⁴²⁵ Added “based on the size of the park and the number of residents it is intended to serve.”

⁴²⁶ New standard to avoid a dog park being proposed to meet the entire pocket park requirement – which would not serve all residential user types.

⁴²⁷ Currently limited to arterials and collectors.

e. Landscaping Standards

- i. Pocket parks shall contain irrigated, lower water-consuming grass over at least 75 percent of the landscaped area, excluding approved structures and hardscape areas.⁴²⁸
- ii. Landscaping shall be provided for pocket parks at a rate of one tree and five shrubs per 2,000 square feet of landscaped area. Non-landscaping amenities, such as swimming pools, recreation courts, and common area structures, shall not be counted in this calculation.⁴²⁹

f. Drainage Detention/Water Quality Areas

Detention/water quality areas meeting the following standards may comprise up to 50 percent of a pocket park area:

- i. Slopes shall not exceed 6:1.
- ii. A minimum of 90 percent of the detention/water quality area shall be used for passive and active recreation.
- iii. Detention/water quality areas shall comply with the standards in section 15.05.040L.2.b.
- iv. Drainage structures and water quality features shall be designed and located to facilitate the maximum area for recreational use and to provide a safe environment for users.

2. Minimum Landscaping Required⁴³⁰

- a. Any residential subdivision or development subject to the standards of this section shall provide landscaping as indicated in Table 5.3 below.

Table 5.3: Minimum Landscaping Required for Residential		
Standards	Detached Dwellings	Attached Dwellings
Landscaped area per street-facing yard(s)	A minimum of 60 percent of the street-facing yard or 75 percent of the street facing yards for corner lots shall be landscaped	
Plantings per street-facing yard ⁴³¹	Two trees; one tree in street-facing yard	See Buffer requirements in 15.05.040D
Plantings per street-facing yard, corner lot	Two trees; one tree along each street frontage	

- b. Parking shall not be permitted in landscaped areas.
- c. Trees required in the adjacent right-of-way may be counted toward the required trees in Table 5.3 above.
- d. Trees shall be installed by the applicant or builder prior to certificate of occupancy. If it is not practical to install the landscaping prior to occupancy because of weather or other necessary delay, the applicant or builder shall issue a coupon or voucher to the homebuyer for the required landscaping, including delivery and installation, at the closing. A copy of the certificate shall be provided to the city prior to the issuance of a certificate of occupancy.

⁴²⁸ Revised to require grass only on the landscaped areas.

⁴²⁹ Clarified that amenities not be included in the calculation (e.g., swimming pool or playground should not require additional trees be provided elsewhere in the park).

⁴³⁰ We created a new table to display the information.

⁴³¹ Did not carry forward shrub requirements for residential uses.

- e. All lot area not covered by approved buildings or other structures, parking areas, drives and other hardscape areas shall be landscaped consistent with the standards in this section.

H. Mixed-Use and Nonresidential Standards⁴³²

1. Plazas/Courtyards

- a. Plazas/courtyards are required for:
 - i. Mixed-use developments with residential 50 or more multifamily dwelling units; and
 - ii. Other mixed-use or nonresidential developments to the maximum extent practicable based on consideration of the scope and scale of the proposed development and mix of uses, the proposed building placement and design, and the quality of the proposed landscape and screening design.
- b. **Size**
 - i. One-eighth acre for every 50 dwelling units;
 - ii. For other mixed-use or non-residential developments, the director shall determine the appropriate size of the plaza or courtyard, if applicable.
- c. **Location**

Shall be centrally located within the development and accessible to the residents, customers, and guests they are intended to serve.
- d. **Design Standards**

Plazas/courtyards shall include at least three of the following amenity elements:

 - i. Seating at one space for every 250 square feet of plaza/courtyard area. Seating may be provided with chairs and tables, benches, or seating walls;
 - ii. Trees appropriate for the space planted at one tree per 750 square feet of plaza/courtyard area;
 - iii. Public art or water features;
 - iv. Areas and facilities for recreation, entertainment, or educational activities, or outdoor retail or food vendors;
 - v. Other amenities or design elements deemed appropriate for the space by the director.

2. Streetscape Standards

Streetscapes shall be designed according to the following standards:

- a. Pedestrian sidewalks, and other paths shall be designed to provide adequate space for pedestrians, street furniture, outdoor seating areas, landscaping, and other amenities to enhance the pedestrian experience, with a minimum five-foot wide path clear of obstructions for pedestrian access.
- b. Attached sidewalks shall be a minimum of 10 feet wide. Detached sidewalks shall be a minimum of eight feet wide in all areas, except that a detached sidewalk adjacent to exclusively residential at-grade uses along local or collector streets shall be a minimum of five feet wide.
- c. Landscaping in streetscapes in the right-of-way shall be provided according to the following requirements:

⁴³² Based on current standards for the mixed-use zoning district in 15.05.040.N.

- i. Trees in the right-of-way shall be spaced every 40 feet and, depending on the street type and adjacent uses, shall be planted in approved tree grates or in a tree lawn area.
- ii. Tree lawns, where applicable, shall be landscaped with irrigated lower water-consuming grass or other material suitable for the area.

3. Minimum Landscaping Required

All lot area not covered by approved buildings or other structures, parking areas, drives, storage areas, and other hardscape areas shall be landscaped consistent with the standards in this section.

I. Greenways⁴³³

1. Integration with Open Space

Greenways that are a part of a development shall be integrated with other open space and pedestrian access within the development.

2. Design of Greenways

The applicant is responsible for landscaping and designing the primary greenways within or adjacent to their property.

a. Primary Greenways

Primary greenways shall meet the following standards:

- i. At least 50 feet wide on each side of the centerline of an irrigation ditch or waterway;
- ii. A least 50 feet wide where no irrigation ditch or waterway is present;
- iii. At least 100 feet wide on each side of the St. Vrain Creek as measured from the ordinary high-water mark;
- iv. Provide a concrete path along the length of the primary greenway meeting the city standards and to other areas required for any utility needs;
- v. Provide connection(s) from adjacent development to adjacent primary greenway concrete paths, which may include a ten-foot-wide (inside clearance) bridge, or at arterial street crossings, a box culvert of sufficient width and height to accommodate the concrete path;
- vi. All concrete path construction shall comply with section 15.05.030, "habitat and species protection;"
- vii. Fences or walls adjacent to a greenway shall not exceed 48 inches in height;
- viii. Provide required signage, trash receptacles, floodgates, and other requirements; and
- ix. Landscaped at a ratio of at least one tree and five shrubs for every 1,500 square feet of landscaped area (excluding the ditch or river channel and concrete paths), with at least one tree and five shrubs for every 50 linear feet of greenway. The following standards shall apply to the landscaped area:
 - (A). At least 75 percent of the trees shall be deciduous canopy and 25 percent of the trees shall be conifers.
 - (B). Tree placement shall be sensitive to the greenway design, existing vegetation and wildlife habitat, and shall provide screening and materials beneficial to wildlife where appropriate;

⁴³³ Did not carry forward "density and floor area ratio bonus/landscape buffer and setback reductions for developments dedicating additional area as primary greenway" regulations (section 15.05.040.T.6) because they have never been used.

(C). At the city's discretion, existing desirable vegetation may be credited toward the landscaping requirements.⁴³⁴

- x. Irrigated lower water-consuming grass shall be the primary ground cover except for shrub bed areas;
- xi. A greenway irrigation system shall be provided separate from the irrigation system on adjacent private or common property and rights-of-way; and
- xii. Greenways shall comply with any applicable wetlands and stream/river corridor and riparian area protection standards (see section 15.05.020).

b. Boundaries between Common or Private Open Areas

Private or common property adjacent to a primary greenway, public park, nature area or open space⁴³⁵ shall use landscaping and fencing⁴³⁶ to:

- i. Define the right-of-way and maintenance boundaries between public and private open space;
- ii. Reduce the potential for trespassing by defining where private property begins; and
- iii. Control domestic animals from entering the public land areas without the owner.

3. Secondary Greenways

Secondary greenways shall be designed and installed by the applicant and meet the following standards:

- a. Provide connections between residential neighborhoods, parks, nature areas, open space, shopping and activity centers, employment centers, and primary greenways.
- b. Be at least 20 feet wide, with a minimum eight-foot-wide concrete path.
- c. Fences and walls adjacent to the greenway shall not exceed five feet in height.
- d. Landscaped with at least one tree and five shrubs for every 50 linear feet of greenway.
- e. The primary ground cover shall include irrigated, lower-water consuming grass or other approved vegetation.

4. Dedication of Greenways⁴³⁷

Under LMC section 13.36.050, "Rights-of-way or easements for certain roadways, greenways, and access and transportation corridors," the city requires an applicant to dedicate adequate lands or easements or outlots for the development of primary or secondary greenways. This shall include additional primary greenway area required to satisfy the river/stream/riparian area setback requirements outlined in section 15.05.020.E.1.

5. Roadway Intersections⁴³⁸

- a. The applicant shall construct or financially participate in the construction of grade-separated under/overpasses where primary greenways intersect at arterial streets, unless the city determines that such grade-separated facilities are not feasible or needed.
- b. The city may require the applicant to construct or financially participate in the construction of grade-separated under/overpasses along primary greenways at non-arterial street, railroad,

⁴³⁴ New.

⁴³⁵ Added public park, natural area, and open space to broaden the standard.

⁴³⁶ Added fencing.

⁴³⁷ From 15.05.040.T.9.

⁴³⁸ From 15.05.040.T.7. Could be relocated to the design specifications manual at a later date.

and other intersections when the city determines a grade-separated crossing is necessary for public safety.

- c. In addition to grade-separated under/overpasses, as applicable, the applicant shall connect greenway concrete paths to existing and planned concrete paths, and to sidewalks and bike lanes along public streets.
- d. The applicant shall install appropriate warning signs or barricades where a primary greenway intersects a public street at grade.

6. Modifications to Greenway Width Standards

Greenway widths may be increased or decreased based on specific site conditions to ensure adequate wildlife habitat and movement corridors are preserved. See section 15.05.020.E.3, for guidance on when modifications to greenway standards may be appropriate.

J. Parking Area Landscaping⁴³⁹

All uncovered and non-structured parking areas except for those for detached dwelling units shall meet the following regulations:

1. Perimeter Landscaping Requirements

- a. The perimeter of a parking area shall be landscaped with at least one tree and five shrubs per 30 linear feet along a street or primary greenway right-of-way or abutting another property.
- b. Perimeter parking landscaping may be included with other buffer requirements, as required by subsection E above.
- c. Parking areas shall include a landscape buffer at least 10 feet wide between parking lots on abutting properties, or for a parking area abutting another property or a shared driveway, unless a wider landscape buffer is required between different types of uses or different zoning districts according to subsection E above.

2. Landscape Islands

Landscape islands shall be provided within parking areas and shall:

- a. Be located within and at the end of each parking row so that there are no more than 10 consecutive parking spaces without a landscape island separating them;
- b. Be a minimum of nine feet wide, measured from back of curb⁴⁴⁰, by the depth of the adjacent parking space;
- c. Contain mulch with at least six shrubs per single parking row or 12 shrubs per double parking row; and
- d. Contain at least one tree per single parking row and two trees per double parking row. At least 75 percent of trees shall be deciduous canopy trees. Low branched ornamental species shall not be used.

3. Landscape Medians

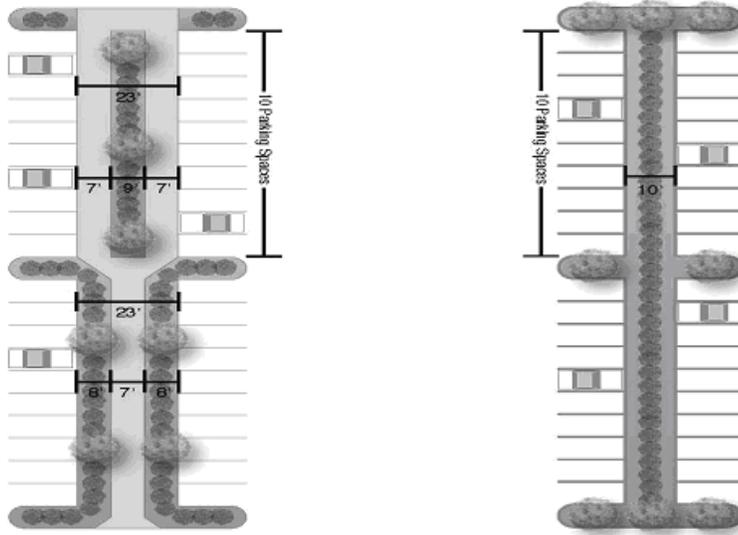
Landscape medians with and without walkways shall be provided pursuant to the following:

⁴³⁹ From 15.05.040.P.

⁴⁴⁰ Added to clarify measurement.

a. Generally

Rows of parking spaces shall be divided by landscape medians parallel to the parking rows so that there are no more than two drive aisles between landscape medians and a required parking lot buffer or landscaped median (see Figure X.X).



Replace graphic with more legible version.

b. Medians with Walkway

The first required landscape median shall contain a walkway and shall be designed as follows unless the parking lot contains fewer than 100 parking spaces:⁴⁴¹

- i. The landscape median with a walkway shall be located in front of an entrance into the building unless an alternate location meeting the intent of this section is approved by the director⁴⁴².
- ii. The walk shall connect to the perimeter pedestrian walks, whenever possible, and include raised or striped crosswalks at all drive aisle crossings. See section 15.05.060, pedestrian and bicycle access and connectivity.
- iii. The median shall be a minimum of 23 feet wide;
- iv. The pedestrian walkway shall be a minimum of seven feet wide;
- v. The landscaped area shall be a minimum of eight feet wide;
- vi. The landscaped median shall be designed according to the illustration above unless an alternate design meeting the intent of this section is approved by the director;⁴⁴³
- vii. Landscape medians shall have at least one deciduous canopy tree and five shrubs for every 30 linear feet along the length of the median;
- viii. Landscape medians shall contain mulch or irrigated lower water consuming grass or other material suitable for the area;
- ix. Plantings with a mature height of six inches or more shall not be planted in the vehicle overhang area; and

⁴⁴¹ Revised exemption from “building is less than 25,000 square feet” to “parking lot contains fewer than 100 parking spaces.”

⁴⁴² Currently “decision-making body.”

⁴⁴³ Currently “decision-making body.”

- x. Additional landscape medians with a pedestrian walkway shall be provided in a parking area at a rate of one with a walkway for every two medians without a walkway.

c. Medians without Walkway

Landscape medians without a pedestrian walkway shall be 10 feet wide and have at least one deciduous canopy tree and five shrubs for every 30 linear feet along the length of the median. Landscape medians shall contain mulch or irrigated grass and plantings with a mature height of six inches or more shall not be planted in the vehicle overhang area.

K. Right-of-Way Landscaping⁴⁴⁴

1. Local and Collector Streets

Local and collector street rights-of-way shall be landscaped as follows:

- a. Detached sidewalks meeting city standards shall be installed to allow for a landscaped eight-foot planting strip (tree lawn) between the back of curb and the edge of sidewalk, except where attached walks are required or allowed.
- b. Deciduous canopy trees shall be planted in the tree lawn or in a tree grate meeting city standards in attached walks at a rate of one tree for every 40 linear feet of right-of-way.⁴⁴⁵
- c. Live irrigated lower water-consuming grass or plants shall be the primary ground cover in tree lawns.

2. Arterials Streets

Arterial right-of-way landscaping shall comply with the following:

- a. Arterial street rights-of-way shall be designed per section 600 of the city standards, and landscaped at a ratio of at least one tree and five shrubs for every 1,000 square feet of landscaped area (excluding concrete paths) with at least one tree for every 40 linear feet⁴⁴⁶ of right-of-way. At least 75 percent of the trees shall be deciduous canopy species and 25 percent of the trees shall be coniferous species.
- b. For arterial streets that are state or federal highways, subsections 2b through 2f apply. If curb and gutter is to be installed within the right-of-way with the development, the arterial street right-of-way landscaping standards above shall apply.
- c. If curb and gutter is to be installed in the future, the applicant shall provide a final landscape plan that identifies the clear zones as defined and regulated by CDOT, and areas where full arterial standards will be installed with the development and areas where the developer will pay cash in-lieu. The final design shall accommodate the future construction with minimal impact to the initial landscaping.
- d. If curb and gutter will not be installed in the future, the final landscape plan shall identify the clear zones. The applicant shall landscape the areas outside the clear zones according to the arterial landscaping standards. The applicant shall also seed the right-of-way clear zone, using a suitable grass seed mixture and irrigation until final acceptance by the city.
- e. If full arterial landscaping is not to be installed in conjunction with the development, it shall be completed by the city at a later time using cash-in-lieu funds. In that event, the applicant shall seed the right-of-way to establish a viable grass stand using a suitable grass seed mixture from

⁴⁴⁴ Carried forward 15.05.040.R with changes as noted. Did not carry forward standards for the SE-O area - now addressed as gateway buffers.

⁴⁴⁵ Currently 50 feet.

⁴⁴⁶ Currently 50 feet.

the approved materials list and irrigation and shall maintain all such areas until final acceptance by the city. The applicant shall provide the city a cash-in-lieu payment for the required landscaping and other public improvements for future construction.

- f. Developments adjacent to State Highway 119 east of Main Street shall comply with the Ken Pratt Boulevard landscape guidelines.

3. In the Longmont Downtown Development Authority Boundary

Properties located in the Longmont Downtown Development Authority (LDDA) boundaries shall meet the adopted LDDA streetscape guidelines

L. Stormwater Facilities⁴⁴⁷

1. Low-Impact Development

The City of Longmont encourages the use of low impact development (LID) applications in developments. Benefits include reduced public infrastructure costs, increased developable land, improved water quality and reduced development costs. All LID applications must conform to applicable provisions of the city standards.⁴⁴⁸

2. Drainage Detention/Water Quality Areas

- a. A drainage detention/water quality area shall comply with the following standards:
 - i. The perimeter shall be landscaped with at least one tree and five shrubs for every 50 linear feet of perimeter. At least 50 percent of the trees shall be deciduous canopy species and 25 percent shall be coniferous species.
 - ii. Low water-consuming grass or other approved vegetation shall be the primary ground cover. All detention/water quality pond areas within the five-year flood plain shall be covered with sod or other approved vegetation. Native grass may be used if it is maintained free of weeds and irrigation is provided until the grass is fully established. Live plant material other than grass may be planted if it is suitable to the area and is maintained free of weeds and irrigation is provided.
- b. Drainage detention/water quality areas used to meet open space requirements shall:
 - i. Be irrigated;
 - ii. Be landscaped at one tree and five shrubs per 2,000 square feet;
 - iii. Provide adequate and ADA compliant access for pedestrians and maintenance equipment;
 - iv. Design and locate drainage structures to provide maximum recreational use of the detention/water quality area; and
 - v. Indicate the 10-year and 100-year storm detention/water quality areas on the landscape plan.

M. Modifications and Alternative Standards⁴⁴⁹

Where the scope and scale of the project or other conditions reasonably preclude strict compliance with numerical or nonnumeric landscaping standards, an alternative landscape design and plan satisfying the purpose of this section may be approved.⁴⁵⁰ Landscape requirements may be modified

⁴⁴⁷ From 15.05.040.Q. Did not carry forward standards for stormwater facilities dedicated to the city in 15.05.040.Q.4.

⁴⁴⁸ Pending update to the design standards and construction specifications.

⁴⁴⁹ From 15.05.040.E and F.

⁴⁵⁰ From current 15.05.040.F. Replaced “project manager” with “director.”

by the director through an administrative modification under section 15.02.080B, or by the public works and natural resources manager (for public areas) through an exception to city standards under section 15.02.080A, and any of the following:

1. Administrative Modifications

- a. The landscaping is proportionate with the scope of the project, depending on the types of uses and improvements proposed or that the scope of the development is so limited that it would be impractical or unreasonable to meet the landscaping standards; or
- b. Developments shall provide increased quantities, sizes or types of landscaping or amenities to offset any reduced landscaped area to the maximum extent practicable.

2. Rights-of-Way or Other Public Areas

- a. Where it is not possible to meet the right-of-way or other public area landscaping standards, an alternative landscape plan may be provided.
- b. An alternative landscape plan for rights-of-way may include the use of tree grates within or adjacent to the concrete path or pedestrian walk.
- c. If required right-of-way or other public area landscaping is not possible, the dollar value of the required landscaping, including the estimated cost of installation, shall be deposited into the city's tree planting fund.⁴⁵¹

N. Evaluation of Landscape Plans

1. Plan Specifications⁴⁵²

All landscape and irrigation plans shall meet the submittal requirements of the administrative manual and section 600 of the city standards.

2. When Irrigation Plans Required⁴⁵³

Irrigation plans are required with landscape plans for:

- a. All publicly owned or maintained areas; and
- b. All common landscape areas owned by a property owners association, including pocket parks.

O. Landscape Installation and Maintenance⁴⁵⁴

1. Property Owner Maintenance

- a. The property owner or property owners association shall maintain all on-site and common area landscaping and all landscaping on adjacent rights-of-way.
- b. Such maintenance shall include all reasonable and regular:
 - i. Irrigation;
 - ii. Weed control;
 - iii. Fertilizing;
 - iv. Pruning;

⁴⁵¹ Did not carry forward “for developments within a MU district, the dollar value deposited in the city’s tree planting fund shall be dedicated for future tree planting within the MU district where the development is located.”

⁴⁵² From 15.05.040.H.5.a.

⁴⁵³ From 15.05.040.H.5.c.

⁴⁵⁴ From 15.05.040.K.

- v. Waste removal;
 - vi. Concrete path snow and ice removal; and
 - vii. Treatment or replacement of plant materials that show signs of insect pests, diseases, or damage.
- c. The property owner is responsible for maintaining landscaping according to any landscaping plan approved by the city.⁴⁵⁵
- d. The city, at its discretion, may agree add, remove, replace, or maintain trees and other landscaping within the right-of-way.

2. City Maintenance

a. Types of Landscaping⁴⁵⁶

The city may agree to maintain primary greenways consistent with the city standards and the following types of landscaping:

- i. Arterial right-of-way landscaping abutting the rear yards of single-family detached and attached dwellings where there is no property owners association in the development or subdivision.
- ii. Secondary greenway or other facilities dedicated to the public.

b. City Maintenance Criteria

- i. The city determines that the public interest is served by city maintenance based on:
 - (A). Ease of maintenance and potential use of the area for open space or recreation uses by the public that offset the city cost by providing a desirable amenity to the citizens of Longmont;
 - (B). Whether the area would complement the city's park or greenway system; and
 - (C). Whether the applicant provides cash escrow for ongoing maintenance of the facility.
- ii. Installation of all landscaping and improvements is part of the public improvements and meets the current city standards.
- iii. Landscaping and facility design is compatible with the facility and its use and surrounding uses.

15.05.050 Streets and Vehicle Access and Circulation

Commentary:

Several substantive edits made as noted. Density bonuses for alleys were not carried forward because they have never been used. Loop court standards were also not carried forward because they have never been used in Longmont.

A. Purpose

Within each development, the vehicle access and circulation system shall accommodate the safe, efficient, and convenient movement of vehicles, bicycles, pedestrians, and transit through the development and to and from adjacent properties and land uses.

⁴⁵⁵ New.

⁴⁵⁶ Did not carry forward detention areas dedicated to the city on the list of city maintained landscape features.

B. Applicability

This section shall apply to all new developments and subdivisions, except where varied through approval of a planned unit development or through the exception process stated in section 15.02.080A.

C. Consistency Required

The layout of streets and highways shall comply with the street classification and configuration designated in the Comprehensive Plan, with all adopted street transportation, and multi-use corridor plans, with city standards, and with the provisions of this development code.

D. Streets

1. General Design Standards

a. General

The design of public streets shall reflect the nature and function of the street in relation to proposed and existing surrounding land uses.

b. Compliance with City Standards

Construction and design of all public streets, including alleys, shall conform to the applicable city standards.

2. Connectivity

- a.** For purposes of this section, the "local street system" shall mean the interconnected system of collector and local streets providing access to development from an arterial street.
- b.** The local street system for a proposed development shall be designed to be safe, efficient, convenient, and attractive for multi-modal use including, without limitation, cars, trucks, buses, bicycles, pedestrians and emergency vehicles.
- c.** The local street system shall provide multiple direct connections to and between local destinations such as parks, schools, and shopping. Local streets shall provide for both intra- and inter-neighborhood connections to connect separate developments together, rather than forming barriers between them. The street configuration within each individual development shall contribute to the street system of the neighborhood.
- d.** Where rights-of-way for arterial, collector, or local streets exist or are designated on property adjacent to a proposed development, and those rights-of-way extend to the property or boundary line of the proposed development, the city may require the proposed development to designate rights-of-way to connect those adjacent rights-of-way into or through the land contained in the proposed development.
- e.** New subdivisions shall be designed with a transportation grid to the maximum extent practicable.⁴⁵⁷
- f.** Gated developments are prohibited where access to a public street would be restricted.

3. Consideration of Existing Topography⁴⁵⁸

Streets shall be designed to avoid steep grades and deep cuts given the existing topography.

⁴⁵⁷ New.

⁴⁵⁸ Did not carry forward "to the maximum extent feasible."

4. New Intersections and Curb Cuts

- a. The number of intersections and curb cuts on streets and highways shall be minimized consistent with city standards. Intersections and curb cuts shall be designed to provide the greatest safety for both pedestrians and motorists. In addition, curb cuts for access to off-street parking areas shall comply with Table 5.4, below.

Table 5.4: Curb Cut Design Requirements⁴⁵⁹

District or Area	Minimum Width	Maximum Width
Residential zoning districts [1]	12 feet	24 feet
Mixed-use and nonresidential zoning districts (serving one principal use)	12 feet	30 feet
Mixed-use and nonresidential zoning districts (serving more than one principal use)	12 feet	40 feet

NOTES:
 [1] Driveways serving detached or recessed garages for single- or two-family dwellings shall be a minimum of 10 feet wide.

- b. For lots with 100 feet or less of street frontage, no more than one curb cut per lot is allowed. A maximum of one curb cut for every 100 feet of local street frontage or portion thereof may be allowed for lots with frontage in excess of 100 feet.
- c. New curb cuts for direct access from lots onto regional and principal arterial streets are prohibited.⁴⁶⁰

5. Private Streets Prohibited

Streets held in private ownership, yet used as a public way for provision of public access and services, are prohibited.⁴⁶¹ Private drives that provide access across a lot are allowed, provided that maintenance responsibilities are specified on a plat or plan.⁴⁶²

6. Cul-De-Sacs

Cul-de-sacs shall meet all applicable city standards for design and construction and comply with the following standards:

a. Length

The maximum length of a cul-de-sac shall be 250 feet, measured from the center of the intersection to the center of the turnaround.

b. Pedestrian and Bicycle Connections

Cul-de-sacs shall be designed to provide pedestrian ways and bicycle access routes at the bulb-end of the cul-de-sac to connect the cul-de-sac to an appropriate street to provide pedestrian/bicyclist circulation and access unless the decision-making body approves an alternative pedestrian access plan with the subdivision that provides adequate access.

7. No-Outlet (Dead-End) Streets

Except for cul-de-sacs as provided in this section, no-outlet streets are prohibited except in cases where such streets are designed to connect with future streets on adjacent land, in which case a

⁴⁵⁹ This table replaces current 15.05.050.D.4.a and b.
⁴⁶⁰ Did not carry forward reference to an exception as granted in 15.02.070.C.
⁴⁶¹ Did not carry forward reference to an exception as granted in 15.02.070.C.
⁴⁶² Second half of last sentence is new.

temporary turnaround easement at the end of the street with a diameter meeting city standards shall be provided.

8. Alleys⁴⁶³

Alleys shall be used to the maximum extent practicable⁴⁶⁴ for residential or mixed-use development subject to the following standards:

- a. Alleys shall meet all applicable city standards for design, construction, and improvements;
- b. Alleys shall connect through the block to a publicly dedicated street on each end; and
- c. Alleys may be used to satisfy the requirement for a public street frontage when determined to have adequate emergency and utility access and easements.⁴⁶⁵
- d. Developments providing alleys may reduce lot width requirements of the applicable zoning district by up to 20 percent and may reduce front setbacks by up to five feet, provided that all other standards of this development code are met.

9. Utilities

All plans for street and alley development shall contain all utility access, easement, service, and utility cabinet locations. Utility service cabinets should be located in the least visible and least intrusive locations possible.

E. Block Length

1. Blocks shall not exceed 1,320 feet (1/4 mile) in length between intersections, except where topography or other constraints or requirements dictate shorter or longer blocks.⁴⁶⁶
2. Blocks in the MU zoning districts shall not exceed 660 feet (1/8 mile) in length between intersections, except where topography or other constraints or requirements dictate shorter or longer blocks.⁴⁶⁷
3. Blocks that exceed 660 feet in length shall provide a pedestrian and bicyclist access route through the center of the block⁴⁶⁸. All such access routes shall meet the requirements stated in subsection G below.

F. Traffic Calming⁴⁶⁹

New Streets shall include traffic calming improvements as required by city standards section 202.01.1.

G. Vehicle Access and Circulation

1. Access Design—General

Vehicle access to any property shall be controlled to protect the traffic-carrying capacity of the abutting street. Vehicle access shall generally be directed to lower volume streets first, and then to higher volume streets.

⁴⁶³ Did not carry forward the density bonus for use of alleys – it has never been used. Also did not carry forward current standard to “provide rear access to at least 50 percent of the garages on residential lots adjacent to the alley.”

⁴⁶⁴ Replaced “encouraged” with “shall be used to the maximum extent practicable.”

⁴⁶⁵ New.

⁴⁶⁶ Revised from 1,200 feet currently in the CBD and C districts.

⁴⁶⁷ New.

⁴⁶⁸ Did not carry forward “where practical.”

⁴⁶⁹ New.

2. Access to Public Streets—General

a. Required

All new lots shall have access to a public street conforming to the standards stated in this section. In addition to direct access to a public street, access may be provided through techniques described in section 15.05.050.F.6, auto courts, below.⁴⁷⁰

b. Limits on Access to Streets

- i. New direct access from a lot to an arterial street is prohibited.⁴⁷¹
- ii. New direct driveway access from a residential lot to a collector street is prohibited.
- iii. Applicants should refer to the city standards for additional access restrictions and requirements.

c. Fire and Emergency Access

All development shall provide fire and emergency vehicle access according to applicable requirements stated in the fire code as adopted by the city.

d. Location of Access to Public Streets

- i. In new multi-family and nonresidential developments, vehicular access shall be spaced at least 50 feet from the nearest right-of-way line of any intersecting street and no closer than 25 feet to any adjacent property line. However, either or both of these setback requirements may be reduced or enlarged to permit a single vehicular access point that can serve two adjacent properties or where compliance with these requirements would deny vehicular access to a property.
- ii. In addition, where it is not practically possible to meet these requirements, the director and public works and natural resources manager may approve a modification based on submittal of an acceptable alternative circulation plan, giving consideration of overall traffic movement and volume. In no case, however, shall the city deny access to a public right-of-way, unless the proposed access shall create an undue hazard to the public or unless other access alternatives exist.

3. Two Means of Access Required

a. General Rule

To ensure public safety and to provide an efficient transportation system, each new development or subdivision shall provide a minimum of two principal means of access to the development or subdivision from public streets. The two means of access shall separately connect to the public street system.

b. Exceptions

- i. This requirement may be waived by the decision-making body⁴⁷² if the acreage or the number of lots is so limited, or if the configuration of the proposed development or subdivision is of such unusual shape that the proposed project cannot reasonably be served by more than a single street, and that single street shall meet the public safety and transportation needs of the subdivision.

⁴⁷⁰ Did not carry forward reference to loop lanes, since they were removed from the code.

⁴⁷¹ Did not carry forward reference to an exception as granted in 15.02.070.C

⁴⁷² Did not carry forward reference to an exception as granted in 15.02.070.C

- ii. Where the decision-making body finds that it is impractical to make a second principal street connection or that a second principal street connection is not necessary, a secondary emergency access connection may be required when the number of units and the nature of the development dictate the emergency access. The decision-making body shall determine the size and construction of the emergency access connection based on the need to accommodate required emergency vehicles as determined by the fire marshal.

c. Timing of Required Access Provision

- i. Where the development is to be constructed in phases, the phasing shall be established so that two principal means of access are constructed in conjunction with the initial phase of the development. Where the acreage or the number of lots in the initial phase of the development is so limited as to not create a major safety or transportation concern to the city, and when approved by the public works and natural resources manager and the fire marshal, the second principal means of access may be deferred until a subsequent phase.
- ii. When this is permitted, the city may require the applicant to post financial security up to 125 percent of the cost of construction of the second principal access according to the requirements of section 15.02.110, public and common/private improvement review, construction and acceptance, may limit the number of building permits issued to guarantee construction of the second principal access when it is needed, and may require the dedication of any right-of-way required to construct the second principal access. The public works and water utilities director shall determine what method shall be required depending on the specific and unique circumstances of the development.

4. Reserve Strips

Reserve strips controlling access to streets or for other purposes are prohibited unless such reserve strip is required and controlled by the city.

5. Access Roads

The city may require access roads where a development or subdivision adjoins or contains an existing or proposed arterial street on which traffic volumes and vehicular speeds warrant special safety considerations.

6. Auto Courts

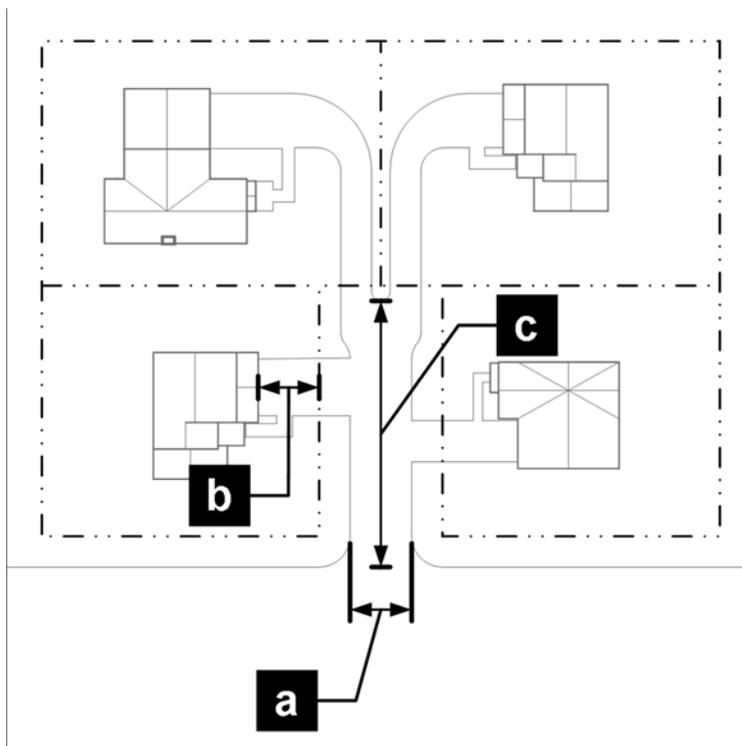
Auto courts may be considered on a case by case basis as an alternative subdivision design. Auto courts should be limited to areas where parcel configurations may not allow for adequate street frontage.⁴⁷³ The use of auto courts should also be limited to minimize the impact on city services and utilities and on maintenance responsibilities of homeowners and property owner associations. Up to four one-family dwelling units may share a single driveway access to a public street through the use of an auto court layout approved through the preliminary subdivision plat review process described in section 15.02.060E, provided that the auto court complies with the following standards:

- a. The surface of the shared driveway in the auto court shall be at least 20 feet wide and shall be surfaced with concrete or other permeable paving approved by the director. (Figure 5.1)
- b. Individual driveways leading from the shared driveway to each dwelling unit shall be at least 20 feet long, as measured from the front of the garage or carport to the closest edge of the shared driveway. (Figure 5.1)

⁴⁷³ New limitation.

- c. No portion of the shared driveway shall extend more than 150 feet from the closest edge of the adjacent public street to which the shared driveway gives access. (Figure 5.1)
- d. The design of the auto court shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction using only the individual driveway (but not individual driveways of any other residence), the shared driveway, or the adjacent public street. The American Association of State Highway and Transportation Officials (AASHTO) turning template for a "P" ("passenger") design vehicle shall be used to confirm that these standards are met.
- e. The auto court design shall comply with all off-street parking requirements applicable to one-family dwellings. In addition, each auto court design shall provide one-half additional off-street parking space per dwelling unit, in a location other than a private driveway or on the shared driveway.
- f. Maintenance and repair of auto courts shall be the responsibility of a property owners association or adjacent property owners. The city shall approve provisions for maintenance and repair during the subdivision review process.
- g. No parking shall be allowed on the shared driveway.
- h. The auto court shall not take access on a cul-de-sac bulb.
- i. The auto court access shall be from a standard-width street and the applicant shall demonstrate that there is adequate guest parking available on the street.
- j. Each dwelling on an auto court shall have at a minimum a two-car garage.
- k. The auto court shall comply with all other city standards including fire and emergency access, and utility provision.

Figure 5.1: Auto Courts



15.05.060 Pedestrian and Bicycle Access and Connectivity

Commentary:

Much of this section was carried forward as-is, except that the bicycle parking standards were relocated to the off-street parking section 15.05.080. Some minor revisions made per staff comments, as noted.

A. Purpose

These standards are intended to implement the comprehensive plan⁴⁷⁴ and to provide for a safe and convenient system of well-connected pedestrian ways and bikeways and multi-use corridors that link developments with shopping, employment centers, recreational facilities, open space, parks, transit stops, and schools. Within individual developments, these standards require safe and convenient pedestrian and bikeway systems that directly link buildings, parking areas, open space, transit stops, services, and other areas of interest. In addition, these standards encourage convenient access to transit services, including linking transit access to on-site pedestrian and bicycle systems.

B. Applicability

This section applies to development applications for site plans, subdivision plats, PUD developments, conditional uses, and secondary uses.⁴⁷⁵

C. Detached Sidewalks Required⁴⁷⁶

1. Detached sidewalks meeting city standards shall be installed along all streets, except where attached walks are allowed or required.⁴⁷⁷
2. Sidewalks shall be detached from the curb at least eight feet to allow for a landscaped planting strip between the edge of the right-of-way and sidewalk, except for transitioning at street intersections where sidewalks shall be attached.

D. On-Site Pedestrian and Bicycle Access⁴⁷⁸

1. General Standards⁴⁷⁹

All new development shall provide on-site pedestrian and bicycle facilities that comply with the following standards:

- a. On-site bicycle and pedestrian facilities shall connect to the city's existing and planned bike and pedestrian network. Safe and convenient bicycle and pedestrian access from the site shall be provided to the public bike and pedestrian system⁴⁸⁰ located adjacent to the development.
- b. On-site connections shall be made to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the development and adjacent

⁴⁷⁴ Replaced multi-modal transportation plan with comprehensive plan.

⁴⁷⁵ Replaces "limited uses" with "secondary uses." Did not carry forward applicability to annexations or rezonings, since these standards are more related to site planning/engineering and not zoning or entitlement.

⁴⁷⁶ Did not carry forward 63% credit to common open space requirement for landscaped tree lawns.

⁴⁷⁷ Currently applies in the CBD and the MU district.

⁴⁷⁸ Bicycle parking requirements from 15.05.060.D.4 were relocated to the off-street parking requirements in 15.05.080.

⁴⁷⁹ Revised to refer to both pedestrian and bicycle facilities and systems.

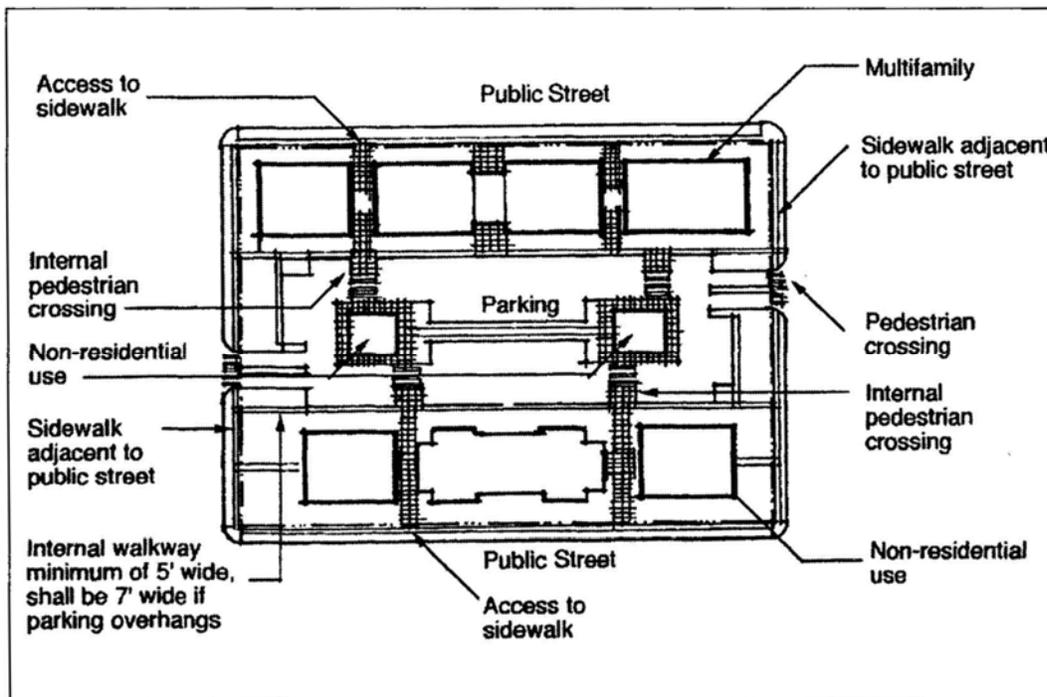
⁴⁸⁰ Revised from "provided to designated concrete paths or greenways."

developments.⁴⁸¹ In order to provide direct pedestrian connections to these adjacent destinations, the city may require additional on-site and off-site bike and pedestrian facilities not associated with a street, or the extension of bike and pedestrian facilities from the end of a cul-de-sac to another street or walkway.

- c. The city may require, when necessary to assure public safety, construction of or contribution to pedestrian and bicycle facilities (for example, overpasses, underpasses, or traffic signalization) in the vicinity of parks, shopping areas, or other uses that may generate considerable pedestrian and bicycle traffic.

2. Pedestrian Connections

All primary entrances of principal structures containing nonresidential uses, and each entryway serving dwelling units in a multi-family structure, shall have direct access (without having to cross a street) to a sidewalk, pedestrian walkway, or trail that leads to a sidewalk adjacent to a public street. Each such sidewalk, pedestrian walkway, or trail shall be a minimum of five feet wide, or a minimum of seven feet wide where it is adjacent to areas where parked cars may overhang the walk or trail. See also section 15.05.120, mixed-use and nonresidential design standards, for additional pedestrian connection requirements.



Update graphic for legibility. Make sure that it is consistent with off-street parking layout and design standards.

3. Bicycle Connections

In developments containing nonresidential uses or multi-family uses, bicycle access routes shall be provided between public bikeways and on-site bicycle parking areas. Sites should be designed to avoid or minimize all conflicting bicycle/motor vehicle and bicycle/pedestrian movements. All bicycle access routes connecting to the city park, open space, and greenway system shall be

⁴⁸¹ Revised from "adjacent neighborhood (s)" to adjacent developments.

constructed of concrete, shall be at least eight feet wide, and shall comply with applicable city standards.

4. Concrete Paths

Concrete paths not located in greenways shall be at least eight feet wide if detached from the street, or ten feet wide if attached to the street.

5. Transit Access Circulation

Nonresidential and multi-family residential developments shall incorporate bus stop locations within their site plan if requested by the Regional Transit District ("RTD") or other transit provider. Bus stop locations shall accommodate a bus shelter and passenger-loading apron complying with RTD (or other transit provider) design criteria. All existing and proposed bus stops and park-n-ride facilities shall be linked by paved walkways to at least one sidewalk and to at least one internal walkway within each adjacent nonresidential and multi-family development that contains more than one building. Applicants are responsible for contacting and coordinating with RTD or any other transit provider to assure compliance with this provision.

6. Pedestrian Street Crossings⁴⁸²

Pedestrian access and safety shall be emphasized when a pedestrian walkway crosses drive aisles or internal roadways. The pedestrian crossings shall be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, and/or landscaping.

7. Security, Lighting, and Visibility

On-site pedestrian walkways, bicycle routes, and transit stops shall be illuminated to ensure personal safety. Lighting fixtures shall be compatible with the architectural character of the principal structures. Clear and direct lines of sight shall be provided in pedestrian settings to increase visibility and security to the maximum extent practicable.⁴⁸³ Any service areas (loading docks or storage areas) adjacent to pedestrian walkways or bicycle routes shall be fully screened from view. (See section 15.05.140, outdoor lighting, for additional standards.)

15.05.070 Underdrains

Commentary:

No substantive changes made. Future changes may be introduced pending updates to the design standards and construction specifications in 2018/2019.

A. Purpose

This section provides requirements for underdrain systems which are installed to provide a safe method for conveying groundwater from around building foundations to a point of discharge.

B. Building Perimeter Underdrains

1. When Required

A building perimeter underdrain shall be provided around all foundations that retain earth and enclose habitable spaces located below grade.

⁴⁸² Did not carry forward "the material and layout of the pedestrian access shall be continuous as it crosses the driveway, with a break in continuity of the driveway paving and not in the pedestrian access way."

⁴⁸³ Did not carry forward "to the maximum extent practicable."

2. Design and Plan Approval

- a. The building perimeter underdrain must comply with all applicable city, state, and federal regulations in place at the time of construction and shall be designed by a Colorado registered professional engineer.
- b. Plans for the building perimeter underdrain shall be reviewed and approved by the chief building official. Approval of the plans by the city does not relieve the professional engineer, applicant, or owner from the responsibility to construct and maintain a workable system.

3. Compliance and Inspection

- a. The professional engineer shall inspect and certify, in writing, to the chief building official that the building perimeter underdrain was built according to the city-approved building perimeter underdrain plan.
- b. The professional engineer shall certify that the building perimeter underdrain is properly connected to the area underdrain or underdrain collection system.
- c. The city shall not issue the certificate of occupancy until receipt of the professional engineer's certification and the building perimeter underdrain connection has been completed, inspected and approved by a public works and natural resources engineer or inspector.
- d. The city may issue a stop work order to the builder if connection of the building perimeter underdrain to the area underdrain or underdrain collection system is not completed, or if a sump pump is installed without prior written approval from the city.
- e. All building perimeter underdrains shall have a positive gravity outlet piped to an approved underdrain collection system, to a storm sewer, or to a drainage channel. The use of any conveyance system other than a gravity building perimeter underdrain system, including, but not limited to, sump pumps, must be approved in writing prior to installation by the public works and natural resources manager.
- f. Sump pits and pumps may be installed as a backup in addition to the gravity connection and must be approved in writing prior to installation by the public works and natural resources manager.
- g. No person shall make connections of sources of surface runoff to a building perimeter underdrain which in turn is connected directly or indirectly to an area underdrain and underdrain collection system. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater to the building perimeter underdrain.

4. Ownership and Maintenance

The owner of the building, dwelling, or structure, shall own and maintain its building perimeter underdrain and all other portions of the underdrain that are not a part of the area underdrain and underdrain collection system.

C. Area Underdrains and Underdrain Collection Systems

1. Design and Plan Approval

- a. The area underdrain or underdrain collection system must comply with all applicable city, state, and federal regulations in place at the time of construction.
- b. A professional engineer registered in the State of Colorado must design, and stamp the area underdrain plans, underdrain collection system plans, and underdrain report. The system shall be designed in consideration of seasonal high groundwater levels anticipated at the project site.

- c. All area underdrains and underdrain collection systems shall have a positive gravity outlet piped to an approved underdrain collection system, to a storm sewer, or to a drainage channel. The use of any conveyance system other than a gravity system, such as a lift station, must be approved in writing prior to installation by the public works and natural resources manager.
- d. Area underdrains and underdrain collection systems, six inches in diameter or smaller, placed adjacent to and in the same trench as sanitary sewer mains shall be rigid walled nonperforated pipe and shall have a minimum clearance of one foot from the side of the underdrain pipe to the side of the sanitary sewer main pipe. Access points on underdrain systems are not allowed to connect to or surface into sanitary sewer manholes.
- e. Area underdrains and underdrain collection systems, six inches in diameter or larger must be placed in a separate trench from all other underground utilities. Area underdrains and underdrain collection system placed in the right-of-way shall be rigid walled nonperforated pipe.
- f. An underdrain report must be submitted with the plans, and shall, at a minimum, include the sizing criteria for the area underdrain and underdrain collection system and maintenance requirements.
- g. The city development review committee shall review the stamped plans and underdrain report. Approval of the plans and underdrain report by the city does not relieve the professional engineer, applicant, or owner from the responsibility to construct and maintain a workable system.

2. Compliance and Inspection

- a. The professional engineer shall perform regular inspections of the construction of the area underdrain and underdrain collection system to ensure that the system is built in accordance with the approved plans.
- b. As-built plans must conform to the city standards. Inspection of the area underdrain and underdrain collection system will also be performed by the public works and natural resources engineer or inspector.
- c. The city shall not issue any building permits for the premises served by the area underdrain or underdrain collection system until receipt of the professional engineer's inspection reports, dye testing and/or video inspection, and as-built plans.
- d. Access points shall be installed on area underdrains and underdrain collection systems.
- e. Copies of inspection reports will be provided to the city. Dye testing and video inspection of the area underdrain and underdrain collection system to assure operability will be submitted with the inspection reports.
- f. No person shall make connections of sources of surface runoff to an area underdrain or underdrain collection system. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater to the area underdrain or underdrain collection system.
- g. No connection of one area underdrain and underdrain collection system to another will be allowed without the express written approval of the owner.

3. Ownership and Maintenance

- a. The property owners' association shall own and maintain any area underdrain or underdrain collection system if the system serves more than one property. Covenants, approved by the

city, must specify ownership and ensure adequate maintenance by a property owners' association.

- b. Copies of the underdrain report, the professional engineer's inspection reports, the video inspection, and as-built plans will be provided to the property owners' association by the developer.
- c. Where practicable, installation of the area underdrain and underdrain collection system shall be on private property with the approval of the property owner. The city may allow installation of the area underdrain and underdrain collection system within common areas or on-site pedestrian trail systems.

4. Use of Right-Of-Way

The city may approve installation of the area underdrain and underdrain collection system in public rights-of-way, public open space or public pedestrian trail systems, subject to the following:

- a. The applicant obtains an infrastructure permit and maintains infrastructure according to city standards and regulations; and
- b. The applicant indemnifies the city for all costs of repair (including repair of public areas, streets, landscaping, and utilities) and liability for failure of the system, as approved by the city attorney and the risk manager.

D. Exceptions

1. Submittal of Exception Request

Requests for exceptions to this section 15.05.070 shall be submitted in writing to the public works and natural resources manager. The request shall state the exception requested, the justification and supporting data for the exception. The city may require that exceptions be signed by a professional engineer registered to do work in the State of Colorado, and bear their seal.

2. Criteria

- a. Special circumstances or conditions exist which limit the ability of the design to meet the requirements outlined in this development code. Financial difficulties, loss of prospective profits and previously approved exceptions in other developments shall not be considered as special circumstances; or
- b. The exception represents an alternative design that will meet the intent of the requirements set forth in the code.
- c. In either case, if granted, the exception will not be detrimental to the public interest or other property and will not endanger the public safety, health or welfare.

3. Timing

All exceptions must be reviewed and acted on prior to construction. The city shall respond promptly in writing to such requests, but reserves a minimum of five working days for review and response. When additional time is required, the city shall notify the submitter of the need for additional time within two working days of the submittal.

4. Exception Does Not Apply to Other Standards beyond the Request

Approval of plans by the city, which contain design elements not in compliance with this development code, and for which an exception request has not been specifically requested and approved, does not imply approval of an exception from these requirements.

5. Validity during Construction

Written, approved exceptions will not be subsequently rejected during construction.

15.05.080 Off-Street Parking, Stacking, and Loading

Commentary:

We understand that the current parking standards are working relatively well in Longmont. We did not hear considerable feedback related to market demands either providing too much or too little parking. However, as mentioned in the assessment memo, we structured the new required parking table to match the table of allowed uses (from use regulations in Batch 1). This new system allows for easy navigation of required parking by use type, and should reduce the number of interpretations for future proposals. Further commentary is provided prior to the new parking table.

We also restructured the overall organization of 15.05.080 to begin with the calculations and requirements and then followed by the design standards for parking. This is a more modern approach to parking regulation.

A. Purpose⁴⁸⁴

This section is intended to provide off-street parking and loading facilities in proportion to the parking, loading, and transportation demands of different land uses throughout the city. This section is also intended to help protect the public health, safety, and general welfare by:

1. Avoiding and mitigating traffic congestion;
2. Providing safe and convenient interaction between vehicles and pedestrians;
3. Providing necessary access for service and emergency vehicles;
4. Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and
5. Providing flexible methods of responding to the transportation, access, and parking demands of various land uses in different areas of the city through changes in markets, technology, and demographics.

B. Applicability⁴⁸⁵

1. New Development

Unless otherwise exempted below, the standards in this section shall apply to all development and land uses established after the effective date of this development code.

2. Expansions and Enlargements

The off-street parking and loading requirements apply when the gross floor area of an existing structure or use is expanded by 25 percent or more.

C. Change in Use⁴⁸⁶

Off-street parking and loading shall be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use.

⁴⁸⁴ New. Replaces introductory paragraph of current 15.05.080.A.

⁴⁸⁵ New.

⁴⁸⁶ New standard to address changes in use, which is a common problem among communities.

D. Calculation of Parking and Loading Requirements⁴⁸⁷

1. Area Measurements⁴⁸⁸

All square-footage based parking and loading requirements shall be calculated on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such calculation.

2. Fractions⁴⁸⁹

When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next highest whole number.

3. Parking and Loading for Unlisted Uses⁴⁹⁰

For uses that are not specifically listed in Table 5.5, the number of parking spaces permitted shall be the number permitted for the most similar use listed or may be listed as category details in section 15.04.020 "use-specific standards" or as approved in an alternative parking plan described below.

4. Shared Parking⁴⁹¹

Shared parking shall be provided to the extent practicable to use parking areas efficiently while allowing flexibility for additional development.

5. Garages and Surface Parking for Multifamily

Garage and surface parking serving multifamily dwelling units shall only count toward the total parking requirement if the garage or surface parking is included as part of the sale or rent of the unit.

6. On-Street Parking⁴⁹²

Parking on adjacent local/collector streets or internal streets fronting on a lot containing single-family attached or multifamily dwellings, or for uses within mixed use or nonresidential zoning districts, may satisfy the parking requirements.

7. Alternative Parking Plans⁴⁹³

a. Scope

An alternative parking plan may be approved to satisfy vehicle parking needs by means other than providing parking according to the ratios established in Table 5.5, or by providing an alternative to this section's off-street parking area design standards. Alternative parking plans may not be used to reduce required setbacks, landscaping, or screening of off-street parking areas.

b. Applicability

Applicants who wish to: (1) provide fewer off-street parking spaces than required under parking minimum standards; (2) provide additional parking beyond the allowed parking

⁴⁸⁷ New heading.

⁴⁸⁸ New.

⁴⁸⁹ New.

⁴⁹⁰ From current 15.05.080.D.2.b, revised to reference new parking table.

⁴⁹¹ From current 15.05.080.D.2.d, revised "encouraged" to "shall be provided to the extent practicable."

⁴⁹² Added allowance for adjacent local/collector streets to count toward off-street parking requirements.

⁴⁹³ Replaces the current 15.05.080.D.3, with revisions to clarify when such plans apply and how such plans are evaluated and approved. We did not carry forward the appeal procedure. Current text states that the applicant may appeal through the standard variance procedure. We do not believe that is an appeal, but rather just like any other variance application.

maximums of this section; (3) provide parking off-site; or (4) deviate from this section's off-street parking design standards, beyond the administrative modification process, shall secure approval of an alternative parking plan according to the standards of this subsection.⁴⁹⁴

c. Contents

Alternative parking plans shall be submitted in a form established by the director. At a minimum, such plans shall detail the type of alternative proposed and the rationale behind the proposal.

d. Review Criteria

The alternative parking plan shall demonstrate:

- i. The plan will minimize and/or mitigate adverse impacts to surrounding neighborhoods;⁴⁹⁵
- ii. The plan maintains traffic circulation patterns; and
- iii. The plan promotes quality urban design as well as or better than a plan that strictly complies with the off-street parking standards.

E. Required Number of Off-Street Parking Spaces⁴⁹⁶

Commentary:

The current LDC requirements for off-street parking are divided into two separate tables – Schedule A.1 for residential and institutional and Schedule A.2 for nonresidential. We proposed a consolidated parking table in this draft that mirrors the table of allowed uses proposed in Batch 1 use regulations. We included a middle column in this draft to indicate what the current requirement is for comparison against the proposed requirements; however, that middle column will be removed prior to adoption. For uses that currently do not explicitly prescribe a parking requirement, we proposed minimum and maximum requirements based on our experience working in communities throughout Colorado and across the nation, and based on national research and trends.

1. Number of Parking Spaces Required – By Land Use

Table 5.5: Off-Street Parking Spaces Required

Use Type	Current Parking Requirement (for comparison purposes only - remove prior to adoption)	Proposed Parking Requirement
RESIDENTIAL USES		
Household Living Uses	Minimum Spaces	Minimum Spaces
Co-housing (<i>new</i>)		1.5 per dwelling unit
Dwelling, single-family attached	2 + 1 on-street	2 per dwelling unit
Dwelling, single-family detached	2 + 1 on-street	2 per dwelling unit
Dwelling, live/work	1.5	1.5 per dwelling unit plus work area calculated by applicable nonresidential use
Dwelling, multifamily	Efficiency or One Bedroom: 1.75 Two Bedrooms: 2.00	Efficiency or One Bedroom: 1.75 per unit Two Bedrooms: 2 per unit

⁴⁹⁴ Did not carry forward “or shall seek a variance,” which misleads the applicant in thinking that the variance is automatic if the alternative parking plan is denied.

⁴⁹⁵ Revised text from “will not adversely impact” to “will minimize and/or mitigate adverse impacts to.”

⁴⁹⁶ Reorganized to lead off with this material, which we believe is more user-friendly than beginning with the design and maintenance standards.

Table 5.5: Off-Street Parking Spaces Required

Use Type	Current Parking Requirement (for comparison purposes only - remove prior to adoption)	Proposed Parking Requirement
	Three Bedrooms: 2.25 Four Bedrooms and above: 3.00	Three Bedrooms: 2.25 per unit Four Bedrooms and above: 3 per unit
Mobile home park or subdivision	2	2 per mobile home unit
Group Living	Minimum Spaces	Minimum Spaces
Boarding, rooming house	1 per guest room + 1 per dwelling unit	1 per dwelling unit, plus 1 per guest room
Group care home	1 per 4 beds	1 per four beds
Group care facility		
Independent living facility	1 per 2 beds (group care institutions)	1 per two beds
Rehabilitation and treatment facility	1 per 2 beds (group care homes)	1 per four beds
Public, Institutional, and Civic Uses		
Community and Cultural Facilities		Maximum Spaces
Assembly uses	Minimum: 1 per 4 seats (places of worship and/or assembly)	1 per four seats
Cemetery or interment facility		No requirement
Convention and conference center		Subject to staff approval
Day care, commercial	Maximum: 3/1,000 sf	3 per 1,000 sq. ft.
Day care, residential	Minimum: 2 + 1 on-street (day care homes)	Minimum: 2 plus one on-street parking space
Emergency services		No requirement
Funeral facility	Maximum: 0.3 per seating capacity	0.3 per occupancy capacity
Library, museum, or art center		No requirement
Penal/correctional institution		No requirement
Performing arts center or auditorium	Maximum: 0.3 per seating capacity	0.3 per occupancy capacity
Reception/banquet hall		0.3 per occupancy capacity
Other community uses, services, and facilities operated by a government and not listed elsewhere in this table		See unlisted uses in 15.05.080D.3
Educational Facilities	Minimum Spaces	Minimum Spaces
College or university	1 per 2 enrolled students	1 per 2 enrolled students
School, public or private	Schools (Elementary & Junior/Middle): 2 per classroom High Schools: 1 per 4 students at design capacity	Elementary & middle: 2 per classroom High schools: 1 per four students at design capacity
School, vocational or trade	1 per 2 enrolled students	1 per 2 enrolled students
Healthcare Facilities	Maximum Spaces	Maximum Spaces
Hospital	1 per bed	1 per bed
Medical or dental clinic	5/1,000 sf	5 per 1,000 sq. ft.
Medical laboratory or research facility		4 per 1,000 sq. ft.

Table 5.5: Off-Street Parking Spaces Required

Use Type	Current Parking Requirement (for comparison purposes only - remove prior to adoption)	Proposed Parking Requirement
Skilled nursing or rehabilitation facility	0.5 per bed + 1 per two employees on max shift (long-term health care facilities)	2 per bed
Commercial Uses		
Agricultural and Animal Uses		Maximum Spaces
General agriculture		No requirement
Kennel		2 per 1,000 sq. ft.
Veterinary clinic or hospital		4 per 1,000 sq. ft.
Recreation and Entertainment	Maximum Spaces	Maximum Spaces
Commercial entertainment facility		0.3 per occupancy capacity
Commercial recreation facility, indoor	5/1,000 sf (limited indoor recreation/bowling alleys)	5 per 1,000 sq. ft.
Commercial recreation facility, outdoor	0.3 per seating capacity (outdoor recreation)	0.3 per occupancy capacity
Golf course and/or swimming and tennis club		4 per golf hole; plus 4 per 1,000 sq. ft. of clubhouse; plus 2 per tennis court
Indoor shooting range		3 per firing station
Public open space, park, or playground		No requirement
Public recreation facility		4 per 1,000 sq. ft.
Food and Beverage Services	Maximum Spaces	Maximum Spaces
Bar or nightclub	16/1,000 sf	16 per 1,000 sq. ft.
Brewery, cidery, distillery, or winery		16 per 1,000 sq. ft. of seating area
Commercial kitchen or catering establishment		4 per 1,000 sq. ft.
Restaurant	Fast-Food (drive-through/food served at counter): 16 space/ 1,000 sf Standard (food served at table): 12/ 1,000 sf	12 per 1,000 sq. ft.
Restaurant, with drive-through	Fast-Food (drive-through/food served at counter): 16 space/ 1,000 sf	10 per 1,000 sq. ft.
Office, Business, Personal, and Professional Services	Maximum Spaces	Maximum Spaces
Artist studio		2 per 1,000 sq. ft.
Bank or financial institution	4/1,000 sf (general office/financial services)	4 per 1,000 sq. ft.
Business service establishment	4/1,000 sf (general office/financial services)	4 per 1,000 sq. ft.
Commercial laundry, linen supply service, or dry cleaning plant		2 per 1,000 sq. ft.
Data, radio, TV, or other broadcasting studio or facility		4 per 1,000 sq. ft.
Day labor center		4 per 1,000 sq. ft.
Office	4/1,000 sf	4 per 1,000 sq. ft.
Personal services, general	4/1,000 sf	4 per 1,000 sq. ft.
Other community uses, services, and facilities, operated by a		See unlisted uses in 15.05.080D.3

Table 5.5: Off-Street Parking Spaces Required

Use Type	Current Parking Requirement (for comparison purposes only - remove prior to adoption)	Proposed Parking Requirement
government or non-profit organization and not listed elsewhere in this table		
Retail Sales	Maximum Spaces	Maximum Spaces
Pawn shop		4 per 1,000 sq. ft.
Retail sales, general	Retail sales-low intensity, furniture/appliance sales, repair services: 3/1,000 sf General retail sales and rentals: 4/1,000 sf Shopping centers/grocery stores; convenience stores: 5/1,000 sf	4 per 1,000 sq. ft.
Retail sales, marijuana establishment or store		4 per 1,000 sq. ft.
Lodging Facilities	Maximum Spaces	Maximum Spaces
Bed and breakfast	1 per unit (lodging establishments)	1 per unit
Hotel	1 per unit (lodging establishments)	1 per unit
Short-term rental		Per residential dwelling type
Vehicles and Equipment	Maximum Spaces	Maximum Spaces
Car wash	5/1,000 sf	5 per 1,000 sq. ft. plus 5 stacking spaces per washing bay or lane
Equipment sales, rental, and repair		3 per 1,000 sq. ft.
Parking lot or garage		No requirement
Vehicle fueling station		1 per fuel pump plus 2 per 1,000 sq. ft. retail area
Vehicle repair and maintenance	5/ 1,000 sf	5 per 1,000 sq. ft.
Vehicle sales and rental	3/1,000 sf - does not include the display area (motor vehicle sales office)	3 per 1,000 sq. ft. – not including approved display area
Adult Entertainment Establishments	Maximum Spaces	Maximum Spaces
Adult or sexually-oriented business		Based on the most similar type of use – retail, bar/restaurant, entertainment, theater
Industrial Uses		
Manufacturing and Processing	Maximum Spaces	Maximum Spaces
Artisanal manufacturing		2 per 1,000 sq. ft.
Light industrial	0.75/employee (industrial/warehouse/manufacturing)	3 per 1,000 sq. ft. ⁴⁹⁷
Medium industrial	0.75/employee (industrial/warehouse/manufacturing)	3 per 1,000 sq. ft.
Oil and gas well operation and facility		As approved for facility
Printing, publishing, and production facility		3 per 1,000 sq. ft.
Recycling facility		3 per 1,000 sq. ft.
Wholesale or research nursery or greenhouse		2 per 1,000 sq. ft.

⁴⁹⁷ We converted the by-employee parking spaces for industrial and warehouse uses to a standard square footage requirement.

Table 5.5: Off-Street Parking Spaces Required

Use Type	Current Parking Requirement (for comparison purposes only - remove prior to adoption)	Proposed Parking Requirement
Storage and Warehousing	Maximum Spaces	Maximum Spaces
Commercial short-term storage of inoperable vehicles		3 per 1,000 sq. ft. – not including approved display area
Commercial storage of boats, trailers, recreational vehicles, or other operable vehicles or equipment		3 per 1,000 sq. ft. – not including approved display area
Contractor's shop		3 per 1,000 sq. ft.
Self-storage warehouse		1 per 10 storage units plus 1 per resident caretaker
Warehouse or storage facility for business and consumer goods	0.75/employee (industrial/warehouse/manufacturing)	3 per 1,000 sq. ft.
Wholesale trade		3 per 1,000 sq. ft.
Transportation	Maximum Spaces	Maximum Spaces
Airport and associated uses		Subject to staff approval
Bus, railroad, or public transit terminal		Subject to staff approval
Transportation depot, trucking terminal, or distribution center		Subject to staff approval
Public and Semi-Public Utility Uses		
Energy and General	Maximum Spaces	Maximum Spaces
Alternative energy production		No requirement
Essential municipal and public utility uses, facilities, services and structures		No requirement
Water/wastewater treatment plant		No requirement
Wireless Telecommunications Facilities	Maximum Spaces	Maximum Spaces
Alternative tower structure		No requirement
Amateur radio facility		
Building or structure mounted wireless telecommunication facility		
Lattice tower		
Monopole		
Rooftop-mounted wireless telecommunication facility		
Small cell facilities		
Wireless mesh networking facility		
Accessory Uses and Structures		
Accessory dwelling unit	Min./Max. 1 per bedroom up to 2 spaces maximum	Minimum 1 space; maximum 2 spaces
Artisanal manufacturing		2 per 1,000 sq. ft.
Automated teller machine (ATM)		No requirement
Cafeteria or dining hall		No requirement

Table 5.5: Off-Street Parking Spaces Required

Use Type	Current Parking Requirement (for comparison purposes only - remove prior to adoption)	Proposed Parking Requirement
Car wash bay		Maximum 5 per 1,000 sq. ft. plus 5 stacking spaces per washing bay or lane
Day care center	Maximum: Commercial: 3/1,000 sf Residential: 2 + 1 on-street	Maximum commercial: 3 per 1,000 sq. ft. Maximum residential: 2 plus 1 on-street
Dwelling unit for owner, caretaker, or employee		Minimum 1 space; maximum 2 spaces
Flagpole		No requirement
Home occupation		Equal to the primary residential use
Incidental household structures		No requirement
Livestock uses		No requirement
Offices related to other principal use	Maximum: 4/1,000 sf (general office/financial services)	Maximum 4 per 1,000 sq. ft.
Outdoor sales, display of merchandise, or other activity		Maximum 3 per 1,000 sq. ft. of outdoor display/activity area
Playlot, recreation facility, on-site management office, and laundry facility for residential use		No requirement
Recycling collection point		No requirement
Retail sales	Maximum: 4/1,000 sf (general retail sales and rental)	Maximum 4 per 1,000 sq. ft.
Solar energy system, roof-mounted and small-scale ground mounted		No requirement
Storage or parking of vehicles or recreational equipment		No requirement
Urban agriculture		No requirement
Vehicle rental accessory to self-storage warehouse		No requirement
Wind turbines		No requirement
Other accessory uses not specifically addressed in this table, as determined by the director to meet accessory criteria and standards		See unlisted uses in 15.05.080D.3

2. Maximum Parking⁴⁹⁸

For maximum parking spaces indicated in Table 5.5, such maximums shall not be exceeded unless approved by an alternative parking plan. For minimum parking spaces indicated in Table 5.5, such minimums shall not be exceeded by more than 20 percent unless approved by an alternative parking plan.

⁴⁹⁸ Added authority to allow for parking above the maximum if approved by an alternative parking plan.

3. Parking Reduction for Affordable Housing Dwelling Units.

Affordable dwelling units shall only provide one parking space.

4. Accessible Parking⁴⁹⁹

The design and location of accessible parking spaces shall be pursuant to the adopted building code and the Americans with Disabilities Act (ADA), as amended. The number of required ADA spaces shall be provided as follows:

Table 5.6: Required Accessible Parking Spaces

Total number of off-street parking spaces provided	Minimum required accessible spaces
1-25	1
26-50	2
51-75	3
76-100	4
101-150	5
151-200	6
201-300	7
301-400	8
401-500	9
501-1,000	2 percent of total
More than 1,000	20 spaces, plus 1 for each 100 spaces over 1,000 spaces

F. Location of Off-Street Parking Spaces

1. Residential Zoning Districts

- a. Required off-street parking spaces in residential zoning districts shall be located on the same lot or parcel as the principal use.
- b. Required off-street parking for single family detached and single family detached dwellings may be located within the front yard setback area on a hard-surfaced driveway approved by the city, but shall not be located in any landscape area.⁵⁰⁰
- c. Off-street parking for multifamily dwellings shall be located to the rear or non-street sides of buildings to the maximum extent practicable.

2. Mixed-Use and Nonresidential Zoning Districts

- a. Required off-street parking spaces shall be located on the same lot as the building or use for which they are required unless parking spaces are provided, through a shared parking agreement, on lots within one-quarter mile from the proposed building or use.
- b. Off-street parking shall not be located within a required buffer or landscape area or in the right-of-way between the curb and the property line.
- c. Off-street parking and loading areas shall be located to the rear or non-street sides of buildings to the maximum extent practicable. See sections 15.05.120 and 15.05.200 for additional site layout requirements.

⁴⁹⁹ Expands on current 15.05.080.I.3.

⁵⁰⁰ Did not carry forward “but not within any required side yard setback adjacent to the street.”

3. Protection of Rivers, Streams, Riparian Areas, and Wetlands

See section 15.05.020 for required parking area setbacks from delineated river/stream corridors, riparian areas, and wetlands.

G. Use of Required Parking Spaces⁵⁰¹

1. Required off-street parking spaces may be used only for parking licensed, operable, motor vehicles, or as allowed under title 11 of the Longmont Municipal Code.
2. Required off-street parking spaces shall not be used for the display of goods for sale or lease, for motor vehicle repair or service work (except for temporary disabled vehicle repair or service), or for long-term storage of recreational vehicles, boats, motor homes, campers, mobile homes, or building materials.

H. Parking Lot Layout and Design⁵⁰²

1. Vehicular Access and Circulation⁵⁰³

- a. Unobstructed vehicular access to and from a public street shall be provided in a safe manner for all off-street parking spaces.
- b. Parking lots shall provide well-defined circulation routes for vehicles, bicycles, and pedestrians. Parking lots of over 100 spaces or parking lots with spaces located more than 250 feet from the associated principal use⁵⁰⁴ shall include walkways to maximize connectivity.
- c. Curb definitions shall be maintained, prohibiting continuous vehicular access to parking areas along the street frontage of the site.
- d. All off-street parking and loading areas in mixed-use and nonresidential zoning districts shall meet the following design standards:
 - i. Driveways shall not be used as points of ingress and egress for individual parking spaces. Driveways shall be placed such that loading and unloading activities shall not hinder vehicular ingress or egress.
 - ii. Off-street parking and loading areas shall be treated to minimize the visual impact of parked cars and trucks as viewed from the public right-of-way and adjacent properties through the use of plantings, earth berms, or screen walls. See section 15.05.040J for off-street parking and loading area landscaping and section 15.05.130A for additional loading area screening requirements.
 - iii. Truck access and circulation routes shall be designed to minimize potential traffic and noise conflicts with adjacent sites, walkways between sidewalks and principal building entrances, and internal circulation routes.

⁵⁰¹ From 15.05.080.G.

⁵⁰² Some of these provisions came from the current 15.05.080.B (general parking lot layout) and others were carried forward from 15.05.080.E (general design standards for parking and loading areas) and 15.05.080.I (design of off-street parking spaces). We also relocated access and pavement requirements from 15.05.080.A to this section since they are related to design and layout and not really introductory content. We did not carry forward traffic control device regulations from 15.05.080.B.2, which are covered by the sign code.

⁵⁰³ Paragraphs a and b were carried forward from 15.05.080.A.2 and B.1. Paragraphs c and d were carried forward from 15.05.080.E.1 and 2.

⁵⁰⁴ Added "or extending more than 250 feet from its principal use."

2. Points of Conflict

The lot layout shall provide continuous, direct pedestrian access with minimum driveway and drive aisle crossings. Treatments such as raised pedestrian crossings, special paving, signs, lights and bollards shall be provided at intersections to reduce traffic conflict. Parking stalls located along primary drive lanes shall be allowed only where backing vehicles will not create circulation or safety impacts.⁵⁰⁵

3. Orientation of Parking Spaces

Parking stalls in lots over 100 spaces shall use 90-degree parking to provide safer and efficient parking lot layout.⁵⁰⁶

4. Addressing Mobility Needs⁵⁰⁷

Layout and design shall consider user needs and provide continuity between vehicular circulation, parking needs, pedestrian, and bicycle circulation. Pedestrian drop-off areas shall be provided to the extent practicable.

5. Surfacing Materials⁵⁰⁸

All parking and driveway areas, primary access to parking facilities, and other vehicular use areas shall be surfaced with concrete, asphalt, or approved permeable paving in conformance with city specifications, except that driveways with primary access to residential uses shall be surfaced with concrete. The director may allow an administrative modification under section 15.02.080B for gravel, recycled asphalt or similar acceptable surface materials to be used for long-term or overnight-only vehicle storage areas.

6. Parking Area Landscaping

Parking areas shall be landscaped pursuant to section 15.05.040J.

7. Off-Street Loading Design Standards⁵⁰⁹

- a. Each off-street loading space shall be a minimum of 500 square feet, exclusive of any area used for maneuvering or off-street parking spaces, and shall be a minimum of 12 feet wide.
- b. Maneuvering or staging areas shall be large enough for the longest legal truck to serve the use and must be contained entirely on the lot served. Design of the off-street loading areas and spaces shall allow trucks to maneuver out of the areas and spaces without backing onto a public street.
- c. All off-street loading spaces shall be provided behind the front setback line. Loading areas shall be located behind or on the non-street side of the buildings to the maximum extent practicable.

8. Design of Off-Street Parking Spaces⁵¹⁰

a. Minimum Dimensional Requirements

- i. Off-street parking spaces shall comply with the minimum dimensional standards stated in Table 5.7 below:

⁵⁰⁵ Last sentence is new.

⁵⁰⁶ Reconciles current 15.05.080.B.3 and 15.05.080.I.2.

⁵⁰⁷ Currently called "user needs." Revised pedestrian drop-off area from "where needed, especially for land uses that serve children and seniors" to "to the extent practicable." Most land uses serve children and seniors.

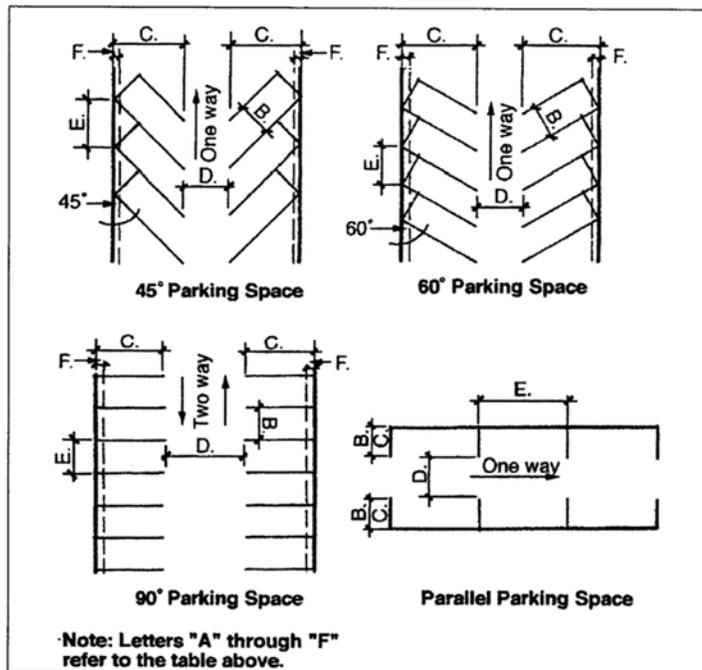
⁵⁰⁸ Renamed from "pavement." Added last sentence for director approval for gravel or other surfaces.

⁵⁰⁹ From 15.05.080.E.3.

⁵¹⁰ From 15.05.080.I.

Table 5.7: Required Parking Space and Aisle Dimensions⁵¹¹

Type of Space	A Parking Angle	B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
Standard space (9 feet x 18 feet)	45°	9 feet	19 feet	13 feet	12 feet 8 inches	1 foot 5 inches
	60°	9 feet	20 feet	13 feet	10 feet 5 inches	1 foot 8 inches
	90°	9 feet	18 feet; 16 feet with allowed overhang ⁵¹²	24 feet	9 feet	2 feet
Parallel space	0°	8 feet	8 feet	12 feet	24 feet	0 feet
ADA spaces	Pursuant to the adopted building code and the Americans with Disabilities Act (ADA), as amended					



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- ii. Valet parking spaces are exempt from the minimum space dimensional standards in this table.
- iii. Vehicles may overhang as noted in Table 5.7 only where a landscape island, median or buffer meets current standards, or a sidewalk is at least seven feet wide.⁵¹³

⁵¹¹ This table replaces current Table 15.05-D. Dimensions were carried forward.

⁵¹² The 16 foot with overhang dimension is new.

⁵¹³ Rewritten for clarity.]

I. Vehicle Stacking and Drive-Through Standards⁵¹⁴

The development and design standards of this subsection shall apply to all drive-through facilities and other auto oriented uses:

1. Drive-Through Aisles

The minimum standards for drive-through aisles are as follows:

- a. Drive-through aisles shall have a minimum ten-foot interior radius at curves and a minimum ten-foot width.
- b. Drive-up windows for food and beverage service shall provide at least 180 feet (approximately 9 vehicles) of stacking space for each facility, as measured from the service window to the entry point into the drive-through lane. Non-food/beverage businesses may reduce the stacking space to a minimum of 60 feet (approximately 3 vehicles) as measured from the service window or unit to the entry point into the drive-through aisle.⁵¹⁵
- c. Each entrance to a drive-through aisle and the direction of traffic flow shall be clearly designated by signs and pavement markings.
- d. Each drive-through aisle shall be separated from the circulation routes necessary for ingress or egress from the property, or access to a parking space.

2. Pedestrian Access and Crossings

Pedestrian walkways should be constructed to avoid the drive-through aisles, but where they must intersect the walkways shall have clear visibility and shall be delineated from the drive-through aisle surface per section 15.05.060, "Pedestrian and bicycle access and connectivity".

3. Design and Layout

- a. Drive-through aisles shall be separated from other internal driveways.⁵¹⁶
- b. Drive-through aisles (order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.
- c. Drive-through aisles shall be separated from adjacent properties and frontages, and landscaped pursuant to the buffer requirements in section 15.05.040F.
- d. In addition to any buffering required by section 15.05.040, drive-through aisles adjacent to residential uses in a residential district shall be separated from such uses by an opaque wall at least six feet in height and consistent with the materials and color of the principal building materials, located so that required buffer landscaping is between the wall and the adjacent residential use.

4. Car Wash Facilities and Auto Service Bays

- a. Car wash facilities and auto service bays shall be located on the side or rear of principal structures and shall face away from public streets.
- b. In addition to any buffering required by section 15.05.040, car wash facilities and auto service bays adjacent to residential uses in a residential district shall be separated from such uses by an opaque wall at least six feet in height and consistent with the materials and color of the

⁵¹⁴ From current 15.05.080.H, revised as noted.

⁵¹⁵ Added number of vehicles in parentheses.

⁵¹⁶ Did not carry forward specification on raised medians based on city engineer determination.

principal building materials, located so that required buffer landscaping is between the wall and the adjacent residential use.⁵¹⁷

J. Bicycle Parking⁵¹⁸

1. Required Amount of Bicycle Parking

Mixed-use, nonresidential, and multifamily residential uses shall provide a minimum of five percent of the total number of vehicle parking spaces provided by the development, but not less than one bicycle rack.

2. Bicycle Parking Location

For convenience and security, bicycle parking facilities shall be located near building entrances (and no further than 100 feet away from such entrance), shall be visible from the land uses they serve, and shall not be located in remote areas. The director may allow an administrative modification under section 15.02.080B for office facilities or those land uses with less need for publically available bicycle racks, to substitute indoor bike parking facilities to meet bike parking requirements.⁵¹⁹ For multi-family developments, at least one bicycle rack shall be located at each building with eight or more dwelling units, as applicable. Such facilities shall not, however, be located in places that impede pedestrian or automobile traffic flow or that would cause damage to plant material.

3. Design

Spaces for short-term bicycle parking shall provide a means for the bicycle frame and one wheel to be attached to a permanent fixture (designed for securing bicycles) by means of a lock. The required design is the "inverted U" rack (as indicated in the city standards). The director may allow an administrative modification under section 15.02.080B for alternative bike parking rack design. The inverted U rack is equivalent to two bicycle spaces.

K. Maintenance of Parking, Loading, and Stacking Areas⁵²⁰

The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse and debris. Landscaping shall conform to section 15.05.040 .

15.05.090 Oil and Gas Regulations⁵²¹

Insert prior to adoption and amend applicable cross-references throughout the development code.

⁵¹⁷ New, similar to those required for drive-through facilities above.

⁵¹⁸ Relocated from 15.05.060.D.4 (pedestrian and bicycle access and connectivity section).

⁵¹⁹ This sentence is new.

⁵²⁰ Relocated since maintenance is not introductory content, and broadened to apply to all vehicular areas.

⁵²¹ Previously "reserved."

15.05.100 Fences and Walls

Commentary:

Minor edits for clarification, and to combine standards related to perimeter fences.

A. Purpose

The regulations in this section are intended to meet the purpose and intent of this development code to provide quality design regarding fences and walls in the city without limiting the intended function of fences and walls.

B. Applicability

The regulations in this section shall govern all new and replacement fences and walls located within the city.

C. Fences or Walls, Generally

1. Fences and Walls Materials and Color

Fences or walls shall be constructed of materials customarily commercially sold for fencing and walls including decorative masonry (excluding smooth face masonry), stone, brick, iron, steel, vinyl, wood, wood composite, or other comparable materials that meet the purpose of these fence and wall standards. Specific standards on chain-link or woven-wire fences are in subsection F.3 of this section. Fences and walls shall be limited to white, green, brown and gray earth-tone color palettes. Other materials and colors are prohibited unless specifically allowed in this development code or the director approves an administrative modification under section 15.02.080B for an alternate design that meets the purposes of these fence and wall standards.

2. Barbed Wire and Metal Fences

Fences constructed of barbed wire, tin or sheet metal, or partly of any of those materials, are prohibited, except that in industrial districts, barbed wire may be allowed subject to the director's approval, as a topping for woven-wire industrial-type fences provided that the barbed wire shall be no closer than six feet from ground level. When allowed, the barbed wire portion of the fence cannot be tilted outward from the primary plane of the woven wire fence.

3. Electric Fences

Except for low-voltage, commercially available "invisible fences" used to contain domestic pets, it is a violation of this development code to construct or maintain any fence with the intent of charging it with electricity, or to equip any fence in such a manner as to make possible charging it with electricity.

D. Building Permit Required

No fence shall be constructed until a plan has been presented and a permit has been issued in the manner provided for the issuance of building permits. See section 15.02.120 for review and administrative procedures for building and construction permits.

E. Perimeter Fences and Walls

This subsection shall apply to all perimeter fences and walls for new developments or where perimeter fences in a subdivision are being replaced.

1. Applicability

This subsection applies only to "perimeter fences and walls," as that term is defined in chapter 15.10, definitions.

2. Perimeter Fence and Wall Design⁵²²

- a. Where perimeter wood privacy fences are installed, such fences shall be painted in neutral colors compatible with the neighborhood design. The finished side of the fence shall face all public rights-of-way, common areas, and other public areas, as applicable.
- b. Perimeter fence or wall designs shall be approved with all subdivision plats or site plans.

3. Ownership and Maintenance

Except where a perimeter fence or wall is provided by the city or other governmental entity, the ownership and maintenance of such fences and walls shall be the responsibility of a property owners association or adjacent property owner. Such ownership and maintenance shall also extend to the landscaped setback area between the sidewalk and fence or wall, as described and required by this section or code.

4. Perimeter Fences and Walls Located Adjacent to Arterial and Collector Streets⁵²³

For perimeter fences and walls located in new residential developments with frontage on an arterial or collector street, fences and walls shall include an adequate number of openings for pedestrian access, landscaping, parks and open space. Perimeter fences between pocket parks and common areas and adjacent arterial or collector street shall not exceed 48 inches in height, unless the decision-making body determines that the taller fence is needed for safety or to provide adequate buffering.

5. Replacement Perimeter Fences

Perimeter fences replaced on individual lots where the subdivision, development plan or site plan does not include fence restrictions or design standards, shall comply with other applicable provisions of this section.

6. Perimeter or Individual Lot or Parcel Fences or Walls Adjacent to Open Space Areas

Fences or walls constructed adjacent to common areas, pocket parks and public parks and open space shall be consistent with the design standards specified in section 15.05.040, landscape and common area regulations.

F. Front Yard Fences on Individual Lots or Parcels

1. Applicability

This subsection shall apply to all fences erected in the front yard of an individual lot or parcel. Perimeter fences and walls erected on lots fronting an arterial or collector street shall be subject to the provisions stated in subsections D and E above.

2. General Requirements

Fences, barriers, walls, or other obstructions shall not be placed or constructed in the front yard of a lot between the front lot line and any portion of the front facade of the building unless they comply with the following criteria:

⁵²² Did not carry forward preferred construction of perimeter fences and walls. It was not written as a standard but rather a guideline.

⁵²³ Did not carry forward standards for fence and wall setbacks from rights-of-way, which can lead to poorly maintained fence-canyon" issues.

- a. The fence or wall is at least 50 percent transparent (not opaque) and does not exceed 42 inches in height; and
- b. All fences shall have the finished (smooth) side facing the public right-of-way, common areas, or other public areas, as applicable.

3. Chain-Link or Woven-Wire Fences

- a. Chain-link or other woven-wire fences are prohibited in the front yard of a lot or parcel located in a residential zoning district, except for temporary chain-link/woven-wire fences used during construction.⁵²⁴
- b. In an industrial zoning district, chain-link or other woven-wire fences not exceeding eight feet in height may be permitted in the front yard of a lot or parcel only upon demonstration by the applicant and approval by the director, that extraordinary and unusual circumstances exist that require such a fence to meet reasonable requirements for public safety.

G. Corner and Reverse Corner Lots—Street Line Fences⁵²⁵

On any corner lot or reverse corner lot in any residential zone, a privacy fence may be constructed along the street side portion of the side yard and rear yard, subject to the following safety considerations:

1. The fence or wall shall be located outside of the right-of-way and set back a minimum of one foot from any sidewalk along the street.
2. Gates in the fence shall open toward the yard rather than the sidewalk.
3. The fence or wall shall comply with city sight distance requirements.
4. In order to preserve sight distance, an unobstructed view shall be maintained according to city standards. The city may require greater distances in certain high-volume or high-speed traffic intersections.

H. Height limits

Except as otherwise stated or limited in this section or chapter, the maximum height for fences and walls shall be six feet for fences/walls located on residential property and eight feet for mixed-use and nonresidential properties and residential properties with side and rear yards abutting arterial streets, unless the director determines that a higher fence or wall is necessary on a mixed-use or nonresidential property to provide adequate screening or buffering.

I. Fence and Wall Locations Relative to Landscape Buffers

Where landscape buffers are required adjacent to streets, parks and open space areas, between land uses, or in other areas, and fences or walls are proposed in conjunction with the landscape buffers, the landscaping shall be located on the outside of the fence or wall to maximize the intent of the screening and buffering.

⁵²⁴ Did not carry forward exemption for replacement of nonconforming fences.

⁵²⁵ Did not carry forward separate standards for reverse corner lots.

J. Fence and Wall Clearance from Fire Hydrants and Other Utilities

1. Clearance from Fire Hydrants

No fence or wall shall be constructed that hinders or obstructs access to any fire hydrant or that encroaches within a radius of three⁵²⁶ feet from any fire hydrant. The director may require a gate or gates to be placed in any fence for the purpose of providing access for fire protection, for meter reading, or for the use and maintenance of any existing easement. The applicant should reference any applicable city rules and regulations addressing the location of any such gates.

2. Clearance from Other Utilities

No fence or wall shall be constructed that hinders or obstructs access to any utilities. The applicant should contact any utility with existing facilities located where the fence is planned to determine appropriate clearances.

15.05.110 Residential Design Standards⁵²⁷

Commentary:

The residential design standards were expanded substantially to offer more examples of how to comply with the architectural design and variation standards. Multifamily design standards were given a distinct subsection and expanded to raise the bar for quality design.

A. Purpose⁵²⁸

The residential design standards are intended to implement comprehensive plan⁵²⁹ strategies for residential development and to promote high-quality design of an urban environment. The standards are further intended to:

1. Protect and enhance the character and quality of Longmont's neighborhoods;
2. Avoid monotonous development and streetscapes;
3. Enhance the pedestrian scale of development;
4. Mitigate negative visual impacts from the scale, bulk, and mass of large buildings;
5. Balance the community's economic and aesthetic goals; and
6. Encourage building and site design that fosters community sustainability goals.

B. Applicability⁵³⁰

1. Except as expressly exempt by this section, the following types of development shall comply with this section 15.05.110:
 - a. New residential development in any zoning district, including Planned Developments.

⁵²⁶ Currently six feet.

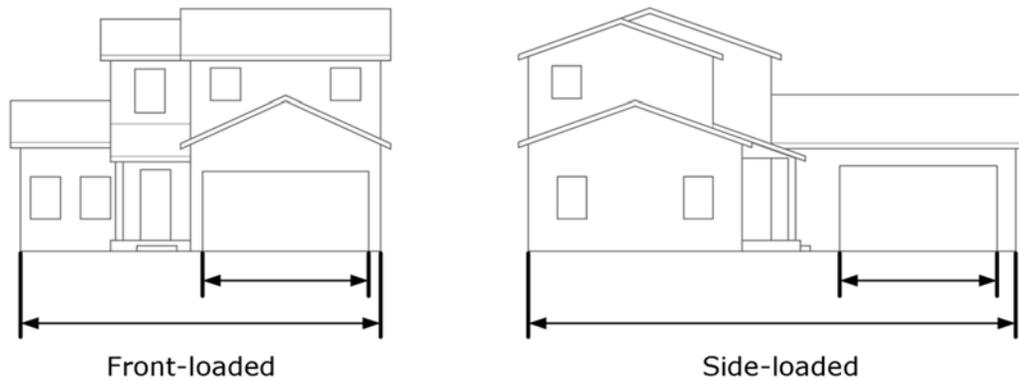
⁵²⁷ Did not carry forward 15.05.110.C (mix of different lot areas required) or 15.05.110.D (variation of front yard setbacks required).

⁵²⁸ Expanded to include new intent statements.

⁵²⁹ Revised from current "LACP" reference to be consistent with previous updates and to be consistently applied over time regardless of the title of any future comprehensive plan update.

⁵³⁰ These thresholds are new. Many communities allow minor modifications/additions to buildings without compliance with design standards to encourage investment and to offer greater flexibility. Did not carry forward 15.05.110.B (modifications to residential design standards) that reference alternative approach for infill and redevelopment pursuant to current 15.01.040.B.

Figure 5.2: Garage Design



5. The director may approve alternative garage orientation or design, through review of an administrative modification under section 15.02.080B if:
 - a. The configuration of the lot or other existing physical condition of the lot makes the application of these standards impractical; and
 - b. The proposed design alternative substantially meets the intent of this section to line streets with active living spaces, create pedestrian-oriented streetscapes, and provide variety and visual interest in the exterior design of residential buildings.

D. Architectural Design of Dwellings⁵³⁴

All dwellings and accessory structures shall provide quality architectural design that takes into consideration building massing and style, roof lines, window and door placement, exterior materials and colors, and other architectural features.

1. Dwellings on corner, end, or double frontage lots shall include architectural features, such as windows and doors, porches and entry features, building materials, and other features that match the front of the dwelling, along the sides or back of dwellings that face streets, drives, or open space areas.
2. New or replacement dwellings, dwelling additions, and accessory structures shall be designed to be architecturally compatible with the surrounding neighborhood, as applicable, in terms of building materials and colors, roof forms, building massing and style, and other architectural features.
3. Eaves on pitched roofs shall have a minimum width of one foot.⁵³⁵

E. Building Materials

Building materials for residential uses shall comply with section 15.05.120C.7, except that fiber cement board shall be a primary material and clear glass shall be a secondary material for residential buildings.

F. Exterior Colors of Dwellings

Residential subdivisions and developments shall include a variety of exterior color palettes to provide diversity within the subdivision or development. Color palettes shall be compatible with surrounding

⁵³⁴ Additional standards may be included prior to adoption related to window trim width.

⁵³⁵ New.

residential dwelling colors to the maximum extent practicable. Fluorescent colors and glossy finishes shall not be used on any exterior wall or roof of any dwelling or accessory structure.

G. Transparency Standards (Windows, Doors, and Openings)⁵³⁶

1. The ground floor of each façade facing a public street or other public area shall contain a minimum of 20 percent windows or doorways.
2. Upper floors of each façade facing a public street or other public area shall contain a minimum of 10 percent windows.
3. Alternative transparency requirements may be approved by the director as an administrative modification under section 15.02.080B consistent with the building design and use, orientation, placement and location context.

H. Design Variety for Single-Family Dwellings⁵³⁷

1. Residential subdivisions of 10 or more lots containing single-family detached and attached dwellings shall be designed to provide variety in housing models as follows:⁵³⁸
 - a. 20 lots or fewer– two models
 - b. 21 - 30 lots – three models
 - c. 31 - 40 lots – four models
 - d. More than 40 lots – five models
2. Single-family detached and attached dwellings on adjacent lots (including abutting lots, or those lots separated by a street, alley, auto court, or other common private drive fronting on the same street) shall contain different architectural elevations differentiated by at least three of the following standards (see Figure 5.3):⁵³⁹
 - a. Varied architectural style such as, but not limited to, American Craftsman, Bungalow, Dutch Colonial, English Tudor, and Mid-Century Modern;
 - b. Varied roof lines and façade planes;
 - c. Varied architectural features such as dormers, and front porches or other prominent entrance features;
 - d. Varied primary exterior building materials;
 - e. Varied primary exterior color; or
 - f. Other design elements that add visual interest as determined by the director.

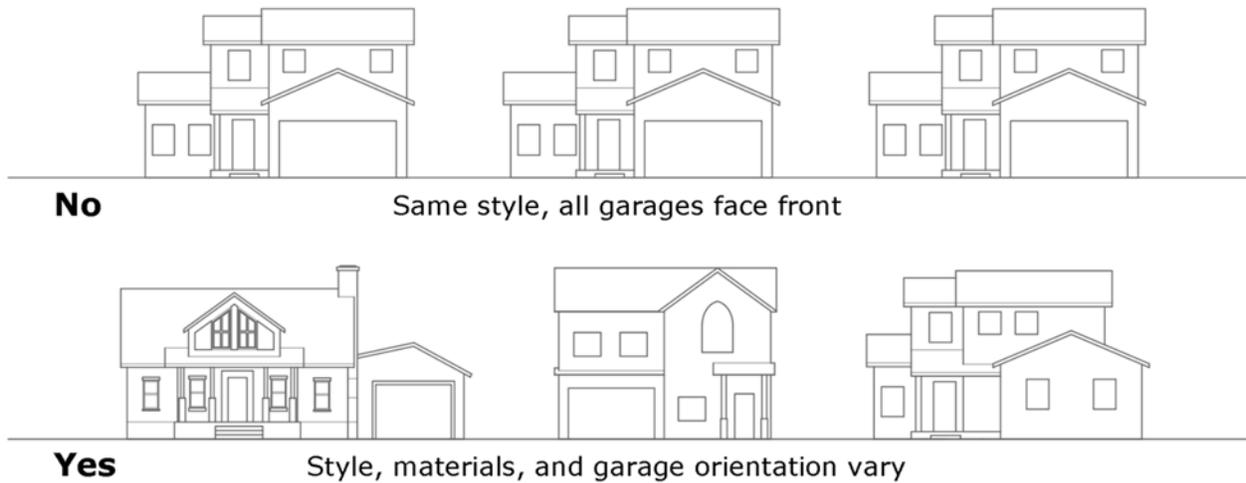
⁵³⁶ New.

⁵³⁷ Modified to specify an exact amount of diversity required, rather than “a sufficient number of models.” Also eliminated references to two-family dwellings since those are considered single-family attached products. We did not carry forward the provision stating that “applications for building permits shall demonstrate that the dwelling complies with these standards,” which should be addressed through permitting procedures rather than the LDC.

⁵³⁸ The current 20 percent rule equates to a five model minimum, which is a little unusual especially for smaller subdivisions. This proposed sliding scale requirement is new.

⁵³⁹ We added several examples of architectural style and features to clarify how to comply with the variety standard.

Figure 5.3: Design Variety



I. Multifamily Residential Design Standards

Commentary:

This subsection replaces the current 15.05.110.I with new standards. The current standard is more of a guideline for variety and architectural quality and applies to three-family, four-family, and multi-family dwellings. This revision would apply to only multifamily since three- and four-family are now proposed to be called single-family attached and would be required to comply with single-family standards earlier in this section.

Building height transitions were not included in these standards because they were located in the new residential compatibility standards in section 15.05.200.

In addition to complying with the other applicable standards in this section 15.05.110, multifamily dwellings shall comply with the following standards.

1. Building Entrances - Primary

- a. At least one main entry shall face an adjacent street, or a plaza, courtyard, or common area that has a direct and visible connection to an adjacent street.
- b. Building entries shall be connected to a public sidewalk that is not routed through a parking lot.
- c. The primary entrance shall include at least three of the following:
 - i. A porch or landing;
 - ii. Double doors;
 - iii. A roofed structure such as a portico, awning, canopy, or marquee;
 - iv. Enhanced landscaping; or
 - v. Other design element giving prominence to an entry as determined by the director.

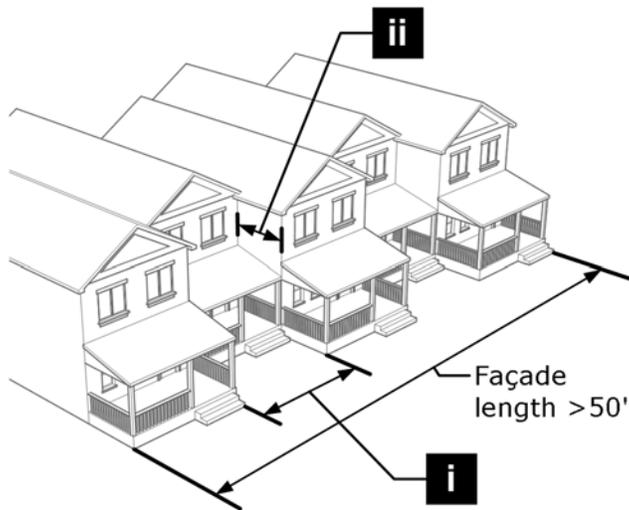
2. Building Entrances – Ground-Floor Units⁵⁴⁰

- a. Entrances to ground-floor units shall comply with applicable accessibility requirements.
- b. All residential at-grade units shall be set back at least six feet from the back of the sidewalk to allow for stairs, stoops, elevated patios and landscaping.
- c. Porches or stoops shall be at least 36 square feet in area with a minimum dimension of six feet deep and six feet wide, and shall be either recessed or covered with an architectural feature such as a canopy.

3. Building Mass and Articulation

- a. Each building façade greater than 50 feet in length shall incorporate wall plane projections (i) or recesses (ii) that are compatible with the proposed building architecture. (Figure 5.4)

Figure 5.4: Building Articulation



- b. Buildings shall be articulated by incorporating at least three of the following:
 - i. Balconies;
 - ii. Porches;
 - iii. Dormers;
 - iv. Variation in materials and colors;
 - v. Variation in window sizes and shapes;
 - vi. Vertical elements that demarcate building modules; or
 - vii. Other design elements that add visual interest as determined by the director.

4. Roof Design

- a. No continuous roofline shall exceed a length of 50 feet without a change in vertical elevation of at least two feet for a minimum length of 20 feet.

⁵⁴⁰ From current multifamily standards and including the ground-floor residential standards from the mixed-use zoning district in section 15.03.150.F.3.b. Did not carry forward standard requiring “all residential units within six feet of grade to have direct front door access to the sidewalk along the street or pedestrian gateway.”

- b. Eaves on pitched roofs shall have a minimum width of one foot.⁵⁴¹
- c. Roofs shall be designed to accommodate solar energy systems to the maximum extent practicable.

5. Transparency (Windows, Doors, and Openings)

- a. The ground floor of each façade facing a public street or other public area shall contain a minimum of 25 percent windows or doorways.
- b. Upper floors of each façade facing a public street or other public area shall contain a minimum of 15 percent windows.
- c. Alternative transparency requirements may be approved by the director as an administrative modification under section 15.02.080B consistent with the building design and use, orientation, placement and location context.

6. Design for Security

- a. Shared mailboxes shall be located in high-visibility and well-lit areas.
- b. Shared community buildings and rooms, such as game rooms and laundry rooms shall be visible from common, walking, and driving areas. All shared community rooms shall have transparent panels to view into the room before entering.

J. Design Review Board – Reserved⁵⁴²

⁵⁴¹ New.

⁵⁴² Placeholder for future discussion of establishing a design review board to evaluate and administer these standards.

15.05.120 Mixed-Use and Nonresidential Design Standards

Commentary:

Broader applicability. The current nonresidential design standards were expanded on in this subsection, including standards from the current CBD and mixed-use zoning districts, which were sometimes carried forward as-is and in other cases revised to be reconciled with similar standards that should apply more broadly. The current mixed-use district design standards were revised to apply more broadly to all mixed-use buildings, since the MU district has rarely been used in Longmont (Roosevelt MU project and 1st & Main). The standards were simplified to eliminate the requirements for building types and adoption of a regulating plan. The separate standards for retail sales, office, financial, restaurant and hotel establishments were not carried forward as-is, but rather applied more broadly as effective design standards for all mixed-use and nonresidential buildings in the city.

Relocation of other development standards. Several sections from the current 15.05.120.A were not carried forward in the design standards but rather relocated to applicable sections within the development standards chapter 15.05 – for example, the pedestrian access standards in 15.05.120.A.3 were relocated to section 15.05.060 and reconciled with those standards. Similarly, parking design standards were relocated to section 15.05.080 and reconciled with those standards. We did not carry forward the reflective glass provision that limits glazing to a maximum of 15 percent visual light reflectivity.

A. Purpose

The mixed-use and nonresidential design standards are intended to implement comprehensive plan strategies and to promote high-quality design of an urban environment. The standards are further intended to:

1. Protect and enhance the character and quality of Longmont’s neighborhoods;
2. Provide visual interest and variety;
3. Enhance the pedestrian scale of development and the streetscape;
4. Mitigate negative visual impacts from the scale, bulk, and mass of large buildings;
5. Balance the community’s economic and aesthetic goals; and
6. Encourage building and site design that fosters community sustainability goals.

B. Applicability⁵⁴³

This section 15.05.120 shall apply to:

1. New mixed-use and nonresidential uses and structures in all zoning districts.
2. Modification or enlargement of any existing mixed-use or nonresidential development in an amount greater than 25 percent of the gross floor area.

⁵⁴³ Did not carry forward 15.05.120.A.2 (modifications to nonresidential design standards) that reference alternative approach for infill and redevelopment pursuant to current 15.01.040.B. That process will be further developed in the procedures.

C. General Design Standards

1. Site Layout

a. Compatibility with Natural Site Conditions

- i. Development shall be avoided on sites with steep slopes to the maximum extent practicable.
- ii. Building envelopes and areas of site disturbance shall be selected based on the location of natural landforms, native vegetation, mature trees, underlying geology, mapped hazard areas, and required setbacks pursuant to this development code.

b. Compatibility with Adjacent Development

Development shall respect local development patterns and site features to the maximum extent practicable. Elements that shall be coordinated between adjacent sites include:

- i. Shared driveways for access;
- ii. Linkages of internal vehicular and pedestrian circulation systems;
- iii. Linkages of open space systems;
- iv. Areas and access for refuse and recycling collection;
- v. Drainage and detention facilities; and
- vi. Other improvements where a coordinated approach benefits the larger area.

c. Pedestrian Gathering Spaces⁵⁴⁴

Outdoor spaces for pedestrians, such as plazas, courtyards, outdoor seating areas, and other amenities with connecting pedestrian paths shall be included with mixed-use and nonresidential developments to the maximum extent practicable under section 15.05.040H.1.

d. Developments with Multiple Buildings⁵⁴⁵

Buildings shall be arranged on the site so that their orientation frames, encloses, or otherwise gives prominence to a pedestrian corridor, an outdoor gathering space, a “main street” pedestrian or vehicle access corridor within the site, or the corners of street intersections or entry points into the development.

e. Design for Security

Sites shall be designed to avoid the creation of areas that are shielded on multiple sides by barriers such as screen walls or landscaping that have low visibility. Such areas shall be avoided in site design to the maximum extent practicable, or shall otherwise be well-lit with some form of surveillance.

2. Building Entrances

- a. Primary building entrances shall⁵⁴⁶ be oriented toward pedestrian walkways and plazas, with direct, continuous connections to the street without requiring pedestrians to walk through parking areas.

⁵⁴⁴ Added applicability to mixed-use developments and removed the following: “particularly for commercial and public/institutional/civic developments.”

⁵⁴⁵ New standards. Did not carry forward “to the maximum extent practicable, building setbacks from adjacent streets should be minimized to establish pedestrian-oriented street fronts.” Building setbacks are established in the zoning district regulations and are not typically negotiable through design standards.

⁵⁴⁶ Currently “should.”

- b. Entrances for buildings on a corner shall be chamfered at a 45 degree angle at least 10 feet from the building corner to face the intersection of such corner to the maximum extent practicable.⁵⁴⁷
 - c. Buildings that front on the St. Vrain Creek Corridor, parks, plazas, and open space shall have a primary building facade with a customer entrance that faces the corridor or public area.⁵⁴⁸
 - d. All customer or resident/visitor entrances shall create architectural interest and variation from other portions of the building by incorporating at least three of the following:⁵⁴⁹
 - i. Changes in building plane through recesses and/or projections;
 - ii. Canopies, awnings, arcades, galleries, or other overhangs;
 - iii. Tower elements;
 - iv. Architectural embellishments;
 - v. Changes in building material, color, and/or texture; or
 - vi. Other design elements that add visual interest as determined by the director.
- 3. Building Articulation⁵⁵⁰**
- a. **Horizontal Articulation**
 - i. Each building façade greater than 50 feet in length shall incorporate wall plane projections or recesses that are compatible with the proposed building architecture.
 - ii. Additionally, each building façade shall incorporate a change of materials (A) and at least two of the following elements (B through E) (see Figure 5.5):
 - (A). Change in building materials – at least 3 materials per façade facing a street or other public area and at least 2 materials per other facades;
 - (B). Change in building colors;
 - (C). Change in textures; or
 - (D). Variation in window design; or⁵⁵¹
 - (E). Other design elements that add visual interest as determined by the director.

Figure 5.5: Horizontal Articulation

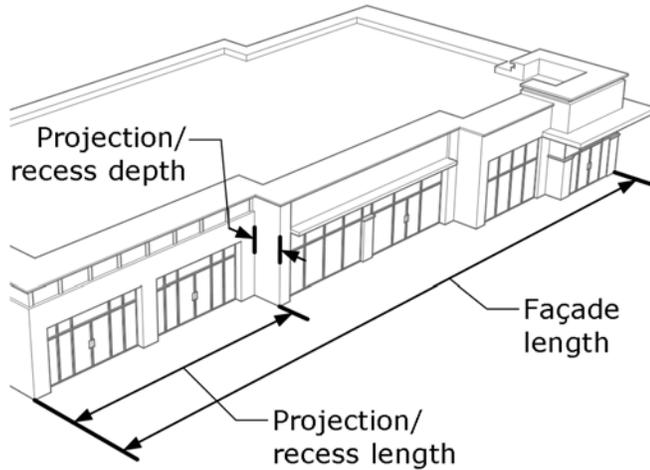
⁵⁴⁷ Last sentence on corner entrances carried forward from current mixed-use district standards, 15.03.150.F.2.k.

⁵⁴⁸ From current mixed-use district standards, 15.03.150.F.2.f.iii.

⁵⁴⁹ Based on current standards, including those for entrances to retail, office, restaurants, hotels, etc.

⁵⁵⁰ Based on the current standards for retail, office, financial, restaurant, and hotel uses in section 15.05.120.B.2 and the building articulation standards from the current mixed-use district and CBD district standards.

⁵⁵¹ New.



b. Vertical Articulation

Each principal mixed use and nonresidential building taller than 20 feet shall be designed so that the massing or facade articulation of the building presents a clear base, middle, and top.⁵⁵² First floors in the mixed use districts shall be designed with adequate floor to ceiling height to accommodate storefronts to the maximum extent practicable. Lower levels can be differentiated from upper stories by incorporation of elements including, but not limited to, the following (See Figure 5.6):⁵⁵³

- i. Low planters and walls;
- ii. Use of veneer banding or wainscot, change in materials, and change in textures;
- iii. Heavier materials and darker colors on lower levels;
- iv. Integrated covered walkways, trellises, or architectural awnings; or
- v. Other design elements that distinguish lower levels as determined by the director.

Figure 5.6: Vertical Articulation



⁵⁵² From current CBD district standards.

⁵⁵³ Examples are new.

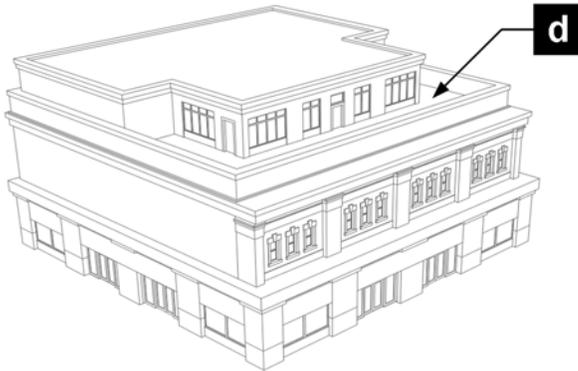
c. Corner Building Articulation⁵⁵⁴

Buildings located at the intersection of two streets or on axis with a terminating street or plaza shall be designed to incorporate prominent architectural elements to the maximum extent practicable, such as increased building height or massing with a tower element with a pitched roof or extended canopy.

d. Upper Story Floor Area Standard

The upper-story of all buildings greater than two stories shall have a reduced floor area of at least 10 percent of the ground floor. (Figure 5.7)

Figure 5.7: Upper Story Floor Area Standard

**e. Comprehensive Design⁵⁵⁵**

- i. Building façades that are visible to the public shall be designed with a similar level of detail, patterning, and finish through the use of similar architectural features, building materials, and design of landscaping features. Blank walls void of architectural detailing shall be prohibited unless the director determines that the façade is not visible from adjacent development or public rights-of-way.
- ii. Accessory building façades shall be designed and finished to complement primary buildings through the use of similar colors, materials, and architectural style.⁵⁵⁶

4. Roof Design⁵⁵⁷

- a. No roofline along any building elevation shall exceed 30 feet in length without a visual variation that incorporates any of the following:
 - i. Projections or recessions of at least two feet in depth;
 - ii. Dormers;
 - iii. Change in roof height of at least two feet; and/or
 - iv. Distinct architectural features.

⁵⁵⁴ Replaces current “feature building” standards from 15.03.150.F.3.c.

⁵⁵⁵ From 15.05.120.B.2.d, revised for clarity and to remove subjectivity of “as visually attractive as the front” standard.

⁵⁵⁶ New.

⁵⁵⁷ The first standard is currently under heading “Parapets” in section 15.05.120.B.3 for retail, office, financial, restaurant, and hotels. Did not carry forward roof design and screening standard from 15.05.120.A.9 that was loosely required “to the maximum extent practicable.” The second standard is new.

- b. Roofs of buildings shall have parapets or enclosures concealing flat roofs and roof-top equipment from public view, and such parapets and enclosures shall be constructed of materials that match the building in quality and detail. Each such parapet or enclosure shall have an average height of no more than 15 percent of the height of the supporting wall, a maximum height at any point equal to 33 percent of the height of the supporting wall, and three-dimensional cornice treatments.
- c. Flat roofs shall be designed to accommodate solar energy systems to the maximum extent practicable.

5. Ground-Floor Uses

- a. Ground-floor facades with frontage on public streets shall have arcades, display windows, entry areas, awnings, or other such features along at least 60 percent of the horizontal length.⁵⁵⁸
- b. Ground-floor residential units with direct access to a public sidewalk or other public right-of-way shall comply with the design standards for multifamily dwellings in section 15.05.110I.2.

6. Transparency (Windows, Doors, and Openings)⁵⁵⁹

- a. The ground floor of each façade facing a public street or other public area shall contain a minimum of 50 percent windows or doorways. (Figure 5.8)
- b. Upper floor facades facing public street or other public area shall contain a minimum of 15 percent windows. (Figure 5.8)
- c. Clear glass shall be used for storefront display windows and doors.
- d. Windows shall be accented and defined with detail elements, such as frames, sills, and lintels, and shall be located to visually establish and define the street or pedestrian ways facing portions of a building and to establish human scale and proportion.
- e. Alternative transparency requirements may be approved by the director as an administrative modification under section 15.02.080B consistent with the building design and use, orientation, placement and location context.

Figure 5.8: Building Transparency



⁵⁵⁸ From 15.05.120.B.2.c.

⁵⁵⁹ New, based on the new standard for residential but increased to more closely match the current mixed-use district standard for retail, restaurant, and office uses. Numbers iii and iv were carried forward from the mixed-use district standards in 15.03.150.F.2.e.

7. Building Materials

a. Generally

Building materials shall either be similar to the materials already being used in the existing neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture shall be used to ensure compatibility despite the differences in materials.⁵⁶⁰

b. Allowable Building Materials

Allowable materials include:

i. Primary Materials

The following primary materials may comprise more than 50 percent any building façade:

- (A). Fire clay brick;
- (B). Natural stone;
- (C). Clear glass;
- (D). Cementitious stucco;
- (E). Other quality materials, such as repurposed materials, as determined by the director.

ii. Secondary Materials

The following secondary materials shall not comprise more than 50 percent any building façade:

- (A). Architectural tiles;
- (B). Quality architectural metal panels;
- (C). Fiber cement board;
- (D). Quality wood or composite siding or panels;
- (E). Split face and ground face masonry block;
- (F). Other quality materials as determined by the director.

c. Metal Panels and Roofs⁵⁶¹

Quality architectural metal panels may be used on the exterior of buildings pursuant to the following:

- i. May be used as architectural and accent features, but shall not be the primary exterior material on any building façade, except that in the N-PE, N-PF and N-AG districts building facades not facing a street or other public area, or residential or mixed use district may have metal panels as the primary exterior material.
- ii. Quality metal roof designs are allowed and shall not count toward any limit on metal used on a building exterior.

⁵⁶⁰ From current CBD district standards.

⁵⁶¹ The mixed-use district currently allows architectural metal panels. Rather than allowing them for all buildings – we broadened the alternative materials standard in (d) to allow the director to make judgment calls on other creative materials (beyond just metal).

d. Alternative Materials⁵⁶²

Alternative building materials, or different combinations of primary and secondary materials, may be allowed if the director, through an administrative modification under section 15.02.080B, or other applicable decision-making body determines that the design creates a high-quality or unique building design that meets the purpose and intent of the standards in this section.

8. Exterior Color⁵⁶³

A variety of exterior color palettes to provide diversity within the development. Color palettes shall be compatible with surrounding development to the maximum extent practicable. Fluorescent colors and glossy finishes shall not be used on any exterior wall or roof of any structure.

9. Parking Structure Design

Parking structures shall be designed with the following to the maximum extent practicable:

- a. Facades facing a street or other public area, residential or mixed use district shall comply with the building materials of subsection C.7 above;
- b. The first story shall be include storefronts along the street facing façade except for access to the parking structure;
- c. Upper floor parking decks shall be designed to screen vehicles;
- d. The structure shall be designed for future adaptive reuse;
- e. The top parking deck shall be designed to accommodate shade structures;

D. Design Review Board – Reserved⁵⁶⁴**15.05.130 Outdoor Service, Storage, Equipment, Loading, and Display****Commentary:**

Carried forward generally as-is, with minor revisions as noted.

A. Outdoor Service, Storage, and Loading Areas**1. General Design Standards**

- a. In all developments⁵⁶⁵ loading docks, truck parking, outdoor storage, utility meters, HVAC and other mechanical equipment, trash collection, recycling collection, trash compaction, and other service functions shall be incorporated into the overall design theme of the building(s) and the landscape so that the architectural design is continuous and uninterrupted by ladders, towers, fences, and equipment.
- b. These areas shall be located and screened so that the visual and acoustic impacts of these functions are fully contained and out of view from adjacent properties and public rights-of-

⁵⁶² Expands current alternative provision in the mixed-use district.

⁵⁶³ We did not carry forward the very subjective color standard from the CBD district standards, section 15.03.040.B.3.b.iv.

⁵⁶⁴ Placeholder for future discussion of establishing a design review board to evaluate and administer these standards.

⁵⁶⁵ Currently single- and two-family dwellings are exempted.

way. Screening materials shall be similar to and of the same quality as the principal materials of the primary buildings and landscape.

- c. Screening, which may include walls, fencing, berming and landscaping, shall be an adequate height as demonstrated visually by the applicant⁵⁶⁶. When plants are used for screening, as appropriate, they shall be planted and maintained to provide a solid screen within two years from the time of planting.

2. Trash/Recycling/Compost Collection Areas⁵⁶⁷

The following regulations shall apply to all development except for one-family and two-family dwellings:

- a. Each lot or tract containing a principal structure shall provide a designated area with equal space for the placement of trash, recycling, and compost collection containers, that shall be located and designed to ensure adequate space on-site for the maneuvering of collection vehicles. Each such area shall be incorporated into the overall design of the principal structure on the site, and shall be located in the rear or side of the lot to screen the storage area and separate it from residential uses to the maximum extent practicable.
- b. Trash, recycling, and compost collection areas shall not be located within any required buffer, between a principal building and any street (excluding alleys), or adjacent to a public pedestrian path, unless the decision-making body determines that the proposed location is appropriate and will not create an adverse impact on surrounding properties or neighborhoods.
- c. Trash, recycling, and compost collection areas that are visible to surrounding uses, properties, or rights-of-way shall include enclosures and gates of sufficient height to provide adequate screening. The enclosure shall be constructed of the same materials as used in the principal structure and the gate(s) shall be constructed of a durable and quality metal⁵⁶⁸ and painted a compatible color. The enclosure gate(s) shall remain closed except when being accessed.

3. Outdoor Storage Areas

- a. Outdoor storage areas shall be incorporated into the overall design of the principal structure or the site and shall be screened from view from all property lines by an opaque fence or wall of sufficient height to provide adequate screening. The fence or wall shall incorporate at least one of the predominant materials and one of the predominant colors used in the principal structure.
- b. If an outdoor storage area shall be covered, then the covering shall include at least one of the predominant exposed roofing colors on the principal structure.
- c. Stored items shall not project above the fence or wall used to screen such materials.
- d. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground if they exceed the currently adopted fire code requirements. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground. High pressure gases or liquids whether flammable or inflammable shall be stored above ground and shall meet all applicable laws and regulations.

⁵⁶⁶ Currently a minimum of six-feet in height.

⁵⁶⁷ Revised to include composting.

⁵⁶⁸ New requirement for gates to be constructed of metal. Currently they are required to be "the same materials."

4. Utility/Mechanical Equipment

Mechanical or utility equipment shall be sited away from residential uses and shall be screened by a wall, fence, or landscaping that is adequate in height⁵⁶⁹ as demonstrated visually by the applicant. Fences and walls shall be of similar quality materials and color as the principal structure. Plant materials used for screening shall be planted and maintained to provide a solid screen within two years of installation.

B. Roof-Top Utility/Mechanical Equipment

Mechanical or utility equipment on the roof of a building shall be screened from public view to the maximum extent practicable by locating equipment in the center of the roof or providing screening materials around the mechanical equipment. All screening materials shall be compatible with the principal structure in terms of design, materials and color.

C. Outdoor Retail Display Areas

Unless explicitly stated otherwise in an approved plan or temporary use permit, no outdoor retail display area shall be located in a required off-street parking area or landscape or buffer yard area.

15.05.140 Outdoor Lighting

Commentary:

Carried forward generally as-is, with minor revisions as noted.

A. Purpose

These outdoor lighting regulations are intended to achieve the following purposes:

1. Further the goals, policies, and strategies stated in the Comprehensive Plan;
2. Ensure that the functional and security needs of the community are met in ways that do not adversely affect adjacent properties or neighborhoods;
3. Promote safe and compatible design, curtail light pollution, reduce sky glow and improve the nighttime environment for stargazing;
4. Minimize adverse off-site impacts of lighting such as light trespass and obtrusive light;
5. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and
6. Conserve energy and resources to the greatest extent possible.

B. Applicability

These regulations shall apply to new developments and redevelopments, except that existing developments shall be subject to the standards of subsections F and G of this section.

⁵⁶⁹ Currently a minimum of six feet.

C. Design Requirements⁵⁷⁰

Developments and redevelopments shall submit a photometric site plan (lighting plan) designed by a licensed professional engineer or architect, unless waived by the director. The lighting plan shall be submitted as part of the development review process and contain the items noted in subsection J below.

D. Exemptions

The following are exempt from the regulations in this section unless noted otherwise.

1. Single-family detached developments⁵⁷¹ are exempt from the lighting plan requirement, but when lighting is provided it is subject to the standards of subsections F and G of this section.
2. Public street lighting.
3. Temporary holiday displays.
4. Emergency/warning lights.
5. City-owned outdoor recreational uses (ball fields, play fields, tennis courts, and other similar uses) provided these uses meet the following standards:
 - a. Limits on luminaire angle. The luminaire angle from a lighting source that illuminates an outdoor recreational use may exceed an angle of zero degrees only to the extent necessary for lighting the use, and provided that the luminaire is shielded to minimize spillover to surrounding properties;
 - b. Maximum permitted illumination at the property line of the recreational use shall be two footcandles;
 - c. Exterior lighting for an outdoor recreational use shall be extinguished as soon as possible after the event.

E. Modifications

The director may waive or modify a requirement in this section upon making one of the following findings:

1. The request complies with the standards for an administrative modification under section 15.02.080B; or
2. The lighting standard is impractical or unreasonable based on the nature of the development proposal and the waiver represents the least possible deviation that can afford relief from the standard being modified or waived.

F. General Regulations

1. The direct or reflected light from any light fixture shall not create a traffic hazard to operators of motor vehicles on public streets or to operators of aircraft, and no colored lights may be used in such a way as to be confused or construed as street-traffic or air-traffic control devices.

⁵⁷⁰ Added waiver option and clarified the timing of submitting the lighting plan.

⁵⁷¹ Currently two-family dwellings are also exempt.

2. No blinking, flashing or fluttering lights, or other illuminated device that has a changing light intensity, brightness or color, is permitted in any zoning district.
3. The director shall approve the use of exposed neon or light emitting diode (LED) upon finding that the applicant has demonstrated such lighting is appropriate and necessary for the design of the building, will not adversely affect surrounding properties and is consistent with the purpose of the lighting standards.
4. The director may require modifications to outdoor lighting after installation upon finding that the lighting, as installed, does not comply with these standards.

G. General Design Standards

Lighting shall meet the following design standards:

1. All outdoor lighting shall meet the functional security needs of the proposed land use without adversely affecting surrounding properties, neighborhoods, the community, and the natural environment.
2. All new and replacement light fixtures shall be full cutoff, except that light sources not exceeding 500 lumens for individual light fixtures, 150 lumens for individual lights in a light string (eg. patio lights) and 3000 Kelvin in color temperature are not required to be full cutoff.⁵⁷²
3. Light sources shall be concealed or shielded to minimize the potential for glare and light pollution.
4. Light fixtures shall be installed so that the luminaire angle is zero degrees (vertical to the ground).
5. No light sources shall be directed toward property boundaries or adjacent rights-of-way.
6. Lights, such as wallpacks, that shine outward and create direct glare are prohibited.
7. The amount of nuisance glare (light trespass) projected onto a residential use, greenway or natural area from another property shall not exceed 0.1 footcandles at the property line.
8. Lighting shall be distributed evenly to minimize extremes in luminance levels.
9. Light fixtures not necessary for security purposes shall be reduced, activated by motion sensor devices, or turned off during hours when the business or use is not open.
10. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited in all areas.
11. Energy efficient lighting shall be used to the maximum extent practicable
12. Light sources in residential areas shall not exceed 3000 Kelvin in color temperature and other areas shall not exceed 4000 Kelvin in color temperature.⁵⁷³
13. Light sources in the interior of buildings shall minimize glare when viewed from the exterior of the building.
14. Light fixtures used to illuminate flags, statues, or any other objects shall minimize glare beyond the illuminated object.
15. Light produced from architectural, landscape, and decorative up lighting shall minimize glare and shall not be visible above the building roof line.

⁵⁷² Added specific exceptions for lighting under 300 lumens or 3,000 Kelvin.

⁵⁷³ Did not carry forward preference for white light types such as LED, halogen, metal halide, or high-pressure sodium.

H. Lighting Levels⁵⁷⁴

- Table 5.8 below provides the maximum illuminance of various activity areas. The table is based on IESNA recommendations as published in the current Lighting Handbook, using a visual age of 25—65, a lighting zone of LZ3, and an activity area of High for nonresidential zoning districts and Medium for residential zoning districts.

Table 5.8: Maximum Lighting Levels by District or Activity

District or Activity	Average Footcandles (maximum)
Site lighting in a residential zoning district	1.0
Site lighting in a mixed-use or nonresidential district	2.0
Gasoline fueling areas, drive-up window areas, ATM areas, car wash bays, and loading and service areas within 250 feet of residential uses [1]	10.0
Gasoline fueling areas, drive-up window areas, ATM areas, car wash bays, and loading and service areas adjacent to nonresidential uses [1]	15.0

NOTE:
[1] These areas are defined as the areas directly under a canopy or within ten feet of a location defined on the lighting plan if no canopy exists.

I. Height Standards for Lighting

- Light fixtures mounted to a building or structure shall not exceed the height of the building or structure.
- Freestanding light fixtures located in residential zoning districts shall be mounted no higher than 16 feet from the ground.
- Freestanding light fixtures located in nonresidential zoning districts shall be mounted no higher than 25 feet from the ground.
- Light fixtures higher than the maximum heights specified in this subsection, but not exceeding the maximum structure height in the applicable zoning district, are prohibited unless the director finds that such lighting is appropriate and necessary for the development, shall not adversely affect surrounding properties and is consistent with the purpose of the lighting standards.
- Lighting fixture heights greater than the maximum zoning district height may be approved only through an administrative modification or variance.

J. Lighting Plan Requirements

Lighting plans shall meet the following requirements:

- Existing and proposed lighting locations and structures and surveyed property lines shall be depicted on a lighting plan, indicating the projected hours of use.
- Lighting plans shall be legible in black and white⁵⁷⁵ and shall:

⁵⁷⁴ Lighting levels were revised to include mixed-use. Current lighting levels only distinguish between residential and nonresidential uses.

⁵⁷⁵ Clarified that plans shall be legible in black and white.

- a. Contain the footcandle distribution, plotting the light levels in footcandles on the ground, at the designated mounting heights for the proposed fixtures. Maximum illuminance levels shall be expressed in footcandle measurements on a grid of the site showing footcandle readings in every ten-foot square. The grid shall include light contributions from all sources including pole-mounted, wall-mounted and sign fixtures;
- b. Express photometric calculations using a light loss factor of 1.0;
- c. Provide footcandle readings to the point at which the reading is 0.0 fc.;
- d. Be stamped and certified by a licensed professional architect or engineer;
- e. Include a table that provides the following information: type and number of fixtures, the cutoff characteristics, manufacturer and model number(s), mounting heights, types of timing devices used to control the hours set for illumination, and the hours when each fixture will operate;
- f. Include a calculation summary table for each activity area indicating footcandle levels on the lighting plan, noting the average, minimum and maximum illuminance levels for each activity area and the light loss factor used in the calculations;
- g. Include lighting manufacturer-supplied specifications ("cut sheets") that include photographs of the fixtures, indicating the certified cutoff characteristics of the fixture;
- h. Contain the following standard notes:
 - i. No substitutions, additions, or changes may be made without prior approval by the City of Longmont.
 - ii. Prior to issuing a certificate of occupancy the city may require certification that the property is compliant with the approved plans and the regulations of the city.

15.05.150 Quality of Life Benchmarks/Adequate Public Facilities Standards

Commentary:

Carried forward as-is pending future policy discussions.

A. Purpose

The purpose of these quality of life benchmark and adequate public facilities regulations is to ensure that all utilities and other facilities and services needed to support development are available concurrently with the impacts of such development.

B. Applicability

Adequate public facilities requirements apply to all development and subdivisions subject to this development code, unless otherwise exempt by this subsection.

C. General Requirements

1. Approval Conditioned upon Adequate Public Facilities

The approval of all subdivisions and developments shall be conditioned upon the provision of adequate public facilities and services, including utilities, necessary to serve the new development. No building permit shall be issued unless such public facilities and services are in place or the commitments described in this section have been made.

2. Level of Service Standards

- a. This section establishes level of service standards for the following public facilities: fire protection and emergency medical services, drainage, transportation, utilities, and schools.
- b. No subdivision, development plan, site plan, or building permit shall be approved or issued in a manner that shall result in a reduction in the levels of service below the adopted level of service standard for the affected facility or service.

D. Drainage/Water Quality Management

1. Level of Service

- a. All development shall provide adequate surface, sub-surface, and road storm drainage facilities and appurtenances as required by all current and applicable city storm drainage master plans, as required by city standards, as amended, and as required by city-approved drainage studies.
- b. All development shall comply with applicable state and federal stormwater regulations designed to reduce the potential adverse impact of stormwater discharges on water quality.

2. Minimum Approval Requirements

Adequate stormwater drainage facilities and services to support the proposed development shall be available concurrently with the impacts of such development. Except as stated below, at the time of building permit issuance, the decision-making body shall require that all necessary drainage facilities and services are in place and available to serve the new development according to the approved drainage and erosion control report and plan for the development.

E. Fire and Emergency Medical Response

1. Fire Response Level of Service

For fire response services, each building lot within a subdivision plat or development shall be within five minutes and 59 seconds response time of a city fire station. The fire chief may waive this requirement if the fire chief finds that:

- a. Each building on the building lot shall have an automatic fire extinguishing system meeting all applicable code requirements; or
- b. The fire chief approves an equivalent means to insure adequate fire response;

2. Emergency Medical Response Level of Service

For emergency medical response services, each building lot within a preliminary or final plat shall be within five minutes and 59 seconds response time of a city fire station. The fire chief may waive this requirement if the fire chief finds:

- a. A Boulder or Weld County licensed ambulance service, staffed full-time, can provide emergency medical services 90 percent of the time to each building lot within five minutes and 59 seconds; or
- b. Each building lot owner shall provide full-time emergency medical response services on site equivalent to the fire department's emergency medical response services; or
- c. The fire chief approves an equivalent means to insure adequate emergency medical response.

3. Determination of Compliance with Minimum Standards

The fire chief shall determine whether each building lot within a preliminary or final subdivision plat or plan shall be within the required minimum five minutes and 59 seconds response time of a city fire station by:

- a. Using the Rand Corporation formula $D = (T - 0.65)/1.7$, where "D" equals travel distance from the nearest city fire station, and "T" equals 4.98 minutes (fire pumper truck emergency travel time without an additional one minute for fire fighter response readiness); and
- b. At least annually, comparing the Rand Corporation formula output to actual city fire department response times, and adjusting the formula output to reflect actual response times from city fire stations.

4. Minimum Approval Requirements

Adequate fire protection and emergency response services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the decision-making body shall require that, at the time of final plat approval or at issuance of any building permit, whichever occurs first, all such services, as described in subsections E.1. and E.2. above, are in place and available to serve the new development.

F. Transportation

1. Levels of Service

a. General Standard

For all subdivisions and developments, the applicant shall demonstrate that, with the planned development, the transportation level of service for any signalized intersection located within one-half mile of the development site or directly impacted by the development shall not fall below level of service "D." Any of the directional traffic movements, comprising five percent or more of the total entering volume of a signalized intersection during any hour of traffic, shall not fall below level of service "D" and shall not exceed a volume to capacity (v/c) ratio of 1.0.

b. Standard Modification or Waiver

- i. The decision-making body may modify these requirements if the applicant demonstrates that adverse impacts on the level of service have been mitigated to the maximum extent feasible as determined by the decision-making body. Mitigation may include on-site or off-site street or traffic signal improvements, implementation of a transportation demand management program, reducing the intensity of the development, or other mitigation techniques.
- ii. The decision-making body may waive these requirements if it determines that the direct and cumulative impacts of the proposed development on adjacent roads and intersections will be minimal and insignificant.

2. Threshold for Transportation Impact Study

Unless waived by the city, a transportation impact study (TIS) shall be submitted with any application for subdivision or development that exceeds 50 peak hour trips or 500 average daily traffic (ADT), based on traffic generation estimates of the latest edition of the Institute of Transportation Engineers' Trip Generation Manual, or when specified in the criteria for a TIS (see Appendix A of city standards).

3. Transportation Impact Study Contents

The TIS shall be prepared according to city standards. At a minimum, the study shall contain the following information:

a. Traffic Impact Area

Identification of the boundaries of the traffic impact area, which the traffic engineer shall approve in advance;

b. Current LOS

The current projected average daily traffic volumes (level of service) on the segments and intersections of the road system in the traffic impact area based on existing conditions and factoring in approved developments. For purposes of these transportation facility standards, "approved development" shall mean developments that have received preliminary or final approvals from the city and that have not been completed;

c. LOS Including the Proposed Development

The projected average daily traffic volumes (level of service) of the segments and intersections on the road system in the traffic impact area based upon existing conditions, the demands from approved development, and the proposed development;

d. Study Findings

A summary outlining the study findings on the traffic impacts of the proposed development, including a detailed description of proposed improvements and mitigation measures necessary to maintain the adopted level of service standard;

e. Other Information

Other information required by the city standards, or as may reasonably be required by the decision-making body or staff to determine compliance with the applicable level of service standards.

4. Minimum Approval Requirements

At a minimum, the decision-making body shall require that, at the time of any final plat or development approval, all necessary transportation facilities and services to meet the applicable level of service standard are:

a. Currently in place and available to serve the development; or

b. Guaranteed by an enforceable development or public improvement agreement that ensures that the public facilities will be in place at the time that the impacts of the proposed development will occur.

5. Council Approval Required Without Mitigation

City council approval is required for any subdivision or development not able to meet or mitigate the level of service standard specified in subsection F.1. of this section. Council may approve a subdivision or development not able to meet or mitigate the level of service standard based on a finding that the proposed subdivision or development provides the city with a unique opportunity or an appropriate site, at an appropriate location, for the particular type of land use or development proposed that will help the city achieve a balance of land use, tax base, or housing types consistent with the city's overall planning and economic development goals.

G. Utilities

1. Level of Service

All development shall provide adequate utilities and appurtenances, as required by any current and applicable utility master plans, as required by city standards and this development code, and as required by titles 13 and 14 of the Longmont Municipal Code.

2. Minimum Approval Requirements

Adequate utility facilities and services to support the proposed development, as described in subsection G.1 above, shall be available concurrently with the impacts of such development. At the time of building permit issuance, the decision-making body shall require that all necessary utility facilities and services are in place and available to serve the new development.

H. School Capacity

The provisions of the intergovernmental agreement between the City of Longmont and the St. Vrain Valley School District RE-1J, which is included as appendix E-3 to this development code, states the level of service and minimum approval requirements for school capacity.

15.05.160 Operational and Performance Standards

Commentary:

Carried forward generally as-is, with minor revisions as noted.

A. Air Quality Standards

1. Intent

Because air quality is a contributing factor to the economic vitality and quality of life of the community, the quality of the air in and surrounding the City of Longmont shall be preserved at the highest possible level. Solid fuel-fired heating devices, although aesthetically pleasing, contribute a significant portion to the degradation of air quality. Therefore, this section limits the use of solid fuel-fired heating devices.

2. Installation of Solid Fuel-Fired Heating Devices—Limited

- a. No dwelling unit shall contain more than one solid fuel-fired heating device.
- b. In no event shall any dwelling unit within a development that exceeds six units per acre in density contain a solid fuel-fired heating device.
- c. No building permit shall be issued for any solid fuel-fired heating device that would exceed the limitations imposed in this subsection.
- d. Nothing in this subsection shall prevent the use of gas-fired fireplaces or gas fireplace logs in any dwelling unit.
- e. For the purpose of administering this limitation, a development shall be defined as a subdivision plat, site plan, or final development plan. In the absence of these documents, a development shall be defined as a legally established lot or parcel.

3. Other Air Quality/Emissions Standards

- a. To minimize off-site fugitive emissions, trucks carrying dry bulk materials are to be fully enclosed, or the cargo is to be enclosed within canvases, tarpaulins, or other method of

confinement that fully covers the payload area of the truck. Alternatively, a crusting agent may be used to cover the cargo.

- b. No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred or transported off the lot by natural causes or forces.
- c. Fugitive dust from construction activity shall be controlled consistent with best management practices and state regulations.

B. Noise

1. Applicability

The following noise standards are in addition to, and shall supplement, the nighttime noise standards found at sections 10.20.100 and 10.20.110 of the Municipal Code (chapter 10.20, offenses against the public peace). These standards are applicable to all new development and existing development in the City of Longmont.

2. General Daytime Noise Standard

- a. No activity or operation within the city shall exceed the maximum permitted sound levels dB(A) stated in Table 10.20.110 B at the property line of the receiving premises, during the daytime (between 7:00 a.m. and 10:00 p.m.), except as provided in this section. The terms "residential," "commercial," and "industrial" in Table 10.20.110 B shall be defined as stated in section 10.20.110 of the Longmont Municipal Code.
- b. When a development produces or is affected by noise that exceeds the standards stated in Table 10.20.110 B, the applicant or owner shall provide noise attenuation techniques based on an analysis conducted by a qualified acoustical engineer. The analysis shall include a description of the noise environment and the construction or other methods necessary to attenuate the noise to permitted levels. When required and as applicable, the noise analysis and mitigation plan shall be submitted with a development entitlement application.⁵⁷⁶
- c. New construction or additions. All new construction or additions that are planned to house any stationary machinery, device, or equipment that shall create noise that exceeds 60 dB(A) shall be reviewed to ensure that noise mitigation measures such as building noise attenuation and insulation, siting modifications, berms, barriers, and other measures are utilized to effect noise level reductions up to 15 dB(A) more than normal construction or to 55 dB(A) at the property line abutting any residential development, whichever shall result in the lower expenditure for the applicant.

C. Vibrations

No activity or operation shall cause or create earth-borne vibrations in excess of the displacement values stated in Table 5.9 below on or beyond any abutting parcel or shall cause any inherent or recurring generated vibration perceptible without instruments at any point along the property line on which the vibration source is located. The applicant, property owner or tenant shall be responsible for demonstrating compliance with these standards.

⁵⁷⁶ Last sentence broadened from current standard that says the plan shall be submitted with an application for preliminary plat or plan approval, or an application for a site plan.

Table 5.9: Steady-State Vibration Limits⁵⁷⁷

Vibration Limit	Peak Particle Velocity (Inches per Second) Daytime 7:00 a.m. to 10:00 p.m.	Peak Particle Velocity (Inches per Second) Nighttime 10:00 p.m. to 7:00 a.m.
	At a residential or mixed-use parcel	0.03
At a nonresidential parcel	0.06	0.06

D. Odors

No person or business, including the applicant, property owner or tenant, shall cause or allow the emission of odorous air contaminants from any source that results in detectable odors that are measured in excess of the following limits:

1. For properties used for residential purposes, it is a violation if odors are detected after the odorous air has been diluted with seven or more volumes of odor-free air.
2. No violation shall occur if the city finds that the person or business causing or allowing the emission of odorous air contaminants is in compliance with all other applicable standards in this development code and is employing the best available treatment, maintenance, and control technologies currently available to maintain the lowest possible emission of odorous gases.

E. Hazardous Waste/Materials

1. All hazardous materials or wastes shall be stored and deposited in compliance with the city's adopted fire code.
2. If a facility, building, or project are known to use or store hazardous materials or wastes on site in excess of the amounts set forth in the adopted fire code, the applicant, property owner or tenant shall prepare, at the direction of the city fire chief, a hazardous materials impact analysis that:
 - a. Assesses potential off-site impacts and appropriate mitigation procedures and precautions; and
 - b. Examines methods to reduce the use and storage of hazardous materials and the production of hazardous wastes at the site.

F. Glare or Heat

If an activity or operation produces intense glare or heat, whether direct or reflected, that is perceptible from any point along the development's property lines, the operation shall be conducted within an enclosed building or with other effective screening sufficient to make such glare or heat imperceptible at the property line.

G. Operational/Physical Compatibility

The following conditions may be imposed upon the approval of any development to ensure that it is compatible with surrounding properties, including, but not limited to, restrictions on:

1. Hours of operation and deliveries;

⁵⁷⁷ Replaces Table 15.05-L. Revised limits to match current types of uses: residential or mixed-use, and nonresidential.

2. Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise, odor and glare;
3. Placement of waste receptacles;
4. Location of loading and delivery areas;
5. Light intensity and hours of illumination; and
6. Placement and illumination of outdoor activity areas and equipment.

15.05.170 Wireless Telecommunications Facilities

Commentary:

This section was carried forward as-is, based on recent updates.

A. General Standards

1. The standards in this section apply to all applications for a permitted, limited, or conditional use wireless telecommunication facility. The applicant shall demonstrate to the city, in writing, that it meets all applicable standards and provisions of this section and the Municipal Code.
2. Building/structure-mounted wireless telecommunication facilities are preferred over new freestanding facilities. The applicant shall explore all potential options for locating a facility on an existing building or structure prior to submitting an application for a freestanding facility and shall submit in writing efforts taken to locate a facility on an existing building or structure.
3. When possible, wireless telecommunication facilities shall be collocated to minimize the number of telecommunication sites.
 - a. No wireless telecommunication facility owner or operator shall exclude a telecommunication competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence why collocation is not possible.
 - b. Applications for new wireless telecommunication facilities shall provide evidence that the facility can accommodate collocation of additional carriers.
 - c. If a telecommunication competitor attempts to collocate a facility on an existing or approved wireless telecommunication facility or location, and the parties cannot reach agreement, the city may require a third party technical study at the expense of either or both parties to determine the feasibility of collocation.
 - d. Operators using Unlicensed National Information Infrastructure (UNII) Radio Band as their primary service frequencies shall be exempt from the collocation requirements in this section.
4. The applicant shall design all wireless telecommunication facilities to mitigate or camouflage visual impacts. The design, materials, color and screening of the wireless telecommunication facilities shall take into consideration the design, materials and colors of surrounding buildings and structures and surrounding natural land forms and vegetation.
5. Wireless telecommunication facilities shall not reduce parking and landscaping to less than any minimum requirement for other uses on the parcel.
6. In addition to the standards in this section and chapter 13.04, "Work in City Property," as applicable, the following standards shall apply to wireless telecommunication facilities in the public right-of-way:

- a. They are exempt from setback requirements.
 - b. If proposed to be placed on the border of multiple zoning districts, the more restrictive use regulations and standards apply.
 - c. They shall be located on existing utility or street lighting poles or emergency communication facilities unless the applicant demonstrates in writing that this collocation is not possible. Wireless telecommunication facilities proposed to be placed on replacement or new utility or street lighting poles, or emergency communications facilities shall be consistent in height with the facility standards specified in the city standards, Longmont Power and Communications street lighting guidelines, or the maximum building height of the applicable zoning district if no facility standard exists.
 - d. They shall not conflict with existing or planned utilities or facilities in the right-of-way and shall conform to sight distance requirements.
7. Wireless telecommunication facility owners or operators shall verify that:
- a. The wireless telecommunication facility complies at all times with the current Federal Communications Commission standards for cumulative field measurements of radio frequency power densities and electromagnetic fields; and
 - b. The wireless telecommunication facility complies at all times with the current Federal Communication Commission regulations prohibiting localized interference with reception of television and radio broadcasts.
8. If the wireless telecommunication facility ceases operating for six consecutive months:
- a. The facility owner or operator shall remove it within 90 days; and
 - b. Any site or development plan approving the wireless telecommunication facility, including site plans for conditional or limited uses, shall expire.
9. The replacement or upgrade of antennas, support structures and accessory equipment that does not increase the overall height, mass, width, or amount of equipment of an existing wireless telecommunication facility is exempt from land use review under title 15 and subject only to the issuance of building permits as may be required. Colors of replacement and upgrade equipment shall be consistent with the building or facility on which they are mounted.

B. Standards for Freestanding Wireless Telecommunication Facilities (Alternative Tower Structures, Monopoles and Lattice Towers)

1. Setbacks

A freestanding wireless telecommunication facility shall meet the greater of the following minimum setbacks from all property lines. Setbacks shall be measured from the nearest property line to the nearest outside edge of the freestanding wireless telecommunication facility.

- a. The setback requirements for a principal building within the applicable zoning district as specified in chapter 15.03; or
- b. The height of the freestanding wireless telecommunication facility, including antennas.

2. Height

A freestanding wireless telecommunication facility shall not exceed the allowed maximum building height within the applicable zoning district.

3. Number

Only one freestanding wireless telecommunication facility shall be allowed on a legal parcel.

4. Collocation

The design of new freestanding wireless telecommunication facilities shall be such that they can accommodate collocation of additional providers.

5. Antenna(s) shall be mounted flush to the support structure unless the applicant demonstrates this is technically infeasible.
6. Freestanding wireless telecommunications facilities and antennas shall not be artificially lighted, unless required by federal law or regulation.
7. The visual impacts of a tower base and ancillary structures shall be mitigated through landscaping or other screening methods.
8. Mechanical equipment shelters shall be designed and constructed to look like a building, facility or structure typically found in the area.

C. Standards for Building- or Structure-Mounted Wireless Telecommunication Facilities

1. A building- or structure-mounted wireless telecommunication facility is permissible only on nonresidential or multi-family buildings constructed under chapter 16.04 of this development code.
2. Antennas may encroach into a setback a maximum of two feet, but shall not extend over a property line.
3. Antennas mounted on a building wall or side of a structure shall comply with the following standards:
 - a. Antennas shall be mounted flush to the building wall or side of a structure unless technical reasons dictate another type of installation and shall not extend above the roofline or parapet of the building or top of the structure; and
 - b. Support structures, accessory equipment including equipment cabinets, and all other appurtenances shall be fully screened from view and not visible from the ground.
 - c. Antennas shall be painted a color to match the building or structure to which they are mounted.
4. New building- or structure-mounted installations (including those within structures) are not permitted inside of a historic district or within 250 feet of the boundary of a historic district; nor shall new installations be located on or within a structure that is designated as a National Historic Landmark or listed or eligible for listing in the National Register.

D. Standards for Rooftop-Mounted Wireless Telecommunication Facilities

1. A rooftop-mounted wireless telecommunications facility shall be approved only if the applicant demonstrates that a building- or structure-mounted (wall-mounted) facility is inadequate to provide service or is technically not feasible, or that the visual and aesthetic impact of the rooftop-mounted wireless telecommunication facility would be less than that of a building- or structure-mounted facility.
2. Rooftop-mounted wireless telecommunication facilities are not permitted on buildings with pitched roofs.

3. A wireless telecommunication facility located on a building roof or top of structure shall comply with the following standards:
 - a. Antennas, support structures, accessory equipment, and all other appurtenances shall be fully screened from view through the use of architecturally compatible features, screening materials and colors that match the building or structure to which the facility is mounted;
 - b. Whip antennas shall extend no more than 12 feet above the parapet of the roof or the structure to which they are mounted regardless of the height limitations of the underlying zoning district;
 - c. Panel and microwave antennas shall extend no more than ten feet above the parapet of the roof or the structure to which they are mounted regardless of the height limitations of the underlying zoning district;
 - d. Accessory equipment structures shall extend no more than five feet above any parapet of the roof or the structure to which they are mounted and must be fully screened from view; and
 - e. In addition to these height requirements, these facilities shall not exceed any height limit for the applicable zoning district.
4. New rooftop-mounted installations are not permitted inside of a historic district listed on the National Register or within 250 feet of the boundary of a historic district listed on the National Register; nor shall new rooftop installations be located on or within a structure that is designated as a National Historic Landmark or listed or eligible for listing in the National Register.

E. Standards for Small Cell and Wireless Mesh Networking Facilities

1. Small cell and wireless mesh networking facilities may be located in any zone district and in public rights-of-way attached to existing structures in the right-of-way.
2. The small cell or wireless mesh networking facility must comply with applicable Federal Communication Commission regulations regarding radiated power.
3. The antenna or power-radiating components of a small cell or wireless mesh network facility must be mounted a minimum of 12 feet above ground.
4. Small cell or wireless mesh networking facilities may not extend more than 36 inches above the facility or structure on which they are mounted.
5. For small cell networks involving multiple individual small cell facilities, the applicant may file a consolidated application for a single permit approving the small cell network instead of filing separate applications for each individual small cell facility.
6. Small cell or wireless mesh networking facilities may be attached to any existing residential building or structure with nonconforming setbacks only if the structure conforms to chapter 16.04 of this development code and the nonconformity would not increase.

F. Standards for Amateur Radio Towers and Amateur Radio Operations

1. Amateur radio towers are subject to restrictions in chapter 9.36 of the Code.
2. Side yard setbacks for amateur radio towers shall be 25 percent of the tower height.
3. Rear yard setbacks for amateur radio towers shall be as described for buildings in chapter 15.03.
4. No portion of a tower shall extend over a property line.

5. Amateur radio towers are not permitted between the front of the principal structure and the front yard property line.
6. Amateur radio operations shall not interfere with reception of television and radio broadcasts.

G. Exception for Insubstantial Modifications

Notwithstanding any other provisions of this development code, the director shall ministerially approve any "eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station," as that phrase is defined in United States Code and rules and regulations of the Federal Communications Commission, including Report and Order FCC 14-153. Where these regulations limit submission requirements, the submission requirements in this development code shall be construed to conform to those limitations.

H. Timing for Application Review for Wireless Telecommunication Facilities

The director may expedite review of an administrative or minor application for a wireless telecommunication facility in any manner necessary to comply with federal limitations on the amount of time the city may take to review these applications.

I. Application Denial

A final decision by the city to deny an application under this section shall be in writing and supported by substantial evidence in a written record.

15.05.180 Mobile Homes

Commentary:

Carried forward staff's recent revisions, as noted.

A. Purpose

The purpose of this section is to:

1. Make provision for an alternate choice in housing;
2. Encourage efficient and functional use of land for mobile homes;
3. Minimize potential impacts on surrounding land uses.

B. Qualifying Manufactured Housing Exemption

Manufactured housing, as defined by C.R.S. § 31-23-301 (5) (a), and excluded from the definition of "mobile homes" stated in chapter 15.10, definitions, of this development code, shall be subject to all the zoning and development standards otherwise applicable to one-family dwellings, unless such application is inconsistent with the specifications stated in the Colorado law.

C. Location in Approved Mobile Home Developments

Mobile homes shall be located only in mobile home developments and/or parks approved by the city. The location of mobile home developments and parks shall be subject to all applicable provisions of chapters 15.03 (zoning districts) and 15.04 (use regulations) of this development code.

D. Existing Uses as Dwellings on Private Lots⁵⁷⁸

Any existing individual mobile home parked on a private lot and occupied as a "dwelling" and having the prior status of a legal nonconforming use, may continue to be occupied provided that applicable health and safety regulations are complied with. Such use shall be subject to the nonconforming provisions contained in chapter 15.08.

E. General Regulations for Mobile Homes⁵⁷⁹

1. Parking on Rights-of-Way

No mobile home shall be parked or permitted to stand upon any public street, alley or other such right-of-way for more than an eight-hour period. If so parked for less than an eight-hour period, the mobile home shall be parallel to the edge of the right-of-way, out of the flow of moving traffic, and shall not be occupied.

2. Mobile Homes in Parks—Location on Designated Spaces Required

No mobile home shall be occupied in a mobile home park or development unless the mobile home is situated on a designated mobile home site or lot.

3. Occupied Recreational Vehicles or Sales Lots Prohibited

Occupied recreational vehicles and mobile home sales lots shall not be permitted in mobile home parks or developments,

4. Compliance with State Statutes

All existing and proposed mobile home developments shall comply with all applicable state statutes regarding mobile homes, including but not limited to the Colorado Housing Act of 1970 (C.R.S. § 24.32-700 et seq.) and the Mobile Home Park Act C.R.S. § 28-12-200.1 et seq.).

5. Compliance with Floodplain Regulations

Existing and proposed mobile home developments shall comply with applicable floodplain regulations under title 20.

F. Procedure for New Mobile Home Development

1. Site Plan—Requirements Generally

Before any permits can be issued for construction of mobile home developments, a site plan must be submitted, reviewed, and approved per the development procedures stated in section 15.02.070.C, site plans.

2. Site Plan—Existing Mobile Home Parks

Nonconforming mobile home parks shall be subject to the site plan requirement of subsection F.1 above, only if the following are proposed:

- a. An expansion of the park; or
- b. An increase in the number of mobile home spaces over that approved on the mobile home park permit.

⁵⁷⁸ Did not carry forward "at such time as any individual mobile home existing on a private lot is removed from such lot or is vacated, the use shall be deemed to be discontinued."

⁵⁷⁹ Did not carry forward the minimum distance between mobile home units, which is covered in the zoning district dimensional standards.

G. Development and Design Standards for Mobile Home Subdivisions and Parks⁵⁸⁰

Unless otherwise addressed in the following provisions, mobile home developments shall comply with all applicable development and design standards in this development code.

1. Number per Lot

Only one residential mobile home dwelling unit is allowed on each lot.

2. Street Design Standards

All streets in a mobile home subdivision shall be publicly dedicated and designed and constructed according to the city standards.

3. Utility Design Requirements

All public utilities shall be installed underground according to the adopted plumbing code, the adopted electrical code, and city standards for one-family residential service.

4. Building Code Requirements⁵⁸¹

All mobile homes in mobile home subdivisions shall be certified as meeting the mobile home construction and safety standards of the federal Department of Housing and Urban Development. A building permit is required for initial on-site preparation for the mobile home. Permits shall be required for, additions, fences, accessory structures, conforming to this development code and the adopted building code.

H. Development and Design Standards for Mobile Home Parks⁵⁸²

Unless otherwise addressed in the following provisions, mobile home parks shall comply with all applicable development and design standards in this development code and all other applicable city standards and regulations stated in the Longmont Municipal Code.

1. Number of Units per Site

Only one residential mobile home dwelling unit is allowed on each individual mobile home site.

2. Street and Drive Design Standards

- a. All interior drives in mobile home parks shall be privately owned and maintained by the property owners, and shall be designed and constructed to city standards.
- b. Required city streets on the perimeter of the development shall be designed and constructed to city standards.

3. Utility Design Requirements

- a. All public utilities shall be installed underground according to the adopted plumbing code, the adopted electrical code and city standards. Mobile home parks shall have one master meter for water service and individual meters for electric service.
- b. Adequate provision shall be made for outdoor watering at each mobile home site.

⁵⁸⁰ Did not carry forward density and dimensional requirements (Table 15.05-M), which is covered by the zoning district dimensional standards in 15.03.

⁵⁸¹ Did not carry forward requirement for certificate of occupancy prior to occupying a mobile home.

⁵⁸² Did not carry forward density and dimensional requirements (Table 15.05-N), which is covered in the zoning districts in 15.03. Also did not carry forward building code requirements, landscaping and open space, or outdoor living area requirements since those are addressed elsewhere in the code.

- c. No mobile home shall be occupied until it is connected to public utilities, such connections to be inspected by the city.
- d. Utilities should be installed so that utility connections can be closed when not linked to a mobile home, and shall be trapped so as to prevent any escape of odor or gas. All water connections should have a frost-free shutoff.

15.05.190 Use of Public Rights-of-Way

Commentary:

Carried forward as-is, except for a revised cross-reference to the landscape and open space regulations.

Public rights-of-way shall be used for public purposes, including, but not limited to, utilities, streets and alleys, pedestrian walkways and bicycle paths, landscaping, and public signs (speed limit, street name signs, etc.). Private use of the public right-of-way, where allowed, is subject to chapters 13.04, Work in City Property, and 13.37, Use of Public Places, as well as section 15.05.040, Landscape and Common Area Regulations.

15.05.200 Residential Compatibility

Commentary:

As suggested in the Assessment Memo, these are new standards to ensure compatible transitions between residential and nonresidential districts and uses. The standards in this section are not the only standards that serve to protect neighborhoods in the updated LDC. For example, the zoning map itself will ensure that appropriate transitions are being applied between more intense development and residential development. As another example, the building design standards in earlier sections also help to protect neighborhoods by setting the bar higher for development quality and aesthetics.

A. Purpose

The purpose of this section is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when nonresidential and mixed-use districts abut lower-intensity residential districts.

B. Applicability

1. These standards apply to the following:
 - a. Attached residential, nonresidential, or mixed-use development adjacent to lots used for or zoned for less intensive residential uses in the R-RU, R-SF, R-MN and PUD zoning districts.
 - b. Specific uses as identified in section 15.04.030 as having to comply with this section.
2. When the provisions of this section conflict with other sections of this development code, the more restrictive provision(s) shall apply.

C. Building Organization and Design

1. Building and site design shall comply with residential design standards in section 15.05.110 and nonresidential and mixed use design standards in section 15.05.120, as applicable.
2. Multi-building developments shall be configured to locate the tallest and largest structures the furthest distance from residential zoning districts and provide a gradual decrease in building

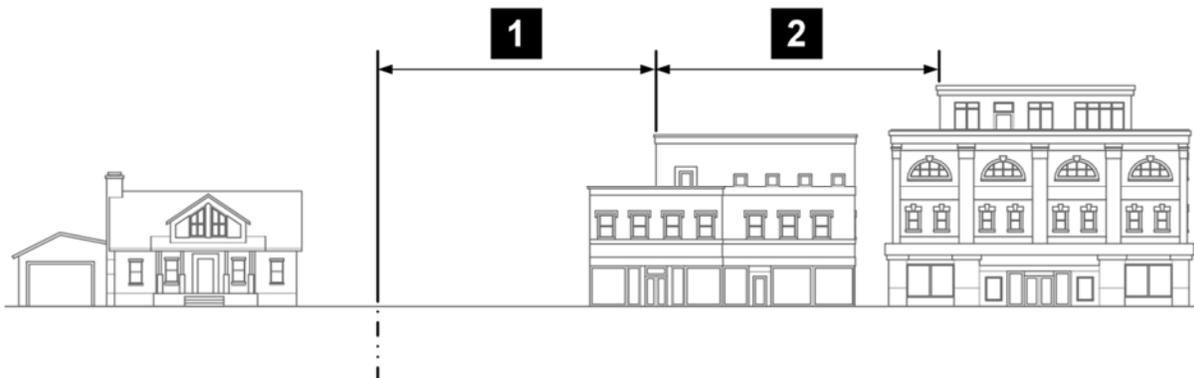
height and mass towards adjacent less intensive residential uses, so that new structures have a comparable scale as adjacent residential structures along the shared lot line or street frontage.

3. Horizontally integrated mixed-use developments shall locate nonresidential uses away from adjacent lots zoned for residential land uses.
4. Multi-story structures with balconies, patios, or other public gathering spaces more than two stories above grade shall orient these features to avoid direct views into lots in lower intensity residential districts.
5. Buildings shall be designed to be compatible with adjacent residential uses.

D. Building Height and Setback⁵⁸³

1. No portion of an attached residential, mixed-use, or nonresidential building shall exceed the allowed height of the adjacent residential zoning district within 75 feet of a property occupied by or zoned for single-family detached or other less intensive residential use.
2. Any portion of an attached residential, mixed-use, or nonresidential building between 75 feet and 125 feet of a property occupied by or zoned for single-family detached residential use or other less intensive residential use shall not exceed one story higher or 10 feet higher than the allowed building height of the adjacent residential zoning district.
3. Any portion of an attached residential, mixed-use, or nonresidential building beyond 125 feet from any property occupied by or zoned for single-family detached residential use or other less intensive residential use shall not exceed the allowed building height of the zoning district where the building is located.
4. Building features referenced as exceptions to maximum height requirements in Table 3.19 in section 15.03.080 shall be designed to minimize visibility to adjacent residential districts and fit within the allowed building height of the zoning district where the building is located to the maximum extent practicable.
5. An attached residential, mixed-use, or nonresidential building setback from an abutting property line with a single-family detached residential use or other less intensive residential use shall be the same as the minimum building setback of the adjacent residential zoning district. (Figure 5.9)

Figure 5.9: Building Setbacks in Transition Areas



⁵⁸³ Based on current transition standards in the mixed-use district, section 15.03.150.F.2.i.i.

E. Location of Off-Street Parking Areas⁵⁸⁴

Off-street parking meeting the parking needs of the proposed use(s) shall be located in one or more of the areas listed below. The areas are listed in priority order from highest to lowest; the applicant shall select the highest feasible area from this list, and shall demonstrate why that area was selected over alternative areas.

1. Available off-street public parking areas or structures;
2. Available off-street private shared parking areas or structures;
3. In front of the building using allowed on-street parking;
4. On same lot as use adjacent to off-street parking areas serving nonresidential or mixed uses;
5. On the same lot as use located behind the building in a parking structure, covered parking or open parking;
6. In front of the building; or
7. Adjacent to lot lines abutting residential uses only if consistent with landscape buffer standards in section 15.05.040F.

F. Buffering and Screening

1. Mixed-use or nonresidential service areas containing outdoor trash, recycling, or compost containers or off-street loading areas shall not be located within 10 feet of a lot occupied by or zoned for residential use, and shall be consistent with outdoor screening in section 15.05.130.
2. Landscaped buffers shall be provided pursuant to section 15.05.040F.⁵⁸⁵

G. Outdoor Activities and Storage⁵⁸⁶

Outdoor display, sales, service/storage areas, and activities located within 250 feet of a residential use in a residential zoning district shall be reviewed as a conditional use.

H. Outdoor Lighting

Outdoor lighting shall meet all standards in section 15.05.140 and shall:

1. Have a maximum pole height of 15 feet within 50 feet of any residential zoning district, 25 feet in height for locations between 51 and 150 feet from any residential zoning district, and 30 feet in height for all other locations;
2. Be fully-shielded and configured so that the source of illumination is not visible;
3. Be directed away from adjacent lots in residential districts;
4. Reduce lighting levels to only accessory security lighting during non-business hours; and

⁵⁸⁴ These standards may be relocated to the parking design standards or to the residential site design standards.

⁵⁸⁵ Cross-references will be updated in public draft when all development standards are included in a consolidated draft.

⁵⁸⁶ *Consolidated draft: New.*

I. Use and Operation

1. Where these residential compatibility standards apply, the following uses or features shall be prohibited as principal or accessory uses:
 - a. Public address systems and/or outdoor speakers;
 - b. Outdoor storage; and
 - c. Any use subject to a distance separation standard under section 15.04.030.
 2. Nonresidential uses with outdoor activities located adjacent to lots in a residential district shall cease operation of such outdoor activities by 10:00 p.m.
 3. Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 10:00 p.m., except that loading and unloading shall not occur between 7:00 p.m. and 7:00 a.m. if located in the back of the property or from an adjacent alley.
 4. Alternate hours of outdoor activities may be approved by the director if the applicant demonstrates that the activity is compatible with the surrounding properties and neighborhood.
 5. Uses shall comply with the operational and performance standards of section 15.05.160.
-

J. Residential Development Adjacent to Nonresidential or Mixed-Use Development⁵⁸⁷

When residential development is proposed adjacent to an existing nonresidential or mixed-use development, the decision-making body may impose residential compatibility standards on the proposed residential development including the configuration of the building and dwelling units to minimize potential conflicts with adjacent development. Any required mitigation shall be installed and maintained by the residential development, not the existing commercial or industrial use.

⁵⁸⁷ New standard intended to address potential “we were here first” issues.

Chapter 15.06: Signs

Commentary:

This draft includes several proposed substantive changes to the current sign code based on feedback from city staff and other stakeholders. The chapter is generally organized as follows:

- Purpose and applicability
- Signs exempt from permit requirement
- Prohibited signs
- General sign regulations
- Specific sign type standards
- Summary of permanent sign standards
- Sign review and sign design incentives
- Nonconforming signs and sign plans approved under prior code
- Sign installation, maintenance, and enforcement
- Violations
- Downtown sign design standards and procedures

This draft does not carry forward content-based sign types and standards, per discussions with staff and based on recent court rulings. For example, the current code includes standards for “ideological” and “election” signs. Those were replaced by a new sign type called “yard signs.” We expanded the standards for the types of signs that are exempt from permitting. The current code lists exempt signs at the beginning of the chapter, but the standards for such signs are included in the various tables in 15.06.070. We also simplified the prohibited signs section for clarity and relocated it closer to the front of the chapter.

Another substantive change was to consolidate the specific sign regulations into a single table (there are currently five tables in the LDC). The specific sign type standards are organized in the consolidated table (Table 6.1) first by type of sign (attached, freestanding, and other) and then by specific sign type (e.g., wall, projecting, awning, etc.). For each specific sign type, we include the basic standards for location, dimensions, and the districts where such signs are permitted.

To allow for greater flexibility in terms of number of signs and size of signs, we included several provisions for additional signs, particularly on larger parcels and buildings, as well as incentives for quality sign design in the draft. In this draft we also introduce a few new sign types. For example, we included a new “historical sign” based on discussion with staff that indicated a desire to retain existing vintage signs so long as they were not changed or dilapidated. We also introduce a new “blade” sign, which is a variation of the current under-awning and under-canopy signs.

The definitions in chapter 15.07 include new and revised definitions for the various terms used throughout this chapter. Those definitions will be folded into a larger definitions chapter as future updates to the code are drafted.

15.06.010 Purpose and Applicability

A. Purpose⁵⁸⁸

The purpose of this chapter is to promote the public safety and welfare by regulating signs in keeping with the following objectives:

⁵⁸⁸ From 15.06.020.B. Items 2, 6, and 7 are new.

1. To improve the visual environment and promote economic development while providing adequate standards for the display of signs;
2. To allow for maximum creativity while enhancing the quality of signs;
3. To ensure that the design, construction, installation, repair, and maintenance of signs protects public safety from potential hazards, especially those along public rights-of-way and near intersections;
4. To ensure that city rights-of-way are used in a manner consistent with the public interest;
5. To minimize incompatibility between signs and their surroundings;
6. To regulate signs in accordance with the city's policies and consistent with the U.S. and Colorado Constitutions; and
7. To protect the right to free speech by the display of messages on a sign through content-neutral regulations.

B. Applicability⁵⁸⁹

1. All signs and sign support structures shall conform to the requirements of this chapter and all other applicable provisions of the Longmont Municipal Code.
2. No sign shall be displayed in the city limits until the city has issued a permit for it unless it is exempt from a permit according to section 15.06.020.
3. No permit shall be issued unless the applicant demonstrates that the proposed sign meets the requirements of this chapter.
4. All sign face changes including repairs and/or sign face replacements, except for changing or replacing text on changeable copy signs, require a permit.
5. Minimum submittal requirements and sign permit applications are available in the planning and development services department. Fees for permits and installation shall be established and from time to time revised by resolution of the city council.
6. When a sign permit is requested for a parcel where nonconforming, illegal, or prohibited signs exist, no sign permit shall be issued until all such signs are removed or brought into conformance with this chapter.⁵⁹⁰

C. Savings and Severability⁵⁹¹

1. Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
2. If any clause, section, or other part of the application of this chapter shall be held by any court of competent jurisdiction to be unconstitutional or invalid, it is the intent of the city that such clause, section, or other part of the application of this section shall be considered eliminated and not affecting the validity of the remaining clauses, sections, or applications which shall remaining in full force and effect.

⁵⁸⁹ Items 2-4 were previously located as a single paragraph under sign permits, section 15.06.050.A.

⁵⁹⁰ Added nonconforming signs to the triggers for full compliance.

⁵⁹¹ New standards that we typically include in sign regulations.

D. Conflicts with Other Provisions⁵⁹²

Nothing in this chapter shall be deemed a waiver of the provisions of any other ordinance or regulation applicable to signs. Signs located in areas governed by several ordinances or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between this chapter and any other ordinance or regulation, the more stringent shall apply. Nothing in this chapter is intended to conflict with the provisions of the Colorado Outdoor Advertising Act (C.R.S. § 43-1-401 et seq.).

15.06.020 Signs Exempt from Permit Requirement⁵⁹³

The following non-illuminated signs may be erected in compliance with this chapter without the issuance of a sign permit. Such signs may be allowed in addition to all other signs permitted and shall conform to setbacks, height, and other applicable requirements of this chapter.

A. Public Signs⁵⁹⁴

Public signs are exempt from the standards and permit requirements specified in this chapter, but shall be consistent with the design standards specified in this chapter to the extent practical and shall not include any signs expressly prohibited by this chapter in section 15.06.030.

B. Yard Signs⁵⁹⁵

Yard signs are allowed and are exempt from the sign permit requirement provided such signs:

1. Shall not exceed two per property at any one time;
2. Shall not exceed 12 square feet per sign in the R-RU, R-SF, R-MN, and R-MH zoning districts, and shall not exceed 32 square feet per sign in all other zoning districts;
3. Shall not exceed a height of four feet in the R-RU, R-SF, R-MN, and R-MH zoning districts, and shall not exceed a height of eight feet in all other zoning districts; and

C. Flags⁵⁹⁶

Any flag affixed to a permanent flagpole or affixed to a building, not including feather flags, is allowed and is exempt from the sign permit requirement provided the area of the flag shall not exceed 32 square feet in the R-RU, R-SF, R-MN, and R-MH districts. In mixed-use and nonresidential zoning districts, flags and flag structures may extend up to five feet over the maximum height allowed in the underlying zoning district.

⁵⁹² From 15.06.030.

⁵⁹³ From 15.06.050.C, revised as noted.

⁵⁹⁴ Currently public signs from 15.06.060.L, revised to specifically call out types of signs that would be classified as public signs. Added the Longmont DDA to the list of agencies. Also added "civic or special events" to the types of exempt signs.

⁵⁹⁵ New. Consolidates the various exempt signs currently listed (real estate, construction, election, yard/garage sale, public, ideological, and memorial) to maintain content neutrality.

⁵⁹⁶ New standard to protect visual clutter in residential neighborhoods. The current LDC simply lists "flags" as being exempt from permitting requirement.

D. Window Signs⁵⁹⁷

Window signs are allowed and are exempt from the sign permit requirement, provided window signage does not cover more than 25 percent of a window opening or 50 percent of any one window panel if a window opening contains multiple window panels.

E. Signs Located Inside a Building⁵⁹⁸

Signs located inside a building are allowed and are exempt from the sign permit requirement provided any interior sign within six feet of any window shall not have any flashing or moving lights, including video monitors and electronic message signs.

F. Integral Signs⁵⁹⁹

Any inscription carved into stone or similar material that is integral to a building, such as is commonly found on cornerstones or stamped into sidewalks, is allowed and is exempt from the sign permit requirement. Such integral signs shall not exceed 12 square feet in area.

15.06.030 Prohibited Signs⁶⁰⁰

The following signs are prohibited unless otherwise stated in this chapter.

A. Distracting, Interfering, or Confusing Signs

1. Signs that cause visual obstruction or interfere with motor vehicle traffic or a traffic-control device, including any sign that obstructs clear vision in any direction from any street intersection or driveway.
2. Signs employing a lighting or control mechanism that causes radio, radar, or television interference.
3. Signs that obstruct any fire escape, window, door, or opening used or required as a means of egress or ingress, or for emergency purposes, or that interfere with any openings required for light or ventilation.
4. Signs in rights-of-way or on other public property unless specifically permitted or provided for in this chapter.

B. Animated or Moving Signs

1. Animated or moving signs except for scoreboards for athletic events, time and temperature devices, electronic message signs used by the city or other public agency to address a health or safety matter or public service announcement, or permitted electronic message signs.
2. Inflatable signs such as balloons and inflatable figures, or other similar moving, fluttering, or revolving devices.

⁵⁹⁷ New standard to prevent cluttering of windows and door panels. The current LDC simply lists “window signs” in the exemptions from permit requirements.

⁵⁹⁸ New.

⁵⁹⁹ New.

⁶⁰⁰ from 15.06.100, revised as noted.

3. Pennants and wind socks, unless approved with a temporary sign permit.⁶⁰¹

C. Feather Flags⁶⁰²

Feather flags and similar devices, unless approved with a temporary sign permit. (Figure 6.1)

Figure 6.1: Feather Flag



D. Neon or LED Lighting Signs

Neon or LED lighting not within the lettering or logo of a sign shall be subject to section 15.06.040, General Sign Regulations, and section 15.05.140, Outdoor Lighting.

E. Portable Signs

1. Portable signs, except as authorized in section 15.06.040.G.
2. Signs on parked vehicles or trailers unless:
 - a. Such vehicle or trailer is operational, currently registered with current tags, and parked in a functional parking space or behind a primary building;
 - b. Such signs are not located on top of a vehicle, except for delivery vehicles; and
 - c. Such signs are not electronic message signs.

F. Roof-Mounted Signs⁶⁰³

Roof signs or any portion of a sign or sign cabinet or frame extending above the parapet or roof eave, except for historic signs on historic landmarks.

G. Posters, Handbills, and Painted Signs

1. Signs painted on or attached to fences.

⁶⁰¹ New standard.

⁶⁰² New standards.

⁶⁰³ Second sentence is new to allow greater flexibility in some instances.

2. Signs attached to utility poles or other poles or structures, except bus stop signs, within public rights-of-way.

H. Off-Premises Signs

Off-premises signs, except transit stop signs.

I. Abandoned or Inoperable Signs

1. Inoperable, unsafe, malfunctioning, unrepaired, or dilapidated signs.
2. Unused or abandoned signs, including any pole, post, or structure supporting such sign.

J. Signs within the Sight Distance Triangle

To preserve sight distance, an unobstructed view shall be maintained within sight distance triangles as follows:

1. Sight distance requirements are addressed in chapter 15.10 under the “sight distance triangle” definition and in the city design standards and construction specifications.
2. No signs, except traffic signs, shall exceed a height of 36 inches above the grade of the lower roadway within a sight distance triangle.
3. Sign projection or overhang across a sight distance triangle shall be permitted only when the bottom of the sign surface is a minimum of nine feet above the grade of the higher roadway. Sign supports not complying with section 15.06.030J.2 above shall not be located within a sight distance triangle.

15.06.040 General Sign Regulations⁶⁰⁴

A. Signs for Single-Tenant Buildings

1. The number and size requirements for each type of sign allowed for single-tenant buildings are indicated in Table 6.1.
2. Wall sign length shall not exceed 70 percent of building frontage.⁶⁰⁵
3. Signs shall be appropriately scaled and compatible with buildings and other features of the site in terms of color, materials, design, and illumination.

⁶⁰⁴ 15.06.060.A (location on lot or parcel of use advertised required generally) removed because off-premise signs are already addressed in the prohibited signs section. Did not carry forward 15.06.060.N (banners across ROW) because they are already exempted as government-issued signs. Also did not carry forward 15.06.060.O (signs on municipal golf courses, parks and airports) because they were content based.

⁶⁰⁵ From current MU district, 15.03.150.F.8.f.

B. Signs for Multiple-Tenant Buildings⁶⁰⁶

1. Applicability

Signs for multiple-tenant buildings are allowed only within the designated sign areas on a sign permit application.⁶⁰⁷

2. Individual Tenant Signs

a. Freestanding Signs

No individual tenant in a multiple-tenant building or development is allowed a separate freestanding sign. The total sign area allowed for freestanding signs on a multiple-tenant property is indicated in Table 6.1.

b. Wall and Projecting Signs

- i.** Individual tenants in multi-tenant buildings are permitted wall and projecting signs as indicated in Table 6.1. Approved wall area is based on the length of the exterior wall(s) of individual tenant spaces.
- ii.** In instances where a building contains tenants without an exterior wall, additional sign area for such interior tenants in the building may be included on a shared exterior wall directory sign. Such sign shall not exceed 16 square feet.⁶⁰⁸
- iii.** Additional sign standards are as specified in section 15.06.050. A and in Table 6.1.
- iv.** Wall sign length shall not exceed 70 percent of building frontage associated with the respective tenant.⁶⁰⁹
- v.** Signs shall be appropriately scaled and compatible with buildings and other features of the site in terms of color, materials, design, and illumination.⁶¹⁰

C. Signs within Historic Districts, Mixed-Use Downtown (MU-D), and the Longmont Downtown Development Authority (DDA) Boundaries

All signs within a local or national registered historic district, the MU-D district, or the DDA boundaries shall be appropriate and compatible with buildings and other features of the site in terms of color, materials, and design. Signs shall also comply with adopted design guidelines for historic districts, the MU-D district, and the DDA boundaries, as applicable. See section 15.06.110, Downtown Sign Design Standards.

⁶⁰⁶ Did not carry forward “project and joint identification freestanding signs” based on initial feedback from city staff. Also did not carry forward “general design standards” for multi-tenant buildings which are already addressed in the master sign plan procedures section.

⁶⁰⁷ The master sign plan procedure was not carried forward, but existing approved master sign plans as of the adoption date of this development code shall still govern the locations of signs for multi-tenant buildings and multi-building developments. Any future permits would be required to designate approved sign areas.

⁶⁰⁸ Current code allows for interior uses to obtain a wall sign if the approved sign area has not been exhausted, calculated on a floor-area basis. That system can result in a proliferation of individual signs, especially in multi-tenant office buildings. We have suggested an approach that gives the director authorization to review and approve shared wall signs for multi-tenant interior uses.

⁶⁰⁹ From current MU district, 15.03.150.F.8.f.

⁶¹⁰ From current master sign plan criteria in 15.06.080.D.4.

D. Signs in Downtown Breezeways, Rights-Of-Way and Other Public Property

The Longmont Downtown Development Authority (DDA) may install banners and signs attached to light and utility poles in the breezeways, rights-of-way, and other public property within the DDA boundaries.

E. Signs Located in or Extending Into or Over Public Property⁶¹¹

Signs allowed under this sign code that are located on or extend into public property require approval of a revocable use of public places permit pursuant to chapter 13.37. Temporary signs allowed on city property are exempt.

F. Temporary Sign Permits

Temporary signs, unless exempt, shall require a permit pursuant to section 15.06.070 and compliance with the following standards.

1. Term

Temporary signs with a permit may be displayed for no more than 30 days in any calendar quarter (January through March, April through June, July through September, and October through December).

2. Limit on Number

An applicant may only use one of the temporary sign categories, F.2 through F.6 under a temporary sign permit.

3. Public Safety

All temporary signs in this subsection F shall be installed in a manner that does not create a safety hazard or impede pedestrian access.

4. Temporary Banners⁶¹²

Temporary banners may be allowed with a temporary sign permit provided they comply with the following:

- a. No banner shall exceed 16 square feet, unless the applicant demonstrates that a larger banner is necessary for legibility due to the proposed location of the banner;
- b. No more than one banner shall be displayed on a property at any one time;
- c. Banners shall be professionally printed on durable material and installed as to not create a safety hazard; and
- d. Banners on public property shall comply with section 15.06.040.G.

5. Feather Flags

Feather flags may be allowed with a temporary sign permit, pursuant to the following:

- a. Maximum of one per 75 feet of street frontage;
- b. Maximum of three per property;
- c. Shall not exceed 12 feet in height; and

⁶¹¹ Did not carry forward reference to historic districts, CBD, and DDA boundaries because it is not relevant to the intent of this paragraph.

⁶¹² New.

- d. Shall be setback from the property line a minimum distance equal to the height of the feather flag.

6. Wind Socks

Wind socks may be allowed with a temporary sign permit, pursuant to the following:

- a. Maximum one per property;
- b. Maximum of 15 feet in height;
- c. Shall be setback from the property line a minimum distance equal to the height of the wind sock.

7. Pennants

Pennants may be allowed with a temporary sign permit, provided that no pennant shall exceed the height of the permanent structure to which they are attached.

8. Portable A-Frame Sign

Portable A-frame signs may be allowed with a temporary sign permit, pursuant to the following:

- a. Maximum one per business;
- b. Maximum six square feet;
- c. Maximum four feet in height.

- 9. Temporary signs within the DDA boundaries shall be subject to the downtown sign design standards in section 15.06.110.

G. Portable Signs and Banners on Public Property

Where buildings have been built legally to the property line, portable signs and banners are allowed subject to the following standards:

- 1. Portable signs may be allowed on public property only if there is not adequate space to display a sign on private property.
- 2. Portable signs or banners on public property shall be installed to provide adequate space to accommodate pedestrian maintenance access and to minimize potential hazards for pedestrians and vehicles.
- 3. Portable signs are limited to one per street frontage except that for multi-tenant buildings or developments, one additional portable sign may be allowed on any street frontage for buildings having more than 25 feet of street frontage.
- 4. Banners shall be attached flat to a building wall or flat to an approved seating enclosure on public property. No freestanding special event signs, including wind signs, are allowed on public property, except for downtown special event signs allowed under the downtown sign design standards.

H. Sign Color

High intensity colors and fluorescent pigments shall not be used on any sign, sign cabinet or frame, or support structure except as sign trim or on a sign logo not exceeding five percent of the sign area and compatible with the primary building design and color.

I. Sign Illumination⁶¹³

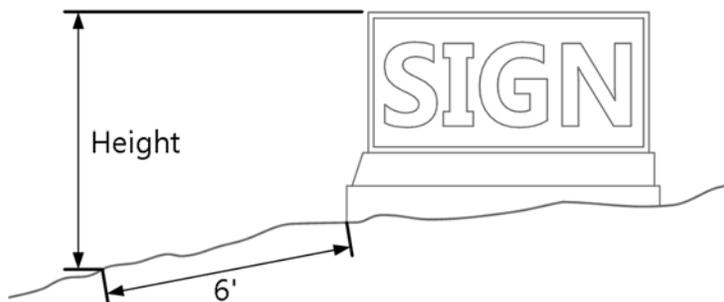
1. Signs may be illuminated pursuant to Table 6.1.
2. Illumination of signs shall comply with the outdoor lighting standards in section 15.05.140.
3. Signs shall not exceed 100 nits (candela/square meter) between one-half hour before sunset and one-half hour after sunrise and 1,000 nits during other times. Signs shall include automatic dimmer controls to adjust brightness levels.
4. Exposed neon and exposed LED lighting on any portion of a building or structure except within the lettering or logo on a freestanding or wall sign, is subject to the provisions of section 15.05.140, outdoor lighting. Exposed neon and exposed LED lighting is prohibited on signs within or adjacent to and facing a residential zoning district unless otherwise exempted in this chapter.
5. Signs within or adjacent to and facing a residential zoning district shall be located, shielded, and screened to prevent direct light or glare onto adjacent uses or properties.

J. Sign Measurement and Location

1. Sign Height⁶¹⁴

The height of a sign shall be measured from the average grade at the base of a sign to the highest point of the sign, including all support structures. For freestanding signs located on a slope or berm, the height of the sign shall be measured from the average grade established between the base of the sign and the lot line; or where the lot line is more than six feet from the base of the sign, between the base of the sign and a point six feet down slope from the sign. (Figure 6.2)

Figure 6.2: Sign Height Measurement



2. Sign Area

a. Single-Faced Signs⁶¹⁵

The area of a sign shall include the entire area within a continuous single perimeter enclosing the limits of the text, symbols, photographs, logos, and display faces, including any frame or other material or color forming an integral part of the display or used to differentiate the sign

⁶¹³ Additional standards may be added prior to adoption, such as maximum footcandle standards.

⁶¹⁴ Simplified for easier review and enforcement.

⁶¹⁵ New.

from the background against which it is placed. The area shall exclude support structures on which a sign is placed. Sign area is as defined in chapter 15.10.

b. Double-Faced Signs⁶¹⁶

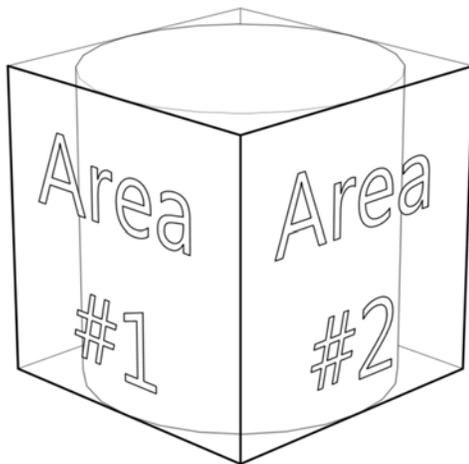
All signs other than wall signs may be back-to-back (two sign faces), and each face may have an area not to exceed the maximum stated for each respective type of sign.

c. Three-Dimensional Signs⁶¹⁷

The sign area of a three-dimensional sign shall be calculated by adding the area of two adjacent vertical faces of the smallest cube that can encompass such sign. (Figure 6.3)

$$\text{Area 1} + \text{Area 2} = \text{Total Sign Area}$$

Figure 6.3: Three-Dimensional Sign Measurement



3. Sign Location⁶¹⁸

Signs shall be located as specified in Table 6.1. Attached signs shall be located only in approved sign wall areas as follows:

a. All Buildings⁶¹⁹

Approved sign areas shall be located consistent with building architecture and shall not detract from key building features. Signs shall be aligned on single-tenant and multi-tenant buildings within consistent sign bands, except that signs at customer entrances or on other prominent building features shall be located consistent with architectural features.

b. Single-Tenant Buildings

For a building containing one tenant, any exterior façade wall that is facing an abutting public street or alley or any exterior wall facing a customer parking lot of the use.

⁶¹⁶ Relocated from current 15.06.060.G, “back-to-back signs.”

⁶¹⁷ New.

⁶¹⁸ From current definitions in 15.10.020. We relocated this here because we think it is more of a standard than just a definition of a term.

⁶¹⁹ New proposed standard to ensure that sign areas are designated on appropriate parts of buildings that respect the overall design components of the building.

c. Multi-Tenant Buildings

- i. Any exterior façade wall of an individual tenant that has a public entrance and exit;
- ii. Any exterior façade wall of an individual tenant that faces an abutting public street or alley, or the customer parking lot of the building; and/or
- iii. Any approved location for a shared exterior wall directory sign pursuant to section 15.06.040B.2.b.ii.

K. Discontinued Use or Change in Use

1. Whenever the approved use of a property or tenant space is discontinued for more than 90 days, all signs and sign support structures on that subject property and/or tenant space shall be removed. Any new use established on the subject property shall comply with this chapter.
2. Whenever a permit is requested to change a sign or sign face, the sign and support structure shall also comply with this chapter. Individual sign faces on a multi-tenant freestanding sign are exempt.

15.06.050 Specific Sign Type Standards**A. Wall Signs⁶²⁰**

Wall signs are allowed as indicated in Table 6.1. Additionally:

1. Wall signs may project out from the façade on which the wall sign is attached up to a maximum of 12 inches.
2. Wall signs shall not extend beyond the height of a building parapet or top of wall.
3. An increase in wall sign area up to 25 percent shall be allowed for buildings that are located 300 feet or more from the street frontage that the wall sign is facing.⁶²¹
4. Cabinet signs are prohibited in the MU-D and residential zoning districts.
5. Creative wall sign designs are encouraged. Also see section 15.06.070B for sign design incentives.

B. Projecting Signs⁶²²

Projecting signs are allowed as indicated in Table 6.1. Additionally, projecting signs:

1. Shall provide a minimum clearance of eight feet between the sign and the sidewalk over which the sign is located.
2. May project out from the façade on which the projecting sign is attached up to a maximum of five feet.
3. Shall not extend beyond the height of a building parapet, unless approved by the director.⁶²³
4. Projecting cabinet signs are prohibited in the MU-D district.

⁶²⁰ New section based on current standards in Tables 15.06-B and 15.06-D.

⁶²¹ From current Table 15.06-D for building/project identification wall signs. Changed the locational requirement from property line to street frontage.

⁶²² From current 15.06.060.K, revised for clarity. Standards 1 and 2 from current Table 15.06-E.

⁶²³ From current MU district, 15.03.150.F.8.e, but authority to approve such extension is new.

5. Creative projecting sign designs are encouraged. Also see section 15.06.070B for sign design incentives.

C. Awning Signs⁶²⁴

Awning signs are allowed as indicated in Table 6.1. Additionally, awning signs:

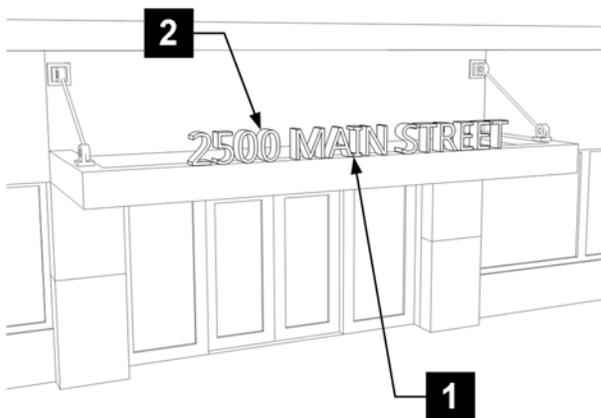
1. Shall be stitched to or otherwise incorporated directly into the awning. No portion of such sign shall be riveted or otherwise fastened to the frame or directly to the awning.
2. Plastic, vinyl, acrylic or similar awning signs are prohibited.
3. Creative awning designs are encouraged. Also see section 15.06.070B for sign design incentives.
4. Awning frames shall comply with building code requirements.

D. Canopy Signs

Canopy signs are allowed as indicated in Table 6.1.

1. Shall be integrated into the canopy design.
2. Cabinet signs attached to a canopy are prohibited.
3. Creative canopy sign designs are encouraged. Also see section 15.06.070B for sign design incentives. (Figure 6.4)
4. Individual sign lettering may be placed on top of a first story canopy attached to a building entrance provided the letters do not interfere with key architectural elements. (Figure 6.4)
5. Fuel pump canopies shall also comply with section 15.04.030D.25.d.

Figure 6.4: Street Frontage



E. Blade Signs⁶²⁵

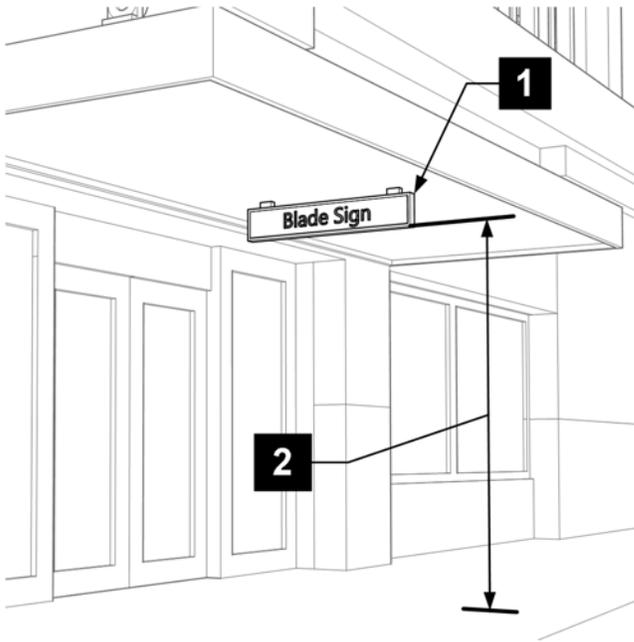
Blade signs are allowed as indicated in Table 6.1. Additionally, blade signs:

⁶²⁴ From current Table 15.06-D. Did not carry forward limitation on signs on the sloped part of an awning, which is allowed in the mixed-use district pursuant to 15.03.150.F.8.g (graphic logos – but not lettering).

⁶²⁵ Currently called “under-awning/under-canopy” signs.

1. Shall not extend beyond the edge of an awning, canopy, arcade, gallery, or other structure. (Figure 6.5)
2. Shall provide a minimum clearance of eight feet between the sign and the sidewalk over which the sign is located. (Figure 6.5)
3. Shall not count against the overall maximum signage allowed.
4. Creative blade sign designs are encouraged and cabinet signs are prohibited as blade signs.

Figure 6.5: Blade Sign Standards



F. Changeable Copy Signs – Wall

Changeable copy wall signs are allowed as indicated in Table 6.1. Changeable copy wall signs may project up to a maximum of 12 inches from the façade on which they are attached. Changeable copy signs that project more than 12 inches shall be considered projecting signs and shall meet the standards in 15.06.050.B and in Table 6.1.

G. Changeable Copy Signs – Freestanding⁶²⁶

Freestanding changeable copy signs are allowed as indicated in Table 6.1.

H. Standards Applicable to All Freestanding Signs

1. Freestanding Sign Separation⁶²⁷

- a. Freestanding signs on adjacent lots or development parcels for different uses on the same street frontage shall be separated by the maximum distance practicable to minimize impacts on the visual environment, allow for adequate sign visibility, and to comply with sight distance

⁶²⁶ Did not carry forward current standard for limiting change of copy to beginning or close of business day.

⁶²⁷ Did not carry forward 1,000-foot separation requirement for nonresidential district separation between freestanding business/joint use signs from current Table 15.06-C.

standards in section 15.06.030J. The applicant shall submit scaled plans (and digital images and photo simulations when requested by the city) depicting the location of existing and planned freestanding signs.

- b. Freestanding signs on the same lot or parcel on intersecting street frontages shall be separated by at least 200 feet as measured by a straight line between signs.
- c. Freestanding signs shall be set back from the nearest principal building on the same lot or parcel by a minimum distance equal to the height of the sign.

2. Side Yard Setback for Freestanding Signs

Unless otherwise permitted in this sign code, freestanding signs shall be set back from any interior side lot line a distance equal to the height of the sign, except that monument signs not exceeding six feet in height may be within one foot, subject to sight distance restrictions in section 15.06.030J.

3. Freestanding Sign Design

- a. All freestanding signs, except for freestanding post signs pursuant to section 15.06.050I, shall be of a monument design including a monument base attached to the ground with no space between any sign cabinet and the monument base.
- b. Monument bases shall be constructed of brick, stone, wood or metal material consistent and compatible with an exterior material and color of the primary building.
- c. For monument signs with a sign cabinet, the monument base shall be equal or greater in depth and length than the sign cabinet. Sign cabinets for freestanding signs shall not exceed 24 inches in depth.
- d. Freestanding signs, including cabinets and faces, shall be consistent and compatible with the design of the building, structures, and other features of the development.
- e. Cabinet signs are prohibited in the MU-D and residential districts.
- f. Creative freestanding sign designs are encouraged. Also see section 15.06.070B for sign design incentives.

I. Freestanding Post Signs

- 1. Freestanding post signs are allowed as indicated in Table 6.1 provided such signs are:
 - a. Supported by posts on each end of the sign; and
 - b. Designed to be compatible with the design of buildings within the development.
 - c. Constructed of durable wood or metal materials.
 - d. Externally illuminated using ground mounted lights, if illumination is proposed.
- 2. Singular pole or post signs and cabinet signs, are prohibited.

J. Transit Stop Signs⁶²⁸

- 1. Signs on transit stop shelters and benches are permitted on street rights-of-way and adjacent private property when there is not adequate space for a shelter or bench in the right-of-way.
- 2. Signs on transit stop shelters are limited to three sign faces per shelter not to exceed 24 square feet per sign face. Sign faces shall not extend above the roof eaves of a shelter or beyond the

⁶²⁸ This section may be revised prior to adoption based on new contracting mechanism with the shelter/bench company.

outside dimensions of the shelter. Sign faces shall be mounted flush to the shelter and shall face a public street right-of-way.

3. Signs on transit stop benches are limited to one sign face per bench not to exceed 12 square feet per sign face. Sign faces shall not extend more than two feet above the bench seat and shall not extend beyond the width of the bench
4. Lighting of signs on transit stop shelters is allowed. Lighting of signs on transit stop benches is not allowed. Sign lighting on transit stop shelters shall be constant, and shall not flash, blink, or change color.
5. Electronic message signs are prohibited on transit stop shelters and benches. Sign lighting on transit stop shelters shall comply with the sign illumination standards of section 15.06.040I.

K. Drive-Through Facility Signs⁶²⁹

Uses with a drive-through facility may have additional freestanding signage as indicated in Table 6.1. Such additional drive-through facility signs:

1. Shall be limited to one face.
2. Shall be of a consistent design and shall use similar colors and materials as other freestanding signs on the property.

L. Electronic Message Signs⁶³⁰

Electronic message signs are allowed pursuant to the following:

1. Shall only be allowed as part of a freestanding monument sign;
2. The electronic message portion shall not exceed 50 percent of the allowed monument sign area;
3. Only static electronic messages are allowed; and
4. Each electronic message shall remain on the screen for a minimum of 15 seconds. Messages will change only through a fade or dissolve transition and the transition shall not exceed 0.3 seconds between messages.

M. Historical Signs⁶³¹

Signs that are individually or as part of a building designated by the city as historic landmark are allowed to be retained provided that:

1. The sign is kept in good repair;
2. The sign does not constitute a hazard to public safety; and
3. The original content of the sign does not change.

⁶²⁹ Revised to remove content-based regulations and to increase the number of allowed drive-through signs to two (from one). Many drive-through restaurants have multiple menu boards and often multiple ordering lanes.

⁶³⁰ New standards.

⁶³¹ New standards to retain "vintage" signs of historical value in Longmont based on discussions with staff.

15.06.060 Summary of Permanent Sign Standards

Types of signs permitted in the respective zoning districts of the city are indicated in Table 6.1. If a specific sign style or type is not included in the following table it is prohibited in the respective zoning district(s).

Table 6.1: Summary of Permanent Sign Standards⁶³²

Sign Type	Zoning Districts Where Allowed	Number of Signs, Maximum	Total Sign Area Per Approved Wall Area, Maximum	Sign Height, Maximum	Illumination Allowed
Attached Signs					
Wall	Residential – multifamily and nonresidential uses only	One per building	32 sq. ft.	Below the floor of the second story	Externally-illuminated or reverse pan channel with halo illumination only
	Mixed-use and Nonresidential	<p>Single-tenant:⁶³³ One per approved wall area – total includes projecting signs; plus one additional sign for each 100 linear feet of approved wall area (no cabinet signs allowed for additional signs)</p> <p>Multi-tenant:⁶³⁴ One per approved wall area for each tenant with an exterior public entrance – total includes projecting signs; plus one additional sign for each 100 linear feet of approved wall area (no cabinet signs allowed for additional signs)</p>	<p>Single-tenant: One square foot per linear foot of approved wall area; Maximum 200 sq. ft. for any one sign</p> <p>Multi-tenant: One square foot per linear foot of approved tenant wall area; Maximum 200 sq. ft. for any one sign</p>	Below top of wall, for single-story buildings, or below second story for multi-story buildings. See section 15.06.070 regarding signs on multi-story buildings. No cabinet sign shall be located above 20 feet.	Yes
Projecting	Mixed-use and Nonresidential	Single-tenant: One per approved wall area – total includes wall signs	Single-tenant: One square foot per linear foot of	20 feet ⁶³⁵	Yes

⁶³² The table is new and does not show redlines compared to current tables. This new table consolidates the pertinent information for permanent sign types currently addressed in Tables 15.06-A through 15.06-E. Also includes relevant standards from current MU district (section 15.013.150.F.8) which would be applied more broadly across the various mixed-use districts.

⁶³³ Currently two total.

⁶³⁴ Revised to limit multi-tenant signs to only those with an exterior public entrance.

⁶³⁵ Currently 25 feet.

Table 6.1: Summary of Permanent Sign Standards ⁶³²					
Sign Type	Zoning Districts Where Allowed	Number of Signs, Maximum	Total Sign Area Per Approved Wall Area, Maximum	Sign Height, Maximum	Illumination Allowed
		Multi-tenant: One per approved wall area for each tenant – total includes wall signs	approved wall area up to 20 sq. ft. Multi-tenant: One square foot per linear foot of approved tenant wall area up to 20 sq. ft. per tenant		
Awning	Mixed-use and nonresidential	One per awning	0.5 sq. ft. per linear foot of awning ⁶³⁶ ; One square foot per linear foot of awning when used in place of a wall sign	Only allowed on first floor awnings	Externally-illuminated only
Canopy	Mixed-use and nonresidential	One per attached canopy; one per detached canopy per street frontage	0.5 sq. ft. per linear foot of canopy; One square foot per linear foot of attached canopy when used in place of a wall sign	Only allowed on first floor or detached canopies ⁶³⁷	Only sign may be illuminated; no other parts of canopy
Blade⁶³⁸	Mixed-use and nonresidential	One per building entrance; one per tenant	Four sq. ft.	Below second story	Externally-illuminated only
Changeable copy - wall	Mixed-use and nonresidential		32 sq. ft.	30 feet or top of wall, whichever is less ⁶³⁹	Yes
Freestanding Signs					
Freestanding monument	Residential – multifamily and nonresidential uses only	One per street frontage, up to a total of two signs per subdivision or development access ⁶⁴⁰	32 sq. ft.	Six feet	Externally-illuminated or reverse pan channel with halo illumination only
	Mixed-use and nonresidential	One per street frontage plus an additional sign for each 660 feet of street frontage; ⁶⁴¹	Single-tenant: 35 sq. ft. in MU-D; 50 sq. ft. otherwise	1 to 10 tenants: Six feet in MU-D; 12 feet otherwise ⁶⁴³ More than 10 tenants: six feet	Yes

⁶³⁶ Did not carry forward eight-inch letter height limitation.

⁶³⁷ Currently 25 feet.

⁶³⁸ Currently called “under-awning/under-canopy” signs.

⁶³⁹ Currently 25 feet.

⁶⁴⁰ Currently allows 2 signs per street frontage for residential project identification signs, but only one sign for nonresidential developments in residential districts. This revised standard limits the total number of signs.

⁶⁴¹ Currently 1,200 feet.

⁶⁴³ Currently 6 feet in CBD (now MU-D), 8 feet for signs up to 50 sf, 10 feet for signs between 50-75 sf, and 12 feet for signs over 75 sf. Simplified to allow for up to 12 feet in all but MU-D district.

Table 6.1: Summary of Permanent Sign Standards⁶³²

Sign Type	Zoning Districts Where Allowed	Number of Signs, Maximum	Total Sign Area Per Approved Wall Area, Maximum	Sign Height, Maximum	Illumination Allowed
		total includes other freestanding signs	2 to 10 tenants: 50 sq. ft. in MU-D; 80 sq. ft. otherwise ⁶⁴² More than 10 tenants: 50 sq. ft. in MU-D; 100 sq. ft. otherwise	in MU-D; 15 feet otherwise	
Freestanding post	Mixed-use and nonresidential	One per street frontage plus one additional sign for any street frontage in excess of 600 feet; ⁶⁴⁴ total includes other freestanding signs	35 sq. ft.	Six feet	Externally-illuminated only
Freestanding changeable copy	Mixed-use and nonresidential	One – total includes other freestanding signs	32 sq. ft. in MU-D; 48 sq. ft. otherwise ⁶⁴⁵	Six feet in MU-D; 12 feet otherwise ⁶⁴⁶	Yes
Other Signs					
Transit stop	<i>See 15.06.050J</i>				
Drive-through facility	Mixed-use and nonresidential	Up to two additional freestanding signs along the drive-through lane(s)	32 sq. ft. ⁶⁴⁷	Six feet	Yes
Electronic message	<i>See section 15.06.050L</i>				
Historical	<i>See section 15.06.050M</i>				

⁶⁴² Currently based on total building floor area. Simplified to more broadly apply a consistent standard.

⁶⁴⁴ Currently 1,200 feet.

⁶⁴⁵ Allowed greater area for signs outside MU-D to be consistent with greater height allowed.

⁶⁴⁶ Currently limited to 8 feet. Suggested increasing to 12 for consistency with other monument/freestanding sign height requirements.

⁶⁴⁷ Currently 35 square feet. Reduced to 32 for consistency changeable copy signs.

15.06.070 Sign Permits and Sign Design Incentives⁶⁴⁸

A. Sign Permits

1. Signs Requiring a Permit

All permanent and temporary signs not exempt from a permit pursuant to section 15.06.020 shall not be erected, displayed, altered, relocated, or replaced until the city has issued a sign permit under section 15.02.120. The applicant and sign owner are responsible for demonstrating compliance with the sign standards.

2. Expiration of a Sign Permit

If a sign authorized by any permit has not been erected within 180⁶⁴⁹ days from the date of the permit approval and an extension has not been granted, the sign permit shall be deemed expired.

B. Sign Design Incentives⁶⁵⁰

1. Purpose

The purpose of these sign design incentives is to encourage an applicant to develop creative signs for a property or development.

2. Applicability

These sign design incentives are available in all mixed use and non-residential districts except the MU-D district.

3. Eligible Sign Design Incentives

The following sign designs are eligible for an increase in sign area beyond what is allowed, or flexible sign placement of wall signs on multi-story building:

- a. Creative wall, projecting, or freestanding cabinet sign with routed metal face and opaque background – 20 percent increase in sign area.
- b. Wall, projecting, canopy or freestanding signs using individual pan channel lettering – 30 percent increase in sign area.
- c. Wall, projecting, canopy or freestanding signs using reverse pan channel lettering with “halo” illumination – a 50 percent increase in sign area and placement above first story (only one sign per façade above first story).
- d. Creative wall, projecting, canopy or freestanding signs with external illumination using gooseneck or similar fixtures (no cabinet signs are allowed) – a 50 percent increase in sign area.

4. Review Criteria⁶⁵¹

Requests for sign design incentives shall comply with the following criteria:

⁶⁴⁸ New procedures section. Did not carry forward the master sign plan procedures, which is suggested for removal. Instead, broader authority for modifications is proposed.

⁶⁴⁹ Currently 60 days. Revised to be consistent with other building permits.

⁶⁵⁰ Expanded substantially to give the director the authority to make exceptions when necessary. This expanded modification procedure serves as a replacement for the master sign plan procedures. We did not carry forward variance procedures, since those will be the same as any other hardship variance request to the city.

⁶⁵¹ Based on the criteria in the current master sign plan procedures.

- a. The requested design represents a creative alternative design in which sign colors, materials, design, size, height, placement, illumination, and number of signs are appropriate and compatible with the buildings, structures, and other features on the site.
- b. Nonconforming signs and sign support structures on the building and property shall be removed.

15.06.080 Nonconforming Signs and Sign Plans Approved Under Prior Code

A. Legal Nonconforming Signs

A legal nonconforming sign or sign structure shall be removed or shall comply with the current sign standards when any one of the following conditions occurs:

1. Whenever the property's use is discontinued or changed as specified in section 15.06.040K;
2. Whenever a site plan is submitted for changes to the site improvements such as additional parking area, reconfigured landscaping, or building additions;
3. Whenever 50 percent or more of the total area of the sign has changed. Periodic changes to changeable copy and electronic message signs are exempt;
4. Whenever the sign is damaged more than 50 percent of its total replacement value or sign area, or the sign is destroyed or becomes obsolete or substandard under any applicable ordinance of the municipality or to the extent that the sign becomes a hazard or a danger;
5. Whenever there is a request for a building permit to make improvements to the facade of the building on which the nonconforming sign is located; or
6. Whenever public improvements are made, or are planned to imminently be made in the right-of-way or city property and such improvement is or will be affected by the location of the sign.

B. Modifications to Existing Structural Support(s) of Nonconforming Signs

Modifications to existing structural supports of nonconforming signs that require a permit are not allowed, except to bring the signs into conformance with the current sign standards.

C. Sign Plans Approved Under Prior Code

1. Continuation of Nonconforming Signs

Signs approved under prior codes, including master signs plans, but not complying with current sign standards are nonconforming. Existing signs may continue under the provisions of section 15.06.090 regarding maintenance and enforcement.

2. Exception

Signs approved as part of a master plan under the prior code but not yet installed shall have one year from the adoption of this development code to install signs if the master sign plan has not lapsed.

15.06.090 Sign Installation, Maintenance, and Enforcement

A. Conformance to Building Code Required

All signs and sign structures shall conform to title 16 of the code.

B. Inspections and Engineering Design

1. All signs shall be subject to inspection by the appropriate agents of the city for the purpose of determining compliance with this sign code.
2. Footing and foundation inspections are required for all permanent freestanding signs. Any permanent freestanding sign over six feet in height requires engineered plans stamped by a Colorado licensed structural engineer.
3. Any sign that projects over a pedestrian area or any public right-of-way requires engineered plans stamped by a Colorado licensed structural engineer.

C. Signs with Electrical Wiring—Conformance to Electrical Code

All signs containing electrical wiring are subject to the provisions of the electrical code, as adopted by the city.

D. Maintenance Required

All signs shall be maintained and shall be kept in good repair.

E. Signs Believed Unsafe—Authority to Require Certification of Safety

When, in the opinion of planning and development services, reasonable cause exists that a proposed or existing sign structure is unsafe, the applicant shall furnish a certificate from a registered structural engineer certifying its safety.

F. Abandoned or Inoperable Signs and Sign Support Structures⁶⁵²

Unused or abandoned signs and sign support structures shall be removed within 90 days following the termination of the reason for the sign, except for historical signs on historic landmark properties.

15.06.100 Violations⁶⁵³

1. It is unlawful for any person, firm, corporation or employee or agent, to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use or maintain any sign or cause or permit the same to be done in violation of this chapter.
2. Any person, firm, or corporation violating or permitting a violation of this chapter commits a separate offense for each day or part of a day the violation exists subject to the provisions of chapter 15.09, Enforcement and Penalties.

⁶⁵² New standard to establish enforceable provision for removal of abandoned signs.

⁶⁵³ Legal staff reviewing for consistency with chapter 15.09.

15.06.110 Downtown Sign Design Standards and Procedures⁶⁵⁴

A. Downtown Sign Design Standards Adopted

The downtown sign design standards are hereby adopted. Within the boundaries of the downtown development authority ("DDA" and "DDA area"), its provisions shall supplement the provisions of this chapter 15.06 of the land development code. In the event of a conflict between the downtown sign design standards and this section, this section shall govern. In the event of a conflict between the downtown sign design standards and other provisions of this chapter 15.06, the downtown sign design standards shall govern.

B. Purpose and Intent

The purpose and intent of the downtown sign design standards is to promote economic vitality and enhance property values and the visual environment in the downtown, protect and promote the historic character of the downtown through appropriate sign design, and encourage unique, creative, and innovative signs that are compatible and coordinated, making the downtown more unified.

C. Downtown Design Board (DDB)⁶⁵⁵

1. Composition

The DDB shall be composed of those appointed by city council to serve as the voting members of the DDA board of directors (DDA board). The DDA bylaws, as amended, provide that the DDA board is comprised of seven voting members appointed by the city council and two ex-officio members. The bylaws provide that one DDA board member is a member of the city council, and the remaining board members are people who reside in, or represent businesses located in, the DDA area.

2. Executive Director

The executive director ("director") of the DDB shall be the person appointed by the DDA board, with approval by the city council, to be the executive director of the DDA. This officer is an employee and the chief executive officer of the DDA and has general supervision over its functions, and is not a member of the DDA board.

3. Design Advisory Committee

The DDB shall appoint a design advisory committee (DAC) to advise the DDB and the director on any sign- or other design-related matters at the request of the DDB or the director.

D. Downtown Sign Compliance Certificate Required

The city shall not issue a sign permit under chapter 15.06 for display within the DDA area unless it has received a certificate of compliance with the downtown sign design standards pursuant to this chapter. No such certificate of compliance shall be issued unless the applicant demonstrates that the proposed sign meets the requirements of the downtown sign design standards. All sign and face changes in the DDA area, except changeable copy changes on marquee signs and handbill display changes, require a new sign permit under chapter 15.06, including a new certificate of compliance. Minimum submittal requirements and applications for compliance certificates are available at the

⁶⁵⁴ We did not make changes to current Appendix F-1.

⁶⁵⁵ This material may be relocated to a section within the procedures that generally describes the various review and decision-making authorities in Longmont.

DDA offices. Fees for compliance certificates shall be established, and from time to time revised, by resolution of the DDB.

E. Exemptions

Any permit exempt from the permit requirements of chapter 15.06 is also exempt from this section. Any permanent window sign to be displayed in the DDA area, or any change to such a window sign, requires director or DDB approval.

F. Certificate Procedure⁶⁵⁶

1. Application Submittal and Review

- a. For all signs subject to review under the downtown sign design standards, an application shall be submitted to the director at the DDA offices.
- b. The director shall review the application for completeness and conformity with the downtown sign design standards. The director may request individual written comments from DAC members at any time, without convening the full DAC.

2. Director Action⁶⁵⁷

Within seven days of the DDB's receipt of a complete application, the director shall take one of the following actions:

- a. Approve a certificate of compliance for the application, with or without conditions.
- b. Deny a certificate of compliance for the application.
- c. Request an advisory opinion from the DAC. An opinion shall issue only if it is approved by majority vote, and shall be supported by written findings. The DAC shall issue its opinion within seven days of the director's request, and the director shall take action within seven days thereafter. After receiving such an opinion, the director shall have options (a), b), and (d) listed in this subsection 2.
- d. Refer the application to the DDB. In this case, the DDB shall decide, by majority vote, at the next regular monthly DDB meeting, but in no event more than 45 days after the DDB's receipt of the complete application, whether the application conforms to the downtown sign design standards, and accordingly whether to approve, approve with conditions, or deny a certificate of compliance for the application. A tie vote of the DDB results in a denial.

3. Notice to Applicant

The director shall send written notice to the applicant within seven days of any decision to approve, approve with conditions, or deny the certificate, or refer the application to the DDB.

4. Appeal

The applicant may appeal to the DDB a director's decision to approve with conditions or deny a permit application by letter to the director within 14 days of the director's decision. In such case, the DDB shall review the director's decision de novo under the procedure provided in subsection F.2.d⁶⁵⁸ of this section. On appeal, the DDB shall decide whether to approve, approve with

⁶⁵⁶ This subsection was reorganized because it is inconsistently organized in the current LDC. We added a heading for "a" and "b" which were previously F.1 and F.2.

⁶⁵⁷ New heading. Currently F.3 in LDC.

⁶⁵⁸ Previously F.3.d.

conditions, or deny the permit. No appeal is permitted from a DDB decision, except as provided by state law.

5. Waiver of Appeal

The applicant may waive appeal rights in writing to expedite the city's decision making process on the chapter 15.06 sign permit.

G. Modifications

The applicant may request a modification, a right to deviate from the downtown sign design standards, in a letter with the application stating all reasons for the modification. For any application requesting such a modification, the director shall first obtain an advisory opinion from the DAC pursuant to subsection F.2.c.⁶⁵⁹ Otherwise, the process shall be as stated in subsection F of this section. The director or DDB shall approve a certificate of compliance, with or without conditions, for an application requesting modifications only if each deviation from the downtown sign design standards meets either the criterion in subsection 1 or all criteria in subsections 2 through 4 below, as follows:

1. Special circumstances exist on the subject property such that the strict application of the downtown sign design standards would result in undue practical difficulties for the applicant.
 2. The modification is consistent with the purposes of the downtown sign design standards and will not adversely impact surrounding properties.
 3. The modification represents a creative alternative design in which sign colors, materials, design, size, height, illumination, and number of signs are appropriate and compatible with the buildings, structures, and other features on the site.
 4. The proposed signs will not negatively affect the visual character of the area, cause future modification requests, or contribute to degradation of the visual environment through sign proliferation.
-

H. Downtown Sign Design Standards

The downtown sign design standards are available at the DDA and planning and development services department during normal business hours. The standards are also available on the DDA and City websites.

⁶⁵⁹ Previously F.3.c.

Chapter 15.07: Subdivision and Improvements Standards

Commentary:

Several substantive edits were made to the subdivision and improvements standards, based mostly on staff comments on the current subdivision regulations. Additional commentary provided in the footnotes.

15.07.010 Applicability, Procedures and Other Relevant Provisions

A. Applicability⁶⁶⁰

Unless otherwise exempted by this chapter, all development, subdivisions or resubdivisions of land within the city and any additional lands over which the city has control under C.R.S. § 31-23-212 shall be reviewed and approved according to the standards stated in this development code. In addition, this chapter shall apply to all land in the process of annexation to the city. No land shall be conveyed or developed, or lots consolidated or reconfigured until a plat has been approved, except as specifically exempted, under the provisions of this development code.

B. Applicable Procedures and Other Relevant Provisions

1. Subdivision Review Process

All applications for subdivision approval are reviewed according to the applicable procedures in section 15.02.060.E (preliminary subdivision plats), section 15.02.070.B (minor subdivision plats), or section 15.02.070.A (final subdivision plats).

2. Plat Submittal Requirements

Submittal requirements for subdivision plats are found in the administrative manual.

3. Improvement Guarantees

For standards governing improvement guarantees, including performance and maintenance guarantees for public and private on-site improvements, please refer to section 15.02.110, public and common/private improvement review, construction and acceptance.⁶⁶¹

4. Development Agreements

For standards and procedures governing development agreements, which may—among other things—allow vesting of property rights attached to an approved final subdivision plat for more than the statutory three-year period, please refer to section 15.02.080.A, development agreements.

⁶⁶⁰ Revised for clarity. Did not carry forward exemptions for plots in a cemetery, because that is not a subdivision.

⁶⁶¹ Revised reference to match proposed procedures updates.

15.07.020 Dedications and Provisions for Community Facilities

A. General Rules

1. Applicants shall identify and provide community facilities during the subdivision review process. The city shall refer subdivision plat applications to applicable outside agencies for comment.⁶⁶²
2. In order to facilitate the future acquisition of land areas required to implement this development code, the city may require that land be reserved, dedicated, or donated for the future acquisition and development of schools, parks, and other public uses and purposes.⁶⁶³
3. The city shall have the discretion to accept any offered donation or dedication of land area.

B. Parks, Greenways, and Open Space

All subdivisions⁶⁶⁴ shall reserve land for public parks according to the Comprehensive Plan, or dedicate land, or pay fees in-lieu of dedication, for the purpose of providing a proportionate share of public parks, greenways, and open space. All dedications for parks, greenways, and open space shall comply with the standards stated in section 15.05.040, landscape and common area regulations.

C. Fair Contribution for Public School Sites

1. **Applicability/Dedication or Payment In-Lieu Required⁶⁶⁵**
 - a. Unless exempt under subsection C.2 below, before final plat approval applicants shall provide proof that the school district has received fair contribution, as defined, for public school sites in accordance with Table 7.1 below.

⁶⁶² Currently applies to preliminary plats – revised to broaden to all plats.

⁶⁶³ Removed “playgrounds.”

⁶⁶⁴ Currently only applies to “residential subdivisions.”

⁶⁶⁵ Reformatted table to match.

Table 7.1: School Planning and Calculation of In-Lieu Fees

Type of School	Projected Student Yield		Student Faculty Standard Acres		Site Size Acres		Acres Contribution		Developed Land Value		Cash in-lieu per unit
Single-Family											
Elementary	0.21	/	525	x	10	=	0.00408				
Middle	0.12	/	750	x	25	=	0.00397				
High	0.16	/	1200	x	50	=	0.00683				
TOTAL	0.50						0.01488	x	\$100,062	=	\$1489
Two- or Three-Family											
Elementary	0.20	/	525	x	10	=	0.00375				
Middle	0.09	/	750	x	25	=	0.00297				
High	0.09	/	1200	x	50	=	0.00358				
TOTAL	0.38						0.01030	x	\$100,092	=	\$1031
Condo/Townhouse											
Elementary	0.07	/	525	x	10	=	0.00133				
Middle	0.04	/	750	x	25	=	0.00133				
High	0.04	/	1200	x	50	=	0.00167				
TOTAL	0.15						0.00433	x	\$100,092	=	\$434
Multifamily											
Elementary	0.15	/	525	x	10	=	0.00286				
Middle	0.06	/	750	x	25	=	0.00183				
High	0.06	/	1200	x	50	=	0.00254				
TOTAL	0.25						0.00636	x	\$100,092	=	\$714
Mobile Home											
Elementary	0.16	/	525	x	10	=	0.00301				
Middle	0.09	/	750	x	25	=	0.00283				
High	0.09	/	1200	x	50	=	0.00375				
TOTAL	0.33						0.00959	x	\$100,092	=	\$960

- b. If a subdivision plat includes land identified in the Comprehensive Plan for a public school site, the applicant shall:
 - i. Plat and dedicate such land as fair contribution for public school sites, provided such dedication is, as determined by the school district, properly configured and located so as to accommodate a school campus; and
 - ii. Convey to the school district by general warranty deed title to the land slated for dedication free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the school district), including without limitation, real property taxes, which will be prorated to the date of conveyance or dedication; and
 - iii. At the time of conveyance, provide an ALTA title insurance policy to the school district insuring the title described above in an amount equal to the fair market value of the dedicated property; and
 - iv. Satisfy the city's raw water requirement for the land conveyed before conveying the property to the school district; and
 - v. In addition to any lands dedicated or conveyed, provide to the school district an option to purchase abutting lands identified as a school site in the Comprehensive Plan at their fair market value so that the dedicated or conveyed and purchased lands together form a

contiguous parcel meeting the school district's land area requirements listed in the Comprehensive Plan.

- c. The applicant shall, not later than the issuance of the first building permit for the subdivision, provide or provide for payment of the cost of:
 - i. Construction of one-half of adjacent street development costs for land dedicated to the school district under this section;
 - ii. Connections for water, sewer, gas, electric, and other normal utilities stubbed to the dedicated land;
 - iii. Overlot grading of the dedicated land.
- d. The applicant shall also, by issuance of the first building permit, furnish any off-site easements that the school district will need to develop the site.
- e. The school district may, at its discretion, accept a payment in-lieu of land dedication for public school sites.

2. Exemptions from Contribution Requirement

Subject to school district approval, the following uses are exempt from the fair contribution for public school sites requirement:

- a. Construction of any nonresidential building or structure;
- b. Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;
- c. Construction of any building or structure for limited term stay or for long-term assisted living, including, but not limited to, short term rentals, bed and breakfast establishments, boarding or rooming houses, group care homes or group care facilities, halfway houses, rehabilitation or treatment facilities, hotels, or hospices; and
- d. Construction of any residential building or structure classified as housing for older persons, under the federal Fair Housing Act then in effect.

D. Easements and Rights-of-Way

Easements shall be provided on-site or off-site to serve the site where necessary for utilities, drainage, ditch companies, or other public purposes, as required in chapter 13.36 of the Longmont Municipal Code. Public right-of-way dedication to serve the site is required for streets and primary greenways as shown on the Comprehensive Plan.

15.07.030 Lot Standards⁶⁶⁶

The size, shape, and orientation of lots shall be appropriate to the location of the proposed subdivision and to the type of development contemplated. The following lot design standards shall apply to all subdivisions:

A. Buildable Lots

All lots created through the subdivision process shall be developable and conform to the minimum zoning, development, and floodplain standards stated in this development code and floodplain

⁶⁶⁶ Did not carry forward lot depth requirements, which were not carried forward in the zoning districts.

regulations in title 20. No subdivision shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.

B. Lot Dimensions

The minimum area and dimensions of all lots shall conform to the requirements of chapters 15.03 (zoning districts) and 15.05 (development standards) relating to the zoning district in which the lot is located. This subsection does not apply to planned unit developments.

C. Compliance with Residential Design Standards⁶⁶⁷

All residential subdivisions shall comply with the residential design standards in section 15.05.110.

D. Lot Lines

To the maximum extent practical, the sidelines of all lots shall be at right angles to the street upon which the lot fronts, or approximately radial to the center of curvature if the street is curved. If side lot lines are not radial, it shall be noted as such on the plat.

E. Frontage⁶⁶⁸

No lot intended for single family detached dwellings shall have a street frontage less than 25 feet unless otherwise allowed in this development code or required by other applicable city standards. Lots intended for attached residential dwellings, such as townhome lots, and mixed use and nonresidential uses that take access from an alley or private drive meeting applicable standards, are exempt from street frontage requirements if adequate emergency and utility access and easements are provided consistent with city standards and this development code.

F. Corner Lots

Corner lots for residential use shall be platted wider than interior lots in order to facilitate conformance with the setback requirements of chapter 15.03, zoning districts.

G. Division of Lots

No lot shall be divided by a city boundary line.

H. Flag (or Flagpole) Lots⁶⁶⁹

Flag lots shall be prohibited, except for those complying with utility, fire, and emergency access standards.

⁶⁶⁷ Did not carry forward references to lot variation standards since those were not carried forward in the draft residential design standards.

⁶⁶⁸ Revised to allow more flexibility for lot design. We did not carry forward specific lot frontage for cul-de-sacs.

⁶⁶⁹ Revised to prohibit in most cases. Current standard allows with a modification or variance – we did not carry forward that language.

I. Lots Divided by a Zoning District Boundary⁶⁷⁰

Lots that are divided by a zoning district boundary are prohibited.

J. Outlots⁶⁷¹

1. Outlots shall not be used as developable parcels.
2. Outlots shall be designated on an approved plat, and shall specify the ownership, use, and maintenance responsibility for all outlots.⁶⁷²
3. No outlots are permitted except to satisfy a requirement of this development code or to serve a public, common area, or private access purpose.
4. If city maintenance is requested, such outlots shall be adjacent to other city-maintained areas and shall be subject to a perpetual maintenance agreement acceptable to the city. Outlots maintained by the city shall be dedicated to the city.

15.07.040 Cluster Lot Subdivisions⁶⁷³

A cluster lot subdivision is a residential development in which the lots are allowed to be smaller or narrower than otherwise required in the zoning district ("cluster lots"), but in which the overall number of lots or density does not exceed prior approvals for the subject property or the density allowed under the comprehensive plan land use classification and the respective zoning district. Cluster lot subdivisions are intended to create a more compact residential development to preserve and maintain open areas and natural lands in excess of what would otherwise be required by this development code. Cluster lot subdivisions shall meet all of the following requirements.

A. Zoning Districts Where Allowed⁶⁷⁴

Cluster lot subdivisions are allowed in the N-AG and R-RU zoning districts.

B. Minimum Parcel Size

The minimum land area for a cluster lot subdivision shall be 10 acres.

C. Open Space and Other Preserved Lands

At least 50 percent of the property shall be preserved as open space, agricultural, or other preserved land. Common areas and landscaping shall be provided only for the developed portion of the subdivision. Open space, agricultural, or other preserved land shall be noted as outlot(s) on the subdivision plat subject to section 15.07.030J.

⁶⁷⁰ Revised to prohibit in most cases. Current standard allows with a modification or variance – we did not carry forward that language.

⁶⁷¹ Paragraphs 1 and 3 are new.

⁶⁷² New.

⁶⁷³ Revised to reference new zoning districts proposed in Batch 1, chapter 15.03. Did not carry forward the density bonus for alleys, which has not been used and was written as a guideline.

⁶⁷⁴ Did not carry forward the E2, R1, and R2 districts (now R-RU, R-SF, and R-MN).

D. Cluster Lot Development Standards⁶⁷⁵

All cluster lots shall comply with the development standards stated in Table 7.2 below. In the case of conflict between the provisions of Table 7.2 and any other portion of this development code, the provisions of this Table 7.2 shall govern. To the extent not covered by this section, the provisions in this development code shall apply to cluster subdivisions.⁶⁷⁶

Table 7.2: Cluster Lot Development Standards	
Item	Standard
Minimum lot size	5,000 square feet ⁶⁷⁷
Minimum lot width	50 feet
Minimum front setback	15 feet to primary structure; 20 feet to front-facing garage ⁶⁷⁸
Minimum side setback	5 feet ⁶⁷⁹
Minimum rear setback, with alley	6 feet
Minimum rear setback, without alley	15 feet
NOTES:	

15.07.050 Subdivision Design and Improvements

A. Applicability

The provisions of this section shall apply to all subdivisions unless otherwise expressly stated in an approved development agreement, PUD development plan, or annexation agreement.

B. City of Longmont Public Improvements Design Standards and Construction Specifications

1. Standards and Specifications Incorporated by Reference

- a. Under section 4.9 of the Municipal Charter, the City of Longmont public improvements design standards and construction specifications (referred to collectively as "city standards"), as amended July 1, 2007, are adopted by reference as ordinances of the city, and are incorporated into this development code by reference.
- b. Under section 4.9 of the Municipal Charter, the City of Longmont storm drainage criteria manual (1984, as amended), is incorporated into this development code by reference. See also section 14.24.010 of the Longmont Municipal Code.
- c. Copies of the city standards and storm drainage criteria manual are available online⁶⁸⁰ and are on file with the department of public works and natural resources, and available for public inspection or purchase during normal business hours.

⁶⁷⁵ These standards replace the current Table 15.07-A, with changes as noted. Did not carry forward zero lot line standards, street standards, maximum block length, perimeter buffers, or fences.

⁶⁷⁶ This last sentence was revised based on a standard in the current Table 15.07-A (second-to-last line).

⁶⁷⁷ Currently 3,000 square feet, but cluster not carried forward for E2, R1, and R2.

⁶⁷⁸ Substantially simplified. Measurements and exceptions in 15.03 cover the encroachments.

⁶⁷⁹ Currently 10 feet separation between dwellings on adjacent lots, and 6 feet separation between other structures on adjacent lots.

⁶⁸⁰ Revised to reference online availability.

2. Compliance with City Standards

All public improvements, public streets, and private common areas and pocket parks shall be constructed to comply with all applicable city standards, with the standards established by this chapter, and with all other applicable city regulations, standards, and specifications.

C. Consistency with Plans and Regulations

All subdivisions shall be consistent with the Comprehensive Plan, this development code, and prior approvals applicable to the subject property.

D. Plans for Remainder Parcels

Where an entire parcel under the applicant's control or ownership is not subdivided for development and the entire parcel is not part of an approved concept plan, the applicant shall submit a concept plan for the remainder of the parcel, including major road connections and intended land uses.

E. Noise Reduction Required

Where a subdivision or development borders a railroad right-of-way, federal or state highway, or arterial street, the subdivision design shall include adequate provisions for traffic noise reduction. The city may also refer the proposed subdivision or development to the Colorado Department of Transportation and other appropriate federal or state agencies for comment and recommendations addressing noise reduction and compliance with other applicable state/federal highway controls. Solutions for noise reduction may include, but are not limited to: a parallel street, a landscaped buffer area including berming or a wall, or lots with increased depth or building setbacks.

1. Where a proposed subdivision or development may include uses expected to produce noise at levels noticeable by the inhabitants of adjacent property, the city may require an acoustical analysis and a plan for noise reduction – also refer to section 15.05.160B.
2. When the city requires acoustical analysis, a qualified acoustical engineer shall conduct the analysis, which shall include a description of the noise environment and the construction or other methods necessary to reduce the noise to an acceptable level. The acoustical analysis shall be submitted with the applicable development or subdivision application. As a result of the analysis, the decision-making body may attach conditions to the approval necessary to mitigate any identified adverse noise impacts.

F. Ditch Improvements

The city may require ditches to be concrete-lined or piped in any proposed subdivision if necessary to promote public safety and welfare, subject to the consent of the applicable ditch company.

G. Protection of Existing Vegetation and Natural Features

1. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed to minimize land disturbance and preserve existing trees, vegetation, watercourses, and other natural features. Applicants shall refer to the development standards stated in sections 15.05.020, Protection of Rivers/Streams/Wetlands/Riparian Areas, 15.05.030, Habitat and Species Protection, and 15.05.040D, Tree Preservation, and shall apply them in the layout of the subdivision to avoid

creating lots or patterns of lots that will make compliance with such standards difficult or infeasible.

2. Under section 15.05.040D, the city shall determine which existing site trees are to be saved, replaced, or relocated. The applicant or owner shall not remove any trees from the subdivision or change the grade of the land affected until the final plat is approved. All trees on the plat required to be retained shall be preserved and, as needed, protected against change of grade.

H. Streets

1. General Rule

Any access way that provides public access and provision of public services shall be shown on the subdivision plat, shall be dedicated to the public, and shall be constructed as a public street or alley according to the standards stated in this development code and applicable city standards.

2. Lot Access and Street Connectivity

All new lots shall have access to a right-of-way conforming to the standards stated in section 15.05.050D, Streets.

3. Determination of Street versus Drive

Where designation of an access way as a street or a drive is unclear, the director shall consider all of the following criteria and determine if the access way, as proposed, shall be a public street or private drive.⁶⁸¹

- a. Drives are generally non-through ways, do not provide an easy, convenient connection between streets, or do not encourage use by the general public.
- b. Unless the city determines that it is in its best interests to do otherwise, the publicly owned and maintained portions of the water and sewer systems are generally constructed within a street.
- c. Public services are generally provided on streets. A street is appropriate in a situation where drive design makes it difficult for the city to provide its services, or makes it difficult for residents to utilize the standard public services, and where the difficulty can be eliminated by utilizing a street.

I. Pedestrian Access and Circulation

All subdivisions shall include a system of sidewalks, pedestrian walkways, and trails that interconnect to all uses, lots, open space, and parks. All subdivisions shall comply with the pedestrian and bicycle access and connectivity standards stated in section 15.05.060.

J. Water Supply/Fire Protection

1. All subdivisions shall include a water supply system designed according to city standards and with applicable utility rules and regulations.
2. No building permits shall be issued for any construction involving combustible materials until such time as working fire hydrants and all-weather driving surface are in place per the approved public improvement plans, and as approved by the fire marshal. The fire marshal shall determine the number and location of fire hydrants to be provided and installed by the applicant.

⁶⁸¹ Did not carry forward statement about appeals of staff designations to the P/Z, which is generally addressed in 15.02 for all staff approvals.

3. See also section 15.05.150E for standards requiring provision of an adequate level of fire and emergency medical response services and facilities.

K. Wastewater Systems

All subdivisions shall include a wastewater system designed according to the city standards.

L. Stormwater Management

1. Lands subject to flooding even if not located within a designated floodplain, shall not be platted for residential occupancy or for any other use that may increase danger to health, life, or property, or aggravate the flood hazard to surrounding properties.
2. All subdivisions shall include a stormwater management system designed according to city standards and the City of Longmont storm drainage criteria manual. See also section 15.05.150.D for standards requiring provision of an adequate level of service in the areas of drainage and water quality management.

M. Other Utilities and Public Improvements

All subdivisions shall incorporate those additional utility and improvement designs contained in titles 13 and 14 of the Longmont Municipal Code.

N. Underground Utilities

1. All utility lines shall be placed underground. The applicant shall be responsible for coordinating with the appropriate utility agencies and complying with the requirements of this provision and all other applicable city and state regulations.
2. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting and other facilities necessarily appurtenant to such underground utilities may be placed above ground. High-voltage electric transmission and distribution feeder lines and necessary appurtenances thereto may be placed above ground. All utility lines and facilities shall be placed within easements or rights-of-way provided for particular facilities. Subject to review by applicable utility agencies, aboveground utilities allowed by this subsection shall be screened from public view with landscaping, fences, or walls to the maximum extent practicable taking into consideration applicable clearance, access and maintenance requirements.

O. Grading and Erosion Control

1. No site grading shall occur on land included within any proposed subdivision prior to the issuance of stormwater construction activity permits as required by the Longmont Municipal Code and the City of Longmont storm drainage criteria manual.
2. All subdivisions shall be designed to avoid or minimize soil erosion, both during construction and at final stabilization, according to city standards, the City of Longmont storm drainage criteria manual, and applicable state and county regulations.

P. Setbacks/Location from Existing and Abandoned Wells and Facilities

Please see section 15.05.090 regarding setbacks/location of platted residential lots, parks, sports fields and playgrounds, public roads, and major above ground utility lines from existing and abandoned oil and gas wells and facilities.

15.07.060 Survey Monuments

Survey monuments shall be installed within subdivisions according to city standards and applicable Colorado law.

15.07.070 Property or Home Owners Associations

A. Declaration of Covenants and Restrictions Required

If common areas and facilities within a subdivision or development are to be owned and maintained by a property owners association, the applicant shall file a declaration of covenants and restrictions consistent with Colorado law that will govern the association. The declaration must be submitted prior to construction acceptance.

B. Proof of Establishment of Association; Submission of Recorded Covenants and Restrictions

1. Prior to construction acceptance for the initial phase of development, and sale of individual lots, the applicant shall submit evidence that the property owners association has been legally established, typically in the form of recorded articles of incorporation filed with the Colorado Secretary of State recorded covenants and restrictions.
2. Prior to construction acceptance for each phase of development, and release of public improvement securities and sale of individual lots, the applicant shall provide certification that all lots, dwellings, and other common facilities are included as part of the established property owners association.⁶⁸²

C. Control of Common Areas and Other Private Improvements

1. All development is approved subject to the submission of relevant legal instruments, including covenants and restrictive instruments of conveyance setting forth a plan or manner of architectural character and control and permanent care and maintenance of all common areas and other community facilities provided by the approved development or subdivision application.
2. Common areas and other community facilities provided shall be conveyed to a property owners association or some other entity having the authority and responsibility to maintain said facilities. Provision shall be made to dedicate such facilities to the city only if the recreation facility and/or open space is designated on the Comprehensive Plan.⁶⁸³
3. If common areas or other community facilities are not maintained consistently with the approved development or subdivision application, the city may, at its option, cause such maintenance to be performed and assess the costs to the affected property owner(s) or responsible association,

⁶⁸² New.

⁶⁸³ Did not carry forward the last half of the last sentence that stated "or the city determines it is in its best interest to own and maintain the facility or open space."

which assessment shall constitute a lien upon the property and shall be collected by assessment by the county in the manner of tax assessments.

15.07.080 Special Improvement Districts

See chapter 4.11 in title 4, Revenue and Finance.

Chapter 15.08: Nonconformities

Commentary:

This chapter was revised to include new nonconformity regulations for site features (e.g., landscaping, parking, access and circulation, etc.), which are currently addressed on a case-by-case basis by staff. Other minor revisions were made to this chapter as noted.

15.08.010 Purpose

This chapter establishes regulations that govern uses, structures, lots, signs, and other site features that came into being lawfully but that do not conform to one or more requirements of this development code as of the effective date of this development code.

15.08.020 Nonconformities Regulated

This chapter addresses the following types of situations, all of which are collectively referred to as "nonconformities":

A. Nonconforming Uses

1. General Rule

Except as otherwise allowed by this subsection, uses legally established but that no longer comply with the use regulations within the applicable zoning district (chapter 15.04) are "nonconforming uses."

2. Conforming Uses without Required Use Permit or Approval

A use legally established without conditional use⁶⁸⁴ approval is deemed to have a conditional use approval, and is not nonconforming solely because this development code now requires a conditional use approval for the subject use.

3. Uses in Prior PUDs Converted to Base Zoning Districts

Uses for properties that were previously zoned PUD but are converted to base zoning districts, shall comply with the use regulations in chapter 15.04, except that uses approved in an annexation agreement or concept plan or rezoning concept plan shall be allowed if the use has been established within three years of the effective date of this development code, unless the director grants an extension beyond three years.

B. Nonconforming Structures

1. General Rule

Except as otherwise allowed by this subsection, structures, except signs, legally established but which, as of the effective date of this development code, or any subsequent amendment thereto, no longer comply with the dimensional standards of the applicable zoning district are "nonconforming structures."

⁶⁸⁴ Removed reference to "limited use."

2. Exceptions

a. Structures Granted Variances

Structures granted a variance from the dimensional standards of either the previous land development regulations or this development code are not nonconforming, provided the structure and owner comply with the terms of the variance approval. Variances granted under previous land development regulations shall be subject to the lapse and redevelopment provisions in section 15.02.060I, variances.

b. Structures in Approved PUDs

Structures in an approved and current PUD that are granted modifications from the dimensional standards of this development code are not nonconforming.

c. Buildings and Structures in Prior PUDs Converted to Base Zoning Districts

New buildings and structures, and additions to existing buildings and structures in subdivisions that were previously zoned PUD but are converted to base zoning districts, shall comply with the dimensional standards in chapter 15.03, unless the applicant receives an administrative modification under section 15.02.080B.

C. Nonconforming Lots

Lots of record legally established but that no longer comply with the dimensional standards of the applicable zoning district are "nonconforming lots."

D. Nonconforming Site Features⁶⁸⁵

Any landscaping, buffer, screening, driveway, off-street parking or loading area, or outdoor lighting that lawfully existed before becoming noncompliant with the development standards in this development code are "nonconforming site features." Nonconforming site features also include the lack of any such required feature or noncompliance of such feature by subsequently enacted development standards.

E. Nonconforming Signs

Signs legally established but that no longer comply with the sign regulations of chapter 15.06, signs, are "nonconforming signs."

15.08.030 Prior Nonconformities Continue

Any nonconformity created under application of previous land development regulations shall continue to be a nonconformity under this development code and is subject to this chapter, unless the subject use, structure, or lot is consistent with this development code.

15.08.040 Policies

A. General Policy

Except as otherwise provided in an applicable annexation ordinance, it is the city's general policy to allow nonconformities to continue to exist and be put to productive use. However, it is the city's intent

⁶⁸⁵ New.

to bring as many aspects of the nonconforming use, structure, sign, or lot into compliance with this development code as is reasonably practicable, all subject to the limitations of this chapter. The limitations of this chapter are intended to recognize the interests of the property owner in continuing to use the property but to limit expansion of the nonconformity, re-establishment of abandoned nonconforming uses, and the re-establishment of nonconforming buildings and structures that are substantially destroyed.

B. Determination of Nonconformity Status

The burden of establishing that a nonconformity lawfully exists is on the owner, not the city. See section 15.08.120, certification of nonconforming status, below.

C. Change of Tenancy or Ownership

Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconformity continues to be subject to this chapter.

15.08.050 Repairs and Maintenance

A. General Rule

Ordinary repairs and normal maintenance required to keep nonconforming uses, structures, and signs in a safe condition shall be permitted. All ordinary repair and normal maintenance shall be subject to this chapter's limitations regarding expansion and enlargement of the nonconforming structure or use.

B. Compliance Required if Non-Repair Results in Safety Hazard

If, due to a lack of repairs and maintenance, the chief building official declares a nonconforming structure, or a portion of a structure devoted to a nonconforming use to be unsafe, unlawful, or in violation of the adopted building code, such structure shall thereafter be restored, rebuilt, or repaired only in compliance with the regulations of the applicable zoning district. The restored, rebuilt, or repaired structure shall thereafter be used only in compliance with the uses permitted in the zoning district in which the structure is located.

15.08.060 Nonconforming Uses

Nonconforming uses are hereby declared incompatible with the zoning districts where they are located. Nonconforming uses shall be subject to the following standards:

A. Enlargement and Expansion

1. Structure Enlargement

A structure or portion thereof devoted to a nonconforming use shall not be enlarged, extended, constructed, reconstructed, moved, or structurally altered except to change the use of the structure to one permitted in the applicable zoning district.

2. Expansion of Nonconforming Uses

- a. A nonconforming use shall not be extended to any land or portion of property outside of any building that was not used for the nonconforming use when the use was legally established, except when such extension is the direct result of an intervening government action.

- b. A nonconforming use may be enlarged, expanded, or extended to occupy any parts of the building containing such use that were designed or arranged for such use when the use was legally established if the director determines the use will not result in adverse impacts subject to the following criteria.
 - i. The expansion will not adversely impact surrounding properties and neighborhoods, the natural environment, or the city's ability to provide services and maintain public facilities; and
 - ii. The expansion is consistent with the purpose and intent of this development code.
- c. Enlargements of nonconforming uses determined by the director to have adverse impacts are prohibited unless the planning and zoning commission (P/Z) grants a variance under section 15.02.060I.

3. Additional Signs or Uses

In connection with a nonconforming use, the following are prohibited:

- a. The attachment on the building or premises of additional signs; and
- b. The addition of other uses that are prohibited in the zoning district involved.

B. Relocation

No person shall move a nonconforming use within the same parcel or to another parcel unless the use conforms to the use regulations of the applicable zoning district. This provision shall not apply if the relocation of the nonconforming use is the direct result of government action.

C. Discontinuance—Reestablishment Prohibited

- 1. Whenever a nonconforming use is discontinued for a period of 180 consecutive days, such use shall not thereafter be reestablished and any future use shall conform to this development code.
- 2. At such time as any nonconforming, individual mobile home existing on a lot is removed from such lot or is vacated, the use shall be deemed abandoned and shall not thereafter be returned or occupied except in compliance with this development code.

D. Changes in Use

A nonconforming use may only be changed to a conforming use unless the director, under the procedures for a written code interpretation under section 15.02.100, determines that the change in use would not increase the degree of nonconformity, consistent with the following criteria:

- 1. The change in use will not adversely impact surrounding properties or neighborhoods, the natural environment or the city's ability to provide services and maintain public facilities; and
- 2. The change in use is consistent with the purpose and intent of this development code.

E. Accessory Uses

- 1. No use that is accessory to a principal nonconforming use shall continue after the nonconforming principal use ceases to exist.
- 2. No additional accessory use, building, or structure that did not exist when the nonconforming use was legally established shall be established on the site of a nonconforming use.

F. Damage or Destruction

1. If a structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed, by unavoidable means or cause, the structure and nonconforming use may be restored, if the restoration does not increase the degree of nonconformity and is otherwise consistent with this chapter.
2. No repairs or restoration shall be made unless a building permit is obtained within 180 days and restoration is begun within one year after the date of such partial damage or destruction and is diligently pursued to completion. The chief building official may grant an extension due to unavoidable or extenuating circumstances.

15.08.070 Nonconforming Structures

Nonconforming structures are subject to the following standards:

A. Enlargement

1. Any enlargement, alteration, or expansion of a nonconforming structure that complies with applicable dimensional standards for the portion of the structure being enlarged is allowed, provided such expansion meets all other applicable standards in this development code.
2. Enlargements of nonconforming structures that increase the degree of nonconformity are prohibited unless the director approves an administrative modification under section 15.02.080B or the board of adjustment (BOA) or Planning and Zoning Commission (P/Z) grants a variance under section 15.02.060I.

B. Damage or Destruction

1. If a nonconforming structure is damaged or destroyed, by unavoidable means or cause, the structure may be restored if the restoration does not increase the degree of nonconformity and is otherwise consistent with this chapter.
2. No repairs or restoration shall be made unless a building permit is obtained within 180 days, and restoration is begun within one year after the date of such damage or destruction and is diligently pursued to completion. The chief building official may grant an extension due to unavoidable or extenuating circumstances.

C. Relocation

If a nonconforming structure should, for any reason, be moved from its original location, the relocated structure shall conform to the provisions of the applicable zoning district.

D. Replacement Mobile Home Units

Any mobile home unit replacing a unit in an existing mobile home park shall be subject to the dimensional standards in the applicable zoning district.

15.08.080 Nonconformities Created by Public Action

When lot area or setbacks are reduced as a result of land conveyance to a federal, state, or local government for a public purpose and the remaining lot area or setback is at least 75 percent of the

required minimum standard for the applicable zoning district, then that lot is deemed to be in compliance with the minimum lot size or setback standards of this development code.

15.08.090 Nonconforming Lots of Record

A. Nonconforming Lots

1. New Construction Allowed

In any residential zoning district buildings and structures may be constructed on a legal nonconforming lot of record. However, the dimensional requirements of the applicable zoning district must be met unless the director approves an administrative modification under section 15.02.080B or the board of adjustment (BOA) or Planning and Zoning Commission (P/Z) grants a variance under section 15.02.060I.

2. Enlargements Allowed

Existing buildings or structures located on nonconforming lots of record may be enlarged, expanded, or extended only if such action does not increase nonconformities with applicable dimensional standards or cause a new area of nonconformity, or unless the director approves an administrative modification under section 15.02.080B or the board of adjustment (BOA) or Planning and Zoning Commission (P/Z) grants a variance under section 15.02.060I.

15.08.100 Nonconforming Site Features

Commentary:

These are new standards. Communities differ in the extent to which they require nonconforming site features to come into full code compliance. Longmont's current regulations do not address this important issue. We have suggested triggers for bringing site features into compliance, and they could be closer linked to the related development standards in chapter 15.05 (e.g., applicability sections for landscaping, parking, etc.).

A. Applicability

1. A nonconforming site feature may continue to exist even though it does not conform to current applicable standards of this development code, subject to the requirements of this section.
2. No action shall be taken that increases the degree or extent of a nonconforming site feature.

B. Nonconforming Landscaping, Buffers, Screening, and Outdoor Lighting

1. Nonconforming buffers and landscaping shall be upgraded to comply with this development code if the site containing the nonconforming site feature is proposed for any of the following development activities:
 - a. An increase in the total square footage of the vehicular use area, including parking, loading, circulation, and driveway areas;
 - b. A structural addition that increases the combined total gross floor area of all existing structures by more than 25 percent;
 - c. Building elevation changes involving 50 percent or more of the exterior walls of a roofed structure on the property, excluding minor cosmetic maintenance such as painting, replacing lighting fixtures, or replacing awnings or signs.

2. Nonconforming lighting shall be upgraded to comply with this development code with any change of a structure or site that involves development subject to a change of use or site plan waiver under section 15.02.070C.4.
3. Nonconforming screening and buffers shall be upgraded to comply with this development code with any expansion of outdoor operations, storage, or display areas on a site containing nonconforming buffers or screening that increases the gross square footage of such areas.

C. Nonconforming Parking

1. Continuation of Nonconforming Parking

Any parking spaces or access to public rights-of-way lawfully existing on the effective date of this development code that are made nonconforming by virtue of enactment of this development code shall be allowed to continue, provided that:

- a. Any change or expansion of any use or structure shall only be permitted if additional number of parking spaces required by such change or expansion is provided in accordance with section 15.05.080, Off-Street Parking and Loading.
- b. Nonconforming parking areas shall not be expanded, except pursuant to paragraph 2 below.

2. Upgrading Nonconforming Parking

- a. Nonconforming off-street parking facilities shall be upgraded to comply with this development code's minimum parking space requirements when an addition to or expansion of one or more structures would increase the total gross floor area of the structures by more than 25 percent.⁶⁸⁶
- b. Nonconforming off-street parking facilities shall be upgraded to comply with this development code's parking lot landscaping requirements pursuant to subsection B above.
- c. Nonconforming parking as it relates to maximum parking requirement shall not be subject to the standards in this paragraph 2, unless necessary to comply with other standards, such as landscaping buffers.
- d. Nonconforming ADA parking shall be upgraded to comply with this development code with any change of a structure or site that involves development subject to a change of use or site plan waiver under section 15.02.070C.4.

D. Compliance to the Maximum Extent Practicable

Where full compliance with the requirements of this subsection is precluded by a lack of sufficient developable area due to the size of the lot, the layout of existing development, or the presence of significant wetlands, floodplains, riparian areas, or other significant environmental constraints, the applicant shall comply with the requirements of this section to the maximum extent practicable, as determined by the director.

15.08.110 Nonconforming Signs⁶⁸⁷

All nonconforming signs shall be subject to the standards stated in section 15.06.080.

⁶⁸⁶ The applicability trigger for parking in 15.05.080 is drafted at 25 percent.

⁶⁸⁷ Relocated toward end of chapter to match order as presented in 15.08.020.

15.08.120 Certification of Nonconforming Status

Owners of nonconforming uses, structures, signs, lots, or site features may request a certificate of legal nonconforming status by filing an application with the director according to the written code interpretation procedures of section 15.02.090. The application shall be accompanied by documentation that establishes the approximate date that the use, structure, or sign was established. The director is authorized to require additional information if deemed necessary to permit an accurate determination. Once issued, the owner shall record the certificate, which shall run with the land and shall not be affected by changes of tenancy, ownership, or management, subject to the requirements of this development code.

Chapter 15.09: Enforcement and Penalties

Commentary:

This chapter (15.09) was replaced with language provided by the city staff.

15.09.010 Responsible Enforcement Entity

The director shall be primarily responsible for enforcing the provisions of this development code.

15.09.020 Authorization for Inspections

Upon presentation of proper credentials, the director may enter any building, structure, real property, or premises to ensure compliance with this development code. Officials shall conduct such inspections during normal business hours unless the director determines there is an emergency. Without consent of the property owner or other legal authority, city officials shall enter private property only under a warrant or other authorization from a court of competent jurisdiction.

15.09.030 Violations

It is unlawful for any person to violate any provision of this development code. Any development, use, subdivision, or activity on or involving any property or tract of land that is not in compliance with this development code is in violation of this development code. Additionally, each of the following constitutes a violation of this development code:

1. To engage in development, subdivision, land uses, or activities in any way that does not comply with the procedures and standards of this development code;
2. To transfer title to any lot, tract, or land parcel before a subdivision plat, if required under this development code, has been approved and the approved plat has been filed with the county clerk and recorder;
3. To submit for recording with the county clerk and recorder any subdivision plat that has not been approved in accordance with the requirements of this development code;
4. To engage in the use of a building or land, the subdivision or development of land or any other activity requiring one or more approvals under this development code without first obtaining all required approvals;
5. To violate the terms of any approval granted under this development code or of any condition imposed on such approval;
6. To obscure or obstruct any notice required to be posted or otherwise given under this development code; or
7. To violate any lawful order issued by the city under this development code.

15.09.040 Continuing Violations

Each day that a violation occurs or remains uncorrected after receipt of the notice required by this chapter shall constitute a separate offense and violation of this development code.

15.09.050 Remedies and Enforcement Powers

The city has the following remedies and powers to enforce this development code:

A. Civil Remedies and Enforcement Powers

1. Withhold Permits and Authorizations

The director shall deny or withhold all building permits, all certificates of occupancy, all forms of approval, all certificates, all forms of advancement through the review procedures of this development code, or any other forms of development authorization for the subject subdivision or property. Where a property owner, agent, or other person has a record of an outstanding violation or violations of this development code, the director may deny or withhold all permits, certificates, advancement through the review procedures of this development code, or other authorization for any use or development activity by such person until the outstanding violation is corrected. These provisions shall apply whether or not the property for which the person seeks the permit or other approval is the property in violation.

2. Approve Permits with Conditions

Instead of withholding a permit or other authorization, the decision-making body may grant such authorization subject to the condition that any violation be corrected within a specified period of time.

3. Revocation and Suspension of Permits

The director may revoke or suspend any permit, approval, or other form of authorization under this development code when the director determines:

- a. That there is departure from the plans, specifications, or conditions required under terms of the permit, approval, or other form of authorization;
- b. That the permit, approval, or other form of authorization was procured by false representation or was issued by mistake; or
- c. That a violation has occurred on the subject subdivision or property, whether or not the property for which the person seeks the permit or other approval is the property in violation.

4. Suspension of Water Supply

The city may suspend the water supply for any unoccupied buildings in the subject subdivision.

5. Stop Work Orders

With or without revoking permits, the city may issue a stop work order on any building or structure on any land on which there is an uncorrected violation of a provision of this development code or of a permit or other form of authorization issued hereunder.

6. Injunctive Relief

The city may seek an injunction or other equitable relief in court to stop any violation of this development code or of a permit, certificate or other form of authorization granted hereunder.

7. City Power Prior to Subdivision

The city shall have the power to bring an action to enjoin any subdivider from selling, agreeing to sell, offering to sell, use, occupy or develop unsubdivided land before a final plat for such subdivided land has been approved by the city.

8. Abatement

The city may seek a court order in the nature of mandamus, abatement, injunction, or other action or proceeding to abate or remove a violation, or to otherwise restore the premises in question to the condition in which they existed prior to the violation. Additionally, any violation of this development code shall be considered a public nuisance, and the city may abate such nuisance administratively and assess the expenses therefor under the abatement procedures described in chapter 9.04.

9. Administrative Civil Penalties⁶⁸⁸

The city may levy administrative penalties in the amounts and under the procedures described in chapter 2.97.

10. Lien on Property

The city shall have the authority to place a lien upon any real property that has been issued a citation for a violation of this development code for amounts due to the city by the owner or applicant of the property pursuant to the any of the above penalties. The lien shall continue until the charges and all interest due and payable are paid. The city finance director shall certify such charges to the office of the treasurer of the county that includes the property, for collection in the same manner as the collection of general property taxes.

B. Criminal Remedies

Any violation of this development code or any condition, stop work order, permit, certificate or other form of authorization granted under this development code shall be a criminal offense punishable under the general penalty of section 1.12.010.

15.09.060 Remedies Cumulative

The remedies provided for violations of this development code, whether civil or criminal, shall be cumulative and in addition to any other remedy provided by law, and may be exercised in any order.

15.09.070 Complaints Regarding Violations

Any person may file a complaint alleging a violation of this development code. Such complaint, stating fully the causes and basis thereof, shall be filed with the director. The director shall properly record such complaint, investigate as soon as reasonably possible, and take action as provided by this chapter.

15.09.080 Enforcement Procedures**A. For Civil Remedies in Non-Emergency Matters**

1. In the case of violations of this development code that do not constitute an emergency or require immediate attention, prior to application of any civil remedy listed in section 15.01.050(A)(3)-(5), the enforcing official shall give written notice of the nature of the violation to the property owner, agent, occupant, or to the applicant for any relevant permit.

⁶⁸⁸ The city will need to amend chapter 2.97 accordingly.

2. The person receiving notice shall have 10 days from the date of the notice to correct the violation. The notices shall specify the violation(s) and the time period within which to correct the alleged violations. Such notices may also state the corrective steps necessary to ensure compliance. Notice shall be given in person, or by U.S. Mail, or by posting notice on the premises, and shall provide notice of a right to appeal the determination.
3. All appeals shall be filed in writing with the director within 10 days from the date of the receipt of the notice. The appeal shall specify the reasons why the challenged action should be amended or reversed.
 - a. The director shall hold the hearing.
 - b. No work or construction shall proceed after service of the notice of violation.
 - c. An error in the reference to specific code provision(s) shall not be considered grounds for appeal of a citation.
4. The director may grant an extension to cure an alleged violation up to a total of 90 days beyond the original time period if the director finds that, due to the nature of the alleged violation or other substantial hardship, it reasonably appears that it cannot be corrected within the original time period, and that no health or safety risk or adverse impact to the community will result from such extension.

B. For Emergency Matters and Matters Requiring Immediate Attention

1. For violations of this development code that constitute an emergency as a result of public safety or health concerns, or violations that will create increased problems or costs if not remedied immediately, or where the city must otherwise act quickly to protect public health or safety, the director may use any civil remedy listed in section 15.09.050(A)(3)-(5) without prior notice. In such cases, the director shall attempt to give notice simultaneously with beginning enforcement action or as soon thereafter as practicable. Notice may be provided to the property owner, agent, occupant, or to the applicant for any relevant permit.
2. The notice of violation may be appealed in the manner described in subsection (A)(2)-(4) of this section.

C. For Other Remedies

The procedures described elsewhere in the code for administrative nuisance abatement and administrative civil penalties shall control the application of those remedies, and this chapter requires no additional notice or hearing. The city may seek judicial relief or issue a criminal summons without prior notice. For any remedy described in section 15.09.050(A)(1)-(2), the applicant may contest the city's determination of a violation as part of its application for which the permit or approval has been withheld or conditioned.

Chapter 15.010: Definitions

Commentary:

Many of the definitions are carried forward from the existing development code. Some have been amended for clarity, as noted. We also included many new definitions for terms that are not currently defined in the development code.

15.010.010 Use Definitions

A. Residential Uses

Household Living Uses

Uses in this category are characterized by residential occupancy of a dwelling unit by a household. Tenancy is arranged on a month-to-month or longer basis; lodging where tenancy may be arranged for a period of less than 30 days is classified under the “lodging facilities” category. Common accessory uses include recreational activities, gardens, personal storage buildings, hobbies, and resident parking.

Co-housing⁶⁸⁹

A residential development that combines individual owned dwelling units with smaller or partial kitchens and a larger community kitchen and dining room intended for communal use on a regular basis, and in which all residents agree to share in the provision of regular communal services such as cooking meals or providing child care.

Dwelling, live/work

A residential dwelling unit that is combined with a commercial retail, office or other use as allowed.

Dwelling, multifamily

A dwelling containing five or more individual dwelling units, with the units often stacked one above the other in a vertical configuration, sharing common vertical walls and/or horizontal floors and ceilings. Multifamily dwellings include townhomes, dwellings located within a vertically mixed-use building, and residences commonly referred to as apartments, garden apartments, apartment buildings, or condominiums.

Dwelling, single-family detached⁶⁹⁰

A detached dwelling designed exclusively for, and occupied by, one family.

Dwelling, single-family attached⁶⁹¹

A building containing between two and four single-family units, each with its own outside entrance, which are joined together by a vertical common party wall.

⁶⁸⁹ New definition for a new use.

⁶⁹⁰ Renamed from “one-family dwelling.”

⁶⁹¹ Replaces current definitions for townhome, two-family, three-family, and four family dwellings.

Mobile home park or subdivision

A parcel of land under single ownership or control on which two or more mobile homes are occupied as residences, or a subdivision designed to provide individual lots for residential occupancy by a mobile home.

Group Living Uses

Uses in this category are characterized by residential occupancy of a structure by a group of people who do not meet the definition of “household living.” Tenancy is arranged on a monthly or longer basis and the size of the group may be larger than a family. Generally, group living structures have a common eating area for residents. Residents may receive care, training, or treatment, and caregivers may or may not also reside at the site. Accessory uses may include recreational facilities and vehicle parking for occupants and staff.

Boarding, rooming house⁶⁹²

A residential dwelling with at least two rooms that are rented or intended to be rented primarily for sleeping only, but which do not constitute separate dwelling units. Such facility is occupied by longer-term residents than hotels, motels or bed and breakfast establishments and includes sororities, fraternities and dormitories.

Group care home

A facility providing residential and special care and supervision within a dwelling where persons are living together with staff, as a single housekeeping unit, providing care, supervision, and treatment for exclusively for residents protected by the provisions of the Federal Fair Housing Act (FHA). A group care home does not include halfway houses, residential rehabilitation facilities, residential child care facilities, or penal/correctional facilities.

Group care facility

A facility of more than 12 persons, including staff, providing longer term residential and special care, supervision, and treatment exclusively for residents protected by the provisions of the Federal Fair Housing Act (FHA), including, but not limited to, assisted living facilities and nursing homes. A group care facility does not include halfway houses, residential rehabilitation facilities, residential child care facilities, or penal/correctional facilities.

Independent living facility

A multi-family dwelling restricted to adults at least 55 years of age or older, that includes central dining facilities and provides residents with access to meals and other services such as housekeeping, transportation, and social and recreational activities. Independent living facilities do not provide skilled medical and residential care and assistance such as provided at a group care institution.

Rehabilitation and treatment facility

Includes the following facilities:

1. **Halfway house.** A state-licensed institutional facility for inmates on release from more restrictive custodial confinement or initially placed in lieu of such more restrictive custodial confinement, wherein residential care, supervision, rehabilitation, and counseling are provided to return residents back into society, enabling them to live independently. Such placement is under the authority of the state department of corrections. A "halfway house" shall not contain more than eight persons, including staff and clients.

⁶⁹² Renamed from “boardinghouse, roominghouse.”

2. **Residential rehabilitation facility.** An institutional facility for persons referred by a state department or division, or by a physician or medical institution, wherein medical treatment, counseling, rehabilitation and 24-hour on-site supervision are provided for substance abuse, emotional disorders, physical disabilities, or other medical conditions, with the goal of enabling residents to live independently when treatment is completed.
3. **Residential child care facility.** A facility so licensed by the state department of human services pursuant to part 1 of article 6 of title 26, Colorado Revised Statutes, to provide twenty-four hour group care and treatment for five or more children operated under private, public, or nonprofit sponsorship. A residential child care facility does not include a homeless youth shelter as defined by the state.

Sober living home

A residential dwelling used by persons protected by the provisions of the Federal Fair Housing Act (FHA) who are not currently, illegally using or addicted to a controlled substance but are recovering from abuse of alcohol or a controlled substance, where the residence serves as an interim environment between rehabilitation and treatment facilities and mainstream society .

B. Public, Institutional, and Civic Uses

Community and Cultural Facilities

Uses in this category include buildings, structures, or facilities owned, operated, or occupied by a governmental entity or non-profit organization to provide a service to the public.

Assembly uses

Assembly uses include facilities owned or operated by associations, corporations, or other persons for social, educational, or recreational purposes primarily for members and their guests. Accessory uses may include offices, meeting areas, food preparation areas, concessions, parking, and maintenance facilities. Examples of assembly uses may include clubs or lodges, religious assembly, or fraternal organization facilities.

Cemetery or interment facility⁶⁹³

Land used or intended for the burial of the dead and dedicated for cemetery purposes. A "cemetery" may include a funeral home or mortuary or a mausoleum or columbarium (a structure or vault lined with recesses for cinerary urns), and pet cemetery, but does not include crematory or alkaline hydrolysis facilities.

Convention and conference center

A facility used for business or professional conferences and seminars, often with accommodations for sleeping, eating and recreation.

Day care, commercial⁶⁹⁴

A facility licensed, certified, or registered by the State of Colorado that operates in other than a private residence that provides care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

⁶⁹³ Renamed from "cemetery."

⁶⁹⁴ Replaces definition for "day care center." Specific standards related to this use have been moved to the "use-specific standards."

Day care, residential⁶⁹⁵

A facility licensed, certified, or registered by the State of Colorado that operates in the permanent residence of the provider that provides care, protection and supervision for children or adults on a regular basis away from their primary residence for less than 24 hours per day.

Emergency services

A building used for police, fire, and/or other medical equipment and personnel.

Funeral facility⁶⁹⁶

A facility that provides human funeral services, including embalming, cremation, alkaline hydrolysis, and memorial services.

Library, museum, or art center

Facilities containing collections of books, manuscripts, and similar materials for study and reading, or exhibiting works of art or objects in one or more of the arts and sciences. Accessory uses may include educational facilities.⁶⁹⁷

Penal/correctional institution

Public facilities operated by a municipal, county, state, or federal agency for the judicially required detention or incarceration of people, where inmates and detainees are under 24-hour supervision by professionals, except when on an approved leave. If the use otherwise complies with this definition, a "public penal/correctional institution" may include, by way of illustration, a public prison, jail or probation center.

Performing arts center or auditorium

A facility designed and intended for live presentations of performing arts, public presentations, speeches, debates, or discussions.

Reception/banquet hall

A building or portion of a building available for lease by private parties for social or dining purposes.

C. Educational Facilities

Educational Facilities

Uses in this category include public, private, and parochial institutions at the primary, elementary, middle, high school, or post-secondary level, or trade or business schools, which provide educational instruction to students. Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school day care.

College or university⁶⁹⁸

Any public or private institution of higher learning meeting all applicable prescribed Colorado State standards that provides facilities for teaching and research and is authorized to grant academic degrees.

⁶⁹⁵ Replaces definition for "day care home" and "large child care home." Specific standards differentiating the consolidated definitions have been moved to "use-specific standards."

⁶⁹⁶ Renamed from "funeral home." Revised definition for grammatical consistency.

⁶⁹⁷ New definition, not previously defined. Language taken from Table 15.04-A.

⁶⁹⁸ New definition, previously included in the definition for "school."

School, public or private⁶⁹⁹

Any public or private facility meeting all applicable prescribed Colorado State standards that provides instruction in pre-kindergartens, kindergartens, elementary, or secondary education supported by a public, church, or parish organization. This definition includes private boarding schools and military schools, but does not include “day care” facilities.

School, vocational or trade⁷⁰⁰

A secondary school offering instruction in a professional, vocational, or a technical field. This use includes public or private schools providing domestic, recreational and other types of personal skill instruction, such as dance, gymnastics, cooking, music, martial arts and handicrafts.

D. Healthcare Facilities

Healthcare Facilities

Uses in this category are characterized by activities focusing on medical services, particularly licensed public or private institutions that provide primary health services and medical or surgical care to persons suffering from illness, disease, injury, or other physical or mental conditions. Accessory uses may include laboratories, outpatient, or training facilities, and parking or other amenities primarily for the use of employees in the firm or building.

Hospital⁷⁰¹

A state-licensed facility designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for inpatients, and including as related facilities, laboratories, outpatient departments, training facilities and staff offices, but not including group care institutions or medical clinics.

Medical or dental clinic⁷⁰²

An establishment operated by one or more duly licensed members of the human health care professions including, but not limited to, physicians, dentists, chiropractors, psychiatrists and osteopaths, where patients are not lodged overnight but are admitted for medical examination or treatment.

Medical laboratory or research facility

A facility for conducting medical or dental research, investigation, testing, experimentation or the production of customized medical or dental instruments or tools.

Skilled nursing or rehabilitation facility

A facility that provides short-term skilled nursing, therapy, rehabilitation, and overnight lodging for individuals recovering from surgery, illness or accident. Short-term means generally less than three months, for the purposes of this definition. Practitioners of skilled nursing and rehabilitation care can include, but are not limited to, registered nurses, licensed practical and vocational nurses, physical and occupational therapists, speech-language pathologists and audiologists.

⁶⁹⁹ Replaces definition for “school.” Revised definition to combine public and private schools.

⁷⁰⁰ Previously included in definition for “school.” Replaces current definition for “special school.”

⁷⁰¹ Replaces current definition for “hospital.”

⁷⁰² Renamed from “clinic, medical/dental.”

E. Commercial Uses

Agricultural and Animal Uses

This category includes agricultural and farming activities, including nurseries and facilities for processing and selling agricultural products. Typical agricultural uses in an urban environment involve beekeeping, horticulture, floriculture. Accessory uses may include confinement facilities for animals, parking, and storage areas. This category also includes uses involving the care and keeping of animals on a commercial basis. Accessory uses may include parking and storage areas. Standards in this Ordinance are intended to provide for compatibility between such animals and neighboring land uses and are in addition to other applicable city and state requirements governing animals.

General agriculture⁷⁰³

The land use of animal husbandry, farming, cultivation of crops, dairying, pasturage, floriculture, horticulture, viticulture, aquaculture, hydroponics, together with necessary accompanying accessory uses, buildings, or structures for housing, packing, treating, or storing said products. This definition does not include livestock confinements or feedlots, livestock marketing or auction facilities, livestock processing (except for consumption by the owners or tenants of the agricultural property), or any other activity generally not accepted as an appropriate agricultural use as determined by the city. This definition includes the incidental sales by the producer of products raised on the farm.

Kennel⁷⁰⁴

Any establishment where domestic animals (usually dogs and cats) are boarded (overnight), bred or raised for sale, groomed, or trained, exclusive of veterinary care.

Veterinary clinic or hospital⁷⁰⁵

Facility for the diagnosis, treatment, or hospitalization of domestic animals, operated under the supervision of a licensed veterinarian. The incidental temporary overnight boarding of animals that are recuperating from treatment is included in this definition as well as alkaline hydrolysis, or crematory facilities.

Recreation and Entertainment

Uses in this category are involved in the sale, lease, or rent of new or used products directly to the general public, but not specifically or exclusively for the purpose of resale. Any outdoor display or sale is subject to the standards in section 15.04.030A.3. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

Commercial entertainment facility

A commercial establishment that provides live performances and/or entertainment as the predominant commercial activity, and which is not licensed under the Colorado Beer Code (C.R.S. § 12-46-101 et seq.) or the Colorado Liquor Code (C.R.S. § 12-47-101 et seq.). This use does not include any "adult business use" defined in this chapter.

Commercial recreation facility, indoor

Any private use or development providing amusement or sport that is operated or carried on primarily for financial gain. Indoor commercial recreation means commercial recreation conducted entirely within an enclosed structure; including but not limited to, bowling alleys,

⁷⁰³ Renamed from "agricultural use." Replaces current definition.

⁷⁰⁴ Consolidated "animal kennel" and "animal care facility." Replaces current definition.

⁷⁰⁵ Consolidated "veterinary clinic" and "veterinary hospital." Replaces current definition.

skating rinks, pool halls, video and pinball parlors, and private gymnasiums. This use type does not include outdoor commercial recreation facilities or indoor shooting ranges.

Commercial recreation facility, outdoor

Any private use or development providing amusement or sport that is operated or carried on primarily for financial gain. Outdoor commercial recreation means commercial recreation with outdoor activities, including but not limited to, miniature golf, batting cages, waterslides, skateboard parks, driving ranges, and go-cart tracks. This use type does not include indoor commercial recreation facilities.

Golf course and/or swimming and tennis club

An establishment typically associated with a golf course, tennis club, and/or swimming pool that is intended as a place of social and recreational gatherings for members of a private club.

Indoor shooting range

An indoor facility to be used for firearm target practice, competitions, or similar uses, including but not limited to archery, paintball, and similar shooting activities, but not including outdoor facilities.

Public open space, park, or playground⁷⁰⁶

1. **Public open space.** Any parcel or area of land or water essentially unimproved with any residential, commercial, or industrial uses and set aside, dedicated, or reserved for public or private use and enjoyment including recreational, scenic, or environmental purposes. Open space may include agricultural uses and natural features located on a site, including but not limited to meadows, forested areas, steep slopes, flood plains, hazard areas, unique geologic features, ridgelines, unique vegetation and critical plant communities, stream/river corridors, wetlands and riparian areas, wildlife habitat and migration corridors, areas containing threatened or endangered species and archeological, historical, and cultural resources. Areas comprising minimum building separation and setbacks for light and air shall not be considered "open space" under this definition. See section 15.05.040, "Open space," for additional standards governing areas allowed as part of open space.
2. **Public park and/or playground.** Land area owned by the city that is developed and maintained for active or passive recreational use and is open for the general public's use and enjoyment. A "park" may, by way of example only, include public playfields, courts, and other recreation facilities, or may include greenways, water features, picnic areas, or natural areas.

Public recreation facility

A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Food and Beverage Services

Uses in this category include establishments that serve prepared food or beverages for consumption on or off the premises. Accessory uses may include food preparation areas, offices, and parking.

Bar or nightclub

An establishment licensed under the Colorado Beer Code (C.R.S. § 12-46-1 et seq.) or the Colorado Liquor Code (C.R.S. § 12-47-101 et seq.) that provides entertainment or alcoholic beverage service

⁷⁰⁶ Renamed from "open space."

as the predominant activity, where food service is secondary as evidenced by such things as extended hours after a full-service food menu is available, or a very limited food service menu.

Brewery, cidery, distillery, or winery⁷⁰⁷

An establishment where malt liquors or fermented malt beverages, spirits or other alcohol, including but not limited to beer, fermented cider, or wine are manufactured that has a manufacturer's or wholesaler's license under the Colorado Liquor Code.

Commercial kitchen or catering establishment

An establishment whose principal business is to prepare food on-site, then to transport and serve the food off-site. No business consumption of food or beverages is permitted on the premises.

Restaurant

An establishment whose principal business is to serve food and beverages in a ready-to-consume state for consumption either within the restaurant building, off the premises as carry-out orders; or in an outdoor seating area on the premises.

Restaurant, with drive-through

A restaurant where customers are primarily served at tables or self-served and food is consumed primarily on the premises, and that has a drive-in or drive-through facility to serve patrons food while seated in their vehicles.

Office, Business, and Professional Services

Uses in this category provide executive, management, administrative, or professional services, but do not sell merchandise except as incidental to a permitted use. Typical uses include real estate, insurance, property management, investment, employment, travel, advertising, law, architecture, design, engineering, accounting, call centers, and similar offices. Accessory uses may include cafeterias, health facilities, parking, or other amenities primarily for the use of employees in the firm or building.

Artist studio

An establishment used for the display or sale of art works and typically also includes an area for the creation of art works or for instruction in art work creation. An artist studio may also be included in a live/work dwelling.

Bank or financial institution

An establishment that provides retail banking, mortgage lending, and financial services to individuals and businesses, and including check-cashing facilities, but does not include bail bond brokers. Accessory uses may include automatic teller machines, offices, and parking.

Business service establishment

Establishment whose customers are primarily other businesses, including but not limited to: advertising; duplicating services; electronic data processing; employment service (including day labor centers); property management and maintaining; personnel services; computer services; mailing, addressing, stenographic services; and specialty business service such as travel bureau, news service, exporter, importer, interpreter, appraiser, film library.

Commercial laundry, linen supply service, or dry cleaning plant

An establishment engaged in dry-cleaning, laundry, and linen services and not limited to a drop-off and/or pick-up facility. Includes pressing, repair, and dry-cleaning primarily for pick-up from

⁷⁰⁷ Revised to include distillery and winery uses.

and distribution to customers located off-site. May also include incidental personal services directly to a consumer.

Data, radio, TV, or other broadcasting studio or facility

A building or portion of a building used as a place to record and broadcast music, videos, television, and other oral and visual related media.

Office

Places where office business is conducted relating to the internal functions of the immediate establishment or with other off-site businesses, but not including service to or access by the public. Includes business conducted with the public by certified, licensed, registered, or trained professionals such as insurance agents, lawyers, architects, real estate agents, accountants, and tax return preparation.

Personal services, general⁷⁰⁸

An establishment that provides repair, care, maintenance or customizing of wearing apparel or other personal articles or human grooming services and includes such uses as beauty/barber shops, shoe repair, dry cleaning outlets, alterations, tanning salons, weight reduction centers, small appliance or household article repair shops.

Retail Sales

Uses in this category are involved in the sale, lease, or rent of new or used products directly to the general public, but not specifically or exclusively for the purpose of resale. Any outdoor display or sale is subject to the standards in section 15.04.030A.3. Accessory uses may include offices, parking, storage of goods, and assembly, repackaging, or repair of goods for on-site sale.

Pawn shop

An establishment where money is loaned on the security of personal property pledged in the keeping of the business owner or operator. Accessory uses include the retail sales of primarily used items after the property securing the loan becomes the property of the business owner or operator.

Retail sales, general

Retail sales conducted in a single structure, or series of attached structures.

Retail sales, marijuana establishment or store⁷⁰⁹

A facility licensed by the city and state to operate in the city as a retail marijuana store, or a co-located retail marijuana store and medical marijuana center, that distributes, dispenses, displays, sells, or otherwise provides marijuana to consumers, patients, or caregivers as authorized pursuant to section 16 of article XVIII of the Colorado Constitution and other applicable state law.

Lodging Facilities

This category includes for-profit facilities where lodging, meals, and other services are provided to transient visitors and guests for a defined period, less than 30 days at a time.

Bed and breakfast⁷¹⁰

A detached dwelling that provides sleeping accommodations for hire, for 30 days or less, on a day-to-day basis, with one or more meals per day included and a manager or owner residing on the premises.

⁷⁰⁸ Renamed from “personal service shop.”

⁷⁰⁹ Consolidated draft: New. From chapter 6.70.

⁷¹⁰ Renamed from “bed and breakfast establishment.”

Hotel⁷¹¹

A commercial establishment containing guest rooms for temporary occupancy by persons on an overnight basis, not including bed and breakfast establishments or boarding and rooming houses. A hotel may include additional services such as restaurants, meeting rooms, entertainment, and recreational facilities.

Short term rental

A rental for less than 30 days of an entire dwelling or individual room in an owner occupied dwelling.

Dwelling, primary

Regarding short term rentals, the permittee's primary dwelling, where the permittee lives the majority of a calendar year.

Dwelling, second or investment

A property owner(s) second or investment dwelling, where the owner(s) does not live there or live there for the majority of a calendar year.

Vehicles and Equipment

Uses in this category include a broad range of uses for the maintenance, sale, or rental of motor vehicles and related equipment. Accessory uses may include incidental repair and storage and offices.

Car wash⁷¹²

A structure, including portable or mobile units, designed for washing and/or cleaning of motor vehicles, involving self-service and coin-operated machines.

Equipment sales, rental, and repair

The sales, rental, or repair of supplies and equipment either intended for homeowner use and minor residential gardening and construction projects, or heavy equipment. Accessory uses include outdoor display of equipment and/or merchandise.

Heavy equipment

Large equipment primarily for intended for use by construction, general, landscaping, or industrial contractors, including, including but not limited to hoists, lifts, forklifts, and commercial capacity generators and compressors, but not including car or truck rentals.

Parking lot or garage

A surface parking lot or a multi-level structure to be used for the temporary storage of operable vehicles, and available to the public, whether for compensation or for free. This use type does not include off-street parking that is provided as accessory to principal use.

Vehicle fueling station

An establishment providing sales of vehicle fuel and charging stations that may also provide minor repair services such as lubrication, oil and tire changes, but not including vehicle bodywork or painting, or major repair of engines or drive trains.

⁷¹¹ Renamed from "hotels, motels."

⁷¹² Alternative for attended washes: "A structure designed primarily for washing and/or cleaning of motor vehicles on an assembly line basis, utilizing manual labor provided by the owner, operator or manager, in conjunction with automatic or semi-automatic type equipment, and providing for payment of fees as distinguished from coin-operated completely-automatic equipment."

Vehicle repair and maintenance

A facility for repair or reconditioning of any type of motorized vehicle. This definition includes storage, repair including major repairs, and servicing of motor vehicles. Accessory uses include retail sales and installation of parts and accessories such as tires, mufflers, and fluids.

Vehicle sales and rental⁷¹³

Rental of automobiles and light trucks only, including storage and incidental maintenance, but excluding maintenance requiring pneumatic lifts. "Light trucks" mean a motorized vehicle with a manufacturer-defined "curb weight" (fully-fueled vehicle weight with no passengers or cargo) of three tons (6,000 pounds) or less.

Vehicle sales, used

An establishment operated by a nonfranchised or independent dealer, and is engaged in the business of selling used motor vehicles. A "used motor vehicle" is a vehicle that has been sold to a retail customer for purposes other than resale.

Adult Entertainment Establishments

Adult or sexually-oriented business⁷¹⁴

An adult arcade, adult bookstore, adult novelty store, adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, or an adult model studio, as those terms are defined below:

1. Adult arcade means any place to which the public is permitted or invited, wherein coin-operated, token-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are regularly maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by their emphasis upon matters exhibiting "specified sexual activities" or "specified anatomical areas."
2. Adult bookstore, adult novelty store, or adult video store means a commercial establishment that has as a significant or substantial portion of its stock-in-trade, or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising, or maintains a substantial section of its sales or display space for the sale or rental, for any form of consideration, of any one or more of the following:
 - a. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, videocassettes, compact discs, slides, or other visual representations, characterized by their emphasis upon the exhibition or display of "specified sexual activities" or "specified anatomical areas"; or
 - b. Instruments, devices or paraphernalia designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of the user or others.
3. Adult cabaret means a nightclub, bar, restaurant, or similar commercial establishment that regularly features:
 - a. Persons who appear in nude or semi-nude; or
 - b. Live performances characterized by the exposure of specified anatomical areas; or

⁷¹³ Renamed from "motor vehicle rentals."

⁷¹⁴ Renamed from "adult or sexually oriented business uses."

- c. Films, motion pictures, videocassettes, slides or other photographic reproductions characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas."
4. Adult model studio means a commercial establishment that regularly features a person (or persons) appearing nude or semi-nude to be observed, sketched, drawn, painted, sculptured, or photographed by other persons who pay money or any form of consideration, but shall not include a proprietary school licensed by the State of Colorado or a college, junior college or university supported entirely or in part by public taxation; a private college or university that maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.
5. Adult motel means a hotel, motel, or similar commercial establishment, that offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, videocassettes, slides, or other photographic reproductions characterized by the exhibition or display of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right-of-way that advertises the availability of this type of photographic reproductions; and either:
 - a. Offers a sleeping room for rent for less than ten hours, or
 - b. Allows a tenant or occupant of a sleeping room to sublease or sublet the room for less than ten hours.
6. Adult motion picture theater means a commercial establishment where, for any form of consideration, films, motion pictures, videocassettes, slides, or similar photographic reproductions are regularly shown that are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."
7. Adult theater means a theater, concert hall, auditorium or similar commercial establishment that regularly features persons who appear nude or semi-nude, or live performances characterized by the exposure of "specified anatomical areas."

F. Industrial Uses

Manufacturing and Processing

Uses in this category include all transformative processes, regardless of whether or not the new product is finished or semi-finished. This use category includes firms involved in the manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, constructed, raw, secondary, or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, such activity is a subordinate part of sales. Relatively few customers come to the manufacturing site. Accessory activities may include retail sales, offices, cafeterias, parking, employee recreational facilities, warehouses, storage setbacks, repair facilities, truck fleets, and caretaker's quarters.

Artisanal manufacturing

The making or fabrication of products either by hand or with minimal automation and may include direct sales to consumers. This definition includes uses such as small-scale fabrication, manufacturing, and other industrial uses and processes typically not permitted in residential or mixed-use zoning districts.

Light industrial⁷¹⁵

Research and development facilities, testing laboratories, and manufacturing, production, and fabrication of products, excluding hazardous materials and substances, where the impacts such as noise, odors, light, vibration, etc. are contained to the building space where the use is located. Light industrial uses occur indoors, expect for storage meeting accessory use standards.

Medium industrial

Research and development facilities, testing laboratories, and manufacturing, production, and fabrication of products, excluding hazardous materials and substances, where the impacts such as noise, odors, light, vibration, etc. are contained on the property where the use is located. The majority of medium industrial uses occur indoors.

Oil and gas well operation

Exploration for oil and gas, including the conduct of seismic operations and the drilling of test bores; the siting; drilling; deepening, recompletion, reworking, or abandonment of an oil and gas well, or gas storage well; production operations related to any such well including the installation of flowlines and gathering systems; the generation, transportation, storage, treatment; and any construction, site preparation, or reclamation activities associated with such operations.

Oil and gas well facility

Equipment or improvements used or installed at an oil and gas well location for the exploration, production, withdrawal, gathering, treatment, or processing of oil or natural gas.

Recycling facility⁷¹⁶

An outdoor or indoor facility where recyclable material is collected, separated, and processed for shipment to a recycling plant or other facility for eventual reuse into new products. May also include a facility where recyclable material is recycled, remanufactured, and/or treated for reuse or production of new products. This use does not include vehicle salvage yards.

Wholesale or research nursery or greenhouse

The growing, storage, and sale of garden plants, shrubs, trees, or vines for wholesale trade, including incidental retail sales.

Storage and Warehousing

Uses in this category are engaged in the storage or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present. Accessory uses may include offices, truck fleet parking, and maintenance areas.

Commercial short-term storage of inoperable vehicles

Any lot or piece of land, including buildings, at which unregistered motor vehicles not for retail sale to the general public are stored awaiting transfers of vehicle title or at which registered motor vehicles are impounded awaiting reclamation by their owners or transfers of vehicle title resulting from failure of reclamation by the owners. This term shall not include any vehicle dismantling or scrap metal processing and shall be distinguished from "parking lot" and "parking garage."

⁷¹⁵ Revised to clarify that these uses occur indoors primarily.

⁷¹⁶ Clarified that the center can be indoors or outdoors.

Commercial storage of boats, trailers, recreational vehicles, or other operable motor vehicles, or equipment

A location that serves as a parking or storage depot for freight moving motor vehicles and trailers, including any maintenance or repair facilities related thereto. This term shall not pertain to accessory off-street loading berths.

Contractor's shop

An establishment that provides a trade service including, but not limited to, plumbing, carpentry, glass/glazing, welding, sheet metal, electrical and roofing services. May include construction contractor's offices.

Self-storage warehouse

A facility providing small, enclosed storage bays of varying sizes for the storage of a customer's goods or wares without the provision of utilities (other than lighting) or the use or operation of the items stored. All units shall be completely separated from other units and shall have separate and independent entrances. This use includes the incidental rental of moving trucks and accessories for self-storage customers, but does not include rental of vehicles or equipment to other users.

Warehouse or storage facility for business and consumer goods

A facility, engaged in storage, wholesale, and distribution of manufactured products, supplies, and equipment, excluding self-storage warehouse and bulk storage of materials that are inflammable or explosive or that create hazardous or commonly recognized offensive conditions.

Wholesale trade

On-premises sale of goods to customers engaged in the regular business of reselling the goods.

Transportation

Uses in this category are primarily associated with the operation of motor vehicles, trains, and boats.

Airport and associated uses⁷¹⁷

The entire Vance Brand Airport property, including areas used for the landing or takeoff of aircraft, and any appurtenant areas, which are intended for use as airport buildings or other airport support facilities. Such facilities may include land and buildings necessary or convenient for the accommodation of the public, whether or not such members of the public are engaged in transportation by air, including, but not limited to, parking, dining and hotel facilities.

Bus, railroad, or public transit terminal

A facility where patrons wait for and board public modes of transportation or transfer from one mode to another, where tickets may be sold and related accessory vehicle maintenance is provided. Such facility does not include bus shelters, benches, or park and ride only facilities.

Transportation depot, trucking terminal, or distribution center⁷¹⁸

A building or area used primarily for the receipt, short-term storage, and dispatching of goods and materials transported by trucks or rail, including express and other mail and packing distribution facilities.

⁷¹⁷ Renamed from "airport."

⁷¹⁸ Renamed from "transportation depots, trucking and rail terminals, distribution centers."

G. Public and Semi-Public Utility Uses

Energy and General

This category includes all lines, buildings, easements, passageways, or structures used or intended to be used by any public or private utility related to the provision, distribution, collection, transmission, or disposal of power, oil, gas, water, sanitary sewage, communication signals, or other similar services at a local level.

Alternative energy production

Equipment or activities used for the collection of solar, wind, or geothermal energy or its conversion to electrical energy for use on the same property, or for incidental sale to a public utility, when that equipment or activity is accessory to a principal use of the property.

Essential municipal and public utility uses, facilities, services and structures

The construction, alteration, or maintenance of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for providing adequate service by such utilities or municipal departments having the power of eminent domain, for the public health or general welfare.

Essential municipal facilities also include law enforcement and fire and emergency training facilities owned and operated by the City of Longmont. This definition does not include buildings, outdoor storage yards, transfer stations, power transmission tower lines, and other similar uses not primarily serving the city.

Water/wastewater treatment plant

An establishment to treat water or wastewater from a defined service area, and that typically has employees at the site, including but not limited to water treatment plants, sewage treatment plants and sewage disposal plants

Wireless Telecommunications Facilities⁷¹⁹

A facility consisting of antennas and accessory equipment used for the reception, switching, and/or transmission of wireless telecommunication services, including, but not limited to, paging systems, enhanced specialized mobile radio, personal communications services, cellular telephone, wireless internet services, and similar technologies utilizing frequencies authorized by the Federal Communications Commission.

Alternative tower structure

An innovative wireless telecommunications tower design such as an artificial tree, clock tower, grain silo, bell tower, false chimney, steeple, light pole, flag pole, windmill, and similar design mounting structures that camouflage or conceal the presence of wireless telecommunications antennas or towers. Alternative tower structures may also include utilization of a traffic signal street light pole, or similar structure within a public right-of-way or freestanding structure.

Amateur radio facility

A facility that is designed to transmit and receive radio frequency for the purposes of private recreation.

⁷¹⁹ Renamed from “wireless telecommunication facility.”

Building or structure mounted wireless telecommunication facility

Means a wireless telecommunication facility with the antennas located on the wall of a building or on the side of a structure, and consisting of antennas, support structures and accessory equipment.

Lattice Tower

A freestanding, self-supporting framework tower which may be used for the transmission of electricity or radio broadcasts and as support for wireless telecommunications. Lattice towers may or may not be guyed.

Monopole

A structure composed of a single spire used to support telecommunications equipment having no guy wires or ground anchors.

Rooftop-mounted wireless telecommunication facility

A wireless telecommunication facility with the antennas located on the roof of a building or on top of a structure and consisting of antennas, support structures and accessory equipment, but are adequately screened so as not to appear as stand-alone devices above the top of the roofline.

Small cell facilities

a wireless telecommunication facility that may consist of one or more radio receivers, antennas, interconnecting cables, power supply, other associated electronics, and accessory equipment, which are attached to a structure and meet the parameters in subsections (a) and (b). For purposes of these definitions, volume is a measure of the exterior displacement, not the interior volume of the enclosures. Antennas or accessory equipment concealed from public view in or behind an otherwise approved structure or concealment are not included in calculating volume.

1. Small cell antenna: Each antenna shall be no more than three cubic feet in volume.
2. Small cell accessory equipment: Each equipment enclosure shall be no larger than 17 cubic feet in volume. Associated conduit, mounting bracket or extension arm, electric meter, concealment, telecommunications demarcation box, ground-based enclosures, battery back-up power systems, grounding equipment, power transfer switch, and cut-off switch may be located outside the primary equipment enclosure(s) and are not included in the calculation of equipment volume.

Wireless mesh networking facility

Low-powered telecommunication devices including nodes, wireless access points (WAPs) and repeaters which are part of a decentralized internet backbone system or wireless local area network (LAN) intended to deliver telecommunications and internet services to small areas within a larger network coverage area. These facilities operate on the 802.11 family of protocols and range in frequencies from 2.4 GHz to five GHz.

H. Accessory Uses and Structures

Accessory dwelling unit⁷²⁰

A second dwelling unit either within or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main dwelling, for use as a complete, independent living facility with provision for cooking, eating, sanitation, and sleeping.

⁷²⁰ Renamed from “dwelling, accessory unit.”

Automated teller machine (ATM)

A mechanized device that provides banking and other electronic services (e.g., postage stamp sales), which is operated by a financial institution for the convenience of its customers.

Cafeteria or dining hall, accessory

A coffee shop, snack bar, tea room, cafeteria, or similar uses operated primarily for the convenience of and for service to the students, patients, residents, guests, or employees occupying the building containing a different primary use.

Day care center or private school accessory to a permitted religious assembly use

A day care center or school that is subordinate to the principal use of land as a permitted religious assembly use.

Dwelling unit for owner, caretaker, or employee

A subordinate dwelling unit intended for an employee or owner who looks after or takes charge of goods or property. The unit shall be either inside or attached to a main structure by a common wall. The unit is a complete, independent living facility with provisions for cooking, eating, sanitation, and sleeping.

Flagpole

A permanent structure intended to hold and display a flag.

Home occupation

An accessory use of a dwelling unit (or of an accessory structure allowed on a residential lot) for gainful employment of the residents of the dwelling unit, which use does not change the essential residential character or appearance of the dwelling unit.

Livestock uses

Animals commonly regarded as farm animals, including but not limited to, cattle, horses, goats, llamas, ostriches, and sheep, but excluding pet animals such as rabbits, poultry, and domestic fowl.

Outdoor sales, display of merchandise, or other activity

The display and sale (or rental) of products and services primarily outside of a building or structure that houses an existing, licensed business including, but not limited to, vehicles, garden supplies, gas, tires, motor oil, food and beverages, boats and aircraft, farm equipment, motor homes, burial monuments, building and landscape materials, and lumber setbacks. Such uses are part of or related to the principal use, and shall not exceed 10 percent of the gross floor area of the principal structure.

Recycling collection point

An accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable material.

Residential garages and carports

A residential accessory building or portion of a building that is intended or used primarily for the storage of motor vehicles, and which is enclosed in such a manner that the stored or parked motor vehicle is either contained entirely within the building or under a permanent roof.

Retail sales, accessory

The display and sale (or rental) of products subordinate to a lawful principal permitted or special on-site use.

Satellite dishes and antennas

Any antenna and related supporting framework that includes a parabolic dish with either an open mesh or solid surface and which is used for the capture of electromagnetic or other communication signals. This term shall not include radar devices.

Solar energy system

Any device or structural design feature whose primary purpose is to provide daylight for interior lighting or provide for the collection, storage, or distribution of solar energy for space heating, space cooling, electricity generation, or water heating.

Solar energy system, roof-mounted

A solar energy system that is structurally mounted to the roof of a building or structure.

Solar energy system, small scale ground mounted

A solar energy system that is structurally mounted to the ground occupying less than 1,750 square feet and is not roof-mounted.

Urban agriculture

Uses that support food production, cultivation, distribution, and processing at an urban scale, excluding livestock except as allowed in the municipal code. Examples include, but are not limited to, personal gardens, community gardens, greenhouses, hoopouses, and CSA distribution sites.

Vehicle wash bay

An area or structure equipped with facilities for washing one automobile at a time.

Wind turbines

The use of land for wind energy turbines, wind chargers, windmills, and related accessory equipment such as utility lines and battery banks, in a configuration necessary to convert the power of wind into mechanical or electrical energy.

I. Temporary Uses

Mobile retail food establishment

Retail food establishment that reports to and operates from a commissary and is readily moveable, is a motorized wheeled vehicle, or a towed wheeled vehicle designed and equipped to serve food.

Pushcart

A non-self-propelled vehicle limited to serving commissary prepared or prepackaged food and non-potentially hazardous food unless the equipment is commercially designed and approved to handle food preparation and service.

Retail mobile food vending

Sales of commissary prepared or prepackaged food from a mobile retail food establishment or pushcart.

Seasonal and holiday sales

Sales of seasonal items such as Christmas trees, farm produce and fireworks otherwise allowed by the Municipal Code, but not including, retail sales of household goods, such as furniture, carpets, art work/paintings, or similar items.

Temporary event

Temporary commercial or festive activity or promotion at a specific location, which takes place typically no more than once per year including, but not limited to, carnivals, circuses and festivals.

15.010.020 All Other Terms Defined

Access road

A street, right-of-way, or easement adjacent to a highway or arterial, separated from such highway or arterial by a landscaped median or a dividing strip and providing ingress and egress to abutting properties.

Adequate public facilities (APF)

The public facilities and services necessary to maintain the adopted level of service standards.

Adverse impact or effect

Any of the following:

1. A condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or on off-site property or facilities.
2. A condition that creates, imposes, or leads to a nuisance on a site proposed for development or on off-site property or facilities.
3. A condition that creates, imposes, aggravates, or leads to a negative aesthetic condition on a site proposed for development or on off-site property or facilities. For example, a proposed building that blocks a scenic view corridor or a commercial building whose height and mass is out of scale and proportion with adjacent residential buildings

Affordable housing

Affordable owner housing and affordable rental housing, as defined below:

1. **Affordable master lease.** A lease between the owner of a rental housing project and a non-profit entity for one or a number of affordable rental units which provides that the master lessee may sublease the unit or units as affordable rental housing.
2. **Affordable owner housing.** A dwelling unit sold for occupancy to a homeowner whose income is 80 percent or less of the current median family income by family size for the Boulder-Longmont area, as determined and set by the U.S. Department of Housing and Urban Development, as updated annually, and sold for a specific sales price. The sales price shall be determined by a formula that shall be approved by the city council and updated annually by the Longmont Community Development Block Grants (CDBG) Coordinator. The income limits and sales prices shall be updated annually as soon as HUD releases the median income updates and shall be made available to the public immediately thereafter by inclusion in the city's affordable housing program guidelines and information and through the city's CDBG office, planning division and building inspection division.
3. **Affordable rental housing.** A dwelling unit for occupancy by a tenant whose income is 50 percent or less of the current median family income by family size for the Boulder-Longmont area, as determined and set by the U.S. Department of Housing and Urban Development, as updated annually, and monthly rental prices, including utilities paid by the tenant, shall not exceed those determined and set by the Colorado Housing and Finance Authority, updated annually, and that are affordable at or below 50 percent of the area median income by number of bedrooms in the rental unit. The income limits and applicable rents shall be reviewed and updated annually as soon as HUD releases the median income updates and shall be made available to the public immediately thereafter

by inclusion in the city's affordable housing program guidelines and information and through the city's CDBG office, planning division and building inspection division.

Alley

A minor or secondary right-of-way that provides only a secondary means of access to abutting property and that is used primarily for vehicular service to the back or side of properties that otherwise front on a street.

Alter or alteration

Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress or egress, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

Annexation

To bring land into the territorial jurisdiction of the City of Longmont and to establish zoning for the property.

Appeal

A request for review by a higher authority of the final decision made by the decision-making body on an application for development or land use change.

Applicant

Any of the following parties with a connection to a property that is the subject of a requested procedure under this development code:

1. The record owner(s) of the subject property or the owner of subsurface oil and gas or leasehold interest therein;
2. The city or other quasi-governmental entity;
3. The developer of the subject property;
4. A purchaser of the subject property under a sale; or
5. The duly authorized agent of the owner(s).

Area underdrain

A pipe installed to intercept or drain groundwater, but not located around the footing, foundation, or basement of a building, dwelling or structure.

Bank, river or stream

The boundary along a stream or river at the high-water mark.

Beneficial use determination

A procedure intended to provide an applicant with relief from substantial economic hardship arising from the application of this development code to private property located in the City of Longmont.

Berm

A constructed undulation in terrain within the landscape.

Bike path

A path constructed to accommodate bicyclists, and includes each of the following:

1. *Bike lane* —A portion of a street that has been designated by striping, signing and pavement markings for the preferential or exclusive use of bicycles. Most often implemented on Longmont's collector streets, and selected arterials.

2. *Bike path* —A path constructed to accommodate bicycles, physically separated from motorized vehicle traffic. Also called bicycle/pedestrian path or shared use path due to the multiple-use function of such facilities.
3. *Shared roadway* —A roadway that is open to both bicycle and motor vehicle travel. May be an existing street, street with side curb lanes or road with paved shoulders.

Block

A unit of land bounded by streets or by a combination of streets and public lands, railroad rights-of-way, waterways, or any barrier to continuity of development.

Block face

The properties abutting on one side of a block.

Boundary/lot line adjustment

A change in lot or parcel boundaries that does not create additional lots, parcels, or building sites for any purpose (can apply to platted or unplatted lands).

Buffer

The use of open space, architecture, or landscape materials to minimize the visual and noise impacts of development.

Building permit

A permit to allow construction, alterations, or expansions of buildings, as set forth more specifically in the building code, as adopted by the City of Longmont.

Building height⁷²¹

The vertical distance measured from the average finished grade at the center of all walls of the building to the top of the highest part of the building.

Building perimeter underdrain

A pipe installed around the footing, foundation, or basement to drain groundwater away from a building, dwelling or structure.

Chain-link fence

A fence composed of wire mesh, typically forming woven squares approximately two inches in width.

Cluster lot subdivision or development

A subdivision or development design technique that concentrates buildings in specific areas on a site to allow the remaining land to be used for recreation, common areas, or preservation of environmentally sensitive or agricultural areas.

Commission

The planning and zoning commission (P/Z) of the city.

Common areas

Open areas within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and their guests, and may include such complementary structures and improvements as are necessary and appropriate.

1. Common areas may include trail areas, gardens, pocket parks, scenic areas, buffer areas, or similar common areas.

⁷²¹ New simplified approach to measuring building height.

2. Common areas may also include active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses.

Comprehensive plan⁷²²

The adopted comprehensive plan for the Longmont area, as amended.

Complete application

An application required by this Code that is submitted in the required form, includes all submittal information, including all items or exhibits specified by the planning director during a pre-application conference, and is accompanied by the applicable fee.

Concept plan

A general development plan identifying land use, development density/intensity, major transportation/circulation systems, utility systems, relationship to adjacent properties, and special treatment areas. A concept plan is required in conjunction with all annexation and original zoning (section 15.02.050.A) and rezoning (section 15.02.050.H) requests unless otherwise specifically excepted.

Conditional use site plan

A specific development plan for a lot(s) or parcel(s) in sufficient detail to facilitate evaluation of the proposal for conformance to conditional use criteria and applicable development standards.

Contextual setbacks⁷²³

The method of determining setbacks based on the mean average of existing front setbacks of buildings located on the same and facing block as a proposed development instead of the minimum required setbacks for the applicable underlying zoning district.

Conveyance plat

A subdivision for the sole purpose of conveyance that does not create new lots or building sites for the purpose of development.

Curb

A stone, concrete, or other improved boundary usually demarcating the edge of a street, parking lot, or other paved area.

Curb cut

The opening along the curb line at which point vehicles or pedestrians may enter or leave the street, parking lot, or other paved area.

Cutoff

The point at which all light rays emitted by a lamp, light source, or luminaire are completely eliminated (cut off) at a specific angle above the ground.

Cutoff angle

The angle formed by a line drawn from the direction of light rays at the light source and a line perpendicular to the ground from the light source above which no light is emitted.

Decision-making body

The entity (typically the city council, planning/zoning commission, board of adjustment, or planning director or other administrative staff) authorized to approve or deny an application or permit required under this development code.

⁷²² Revised to exclude reference to LACP.

⁷²³ New definition.

Dedication

Conveyance of an interest in real property to the city for public use or benefit. Unless the extent of the property interest is expressly stated, as when an easement is specified, any dedication, including any dedication of "right-of-way" or "ROW", is a transfer to the city of fee simple absolute title to such property, without reservations. Any statement of dedication on a final plat shall be construed in this way.

Desirable tree

An allowed tree that is in good health, with good form, and minimal to no disease or decay.

Development agreement

A bilateral contract between an applicant or developer and the City of Longmont in connection with any discretionary development approval, including without limitation rezoning, subdivision, or PUD development or zoning approval. Development agreements may include provisions clarifying the phasing of construction, the provision of infrastructure, reimbursement for oversized infrastructure, vesting of property rights for periods beyond the three-year statutory term, assurances that adequate public facilities (including roads, water, sewer, fire protection and emergency medical services) will be available as they are needed to serve the development, and mitigation of anticipated impacts of the development on the general public.

Development review committee (DRC)

A committee consisting of representatives from the planning and development services, fire, public works and natural resources, Longmont power and communications departments of the city, and any other applicable city department and that is responsible for staff review of development applications.

Drainage or detention facility

A facility for storage of excess storm runoff.

Drainage or detention facility or area

A facility for storage of excess storm runoff.

Driveway

An improved and maintained way providing vehicular access from the public street to a parking area or to dwellings or other uses.

Environmental site assessment

An evaluation of the environmental condition of property consisting of the following three phases:

1. *Phase I assessment* shall, at a minimum, consist of physical examinations and review of historical ownership of the property and adjacent property, as stated in the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process, designation E 1527-00, and culminate in a written report of findings, including a recommendation on whether a Phase II assessment is necessary.
2. *Phase II assessment* shall, at a minimum, consist of a physical examination of the property, and adjacent property if feasible, including an examination of any facilities, processes and practices thereon; such physical examination shall include any tests and samplings of soil, water, air, vegetation, facilities or any improvements as required by the city as a result of information provided in the Phase I assessment to determine the presence or absence of hazardous substances on the property. A Phase II assessment shall comply with the American Society for Testing and Materials (ASTM) Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process, designation E 1903-97. This phase shall culminate in a written report of findings on any testing and sampling

- results as well as a recommendation on whether any remediation is necessary, and, if so, a description thereof. The reporting shall be subject to compliance with federal, state and local regulations or requirements.
3. *Phase III assessment* shall, at a minimum, consist of remediation of hazardous substances on the property as recommended by a Phase II assessment, subject to compliance with federal, state, local, and city regulations or requirements.

Fair contribution for public school sites

Land dedication or conveyance for public school sites, or payments in lieu of land dedication or conveyance for public school sites, that will provide a portion of the land for public school sites that growth in residential development and construction of residential dwellings necessitate.

Feather flag

A temporary fabric sign intended to be inserted directly into the ground or into a mounting device that sits on the ground, often with a feather-like shape. Other common names for feather flags include blade flags, sail flags, quill flags, and flutter flags. (Figure 10.1)

Figure 10.1: Feather Flag



Fence or wall

An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Final plat

A map of a land subdivision prepared according to applicable state laws and this development code, showing geometric detail for all lots, rights-of-way, easements, intersections and boundaries and other information as required by the development procedures, to establish survey monuments and permit precise lot line locations after recordation.

Fixture

A complete lighting unit consisting of a lamp or lamps and the parts designed to distribute the light, position and protect the lamp(s), and connect the lamp(s) to the power supply. (Also referred to as a luminaire.)

Flag⁷²⁴

A piece of material used as a symbol, decoration, or message that is attached on only one of its sides to a building, pole, or other outdoor structure.

Footcandle (fc)

A measure of illuminance in lumens per square foot. One footcandle equals 10.76 lux.

Full cutoff luminaire

An IESNA classification that describes a luminaire having a light distribution in which zero candela intensity occurs at or above an angle of 90 degrees above nadir. Additionally, the candela per 1,000 lamp lumens does not numerically exceed 100 (ten percent) at or above a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.

Glare

The sensation produced by luminance within the visual field that is sufficiently greater than the luminance to which the eyes are adapted, potentially causing annoyance, discomfort, or loss in visual performance and visibility.

Grade

The average of the finished ground level at the center of all walls of a building.

Grading

Rearrangement of the earth's surface by stripping, cutting, filling, or stockpiling of earth or land, including the land in its cut or filled condition, to create new contours or grades.

Grading permit

A written permit issued by the city to allow grading or any other land disturbing activity, as set forth more specifically in this development code and the Longmont Municipal Code.

Heat island effect⁷²⁵

Developed and/or built up areas in the city that are hotter than undeveloped or rural areas due to the sun's effect on dry exposed surfaces such as roofs and pavement and other human-related activities. Heat islands typically occur during the day and at night, and are stronger during the summer months. Shaded and moist areas tend to remain closer to surrounding air temperatures.

High-water mark

The line on the bank of a stream, river, lake, or impoundment to which the high water ordinarily rises annually in seasons, as indicated by changes in the characteristics of soil, vegetation, or other appropriate means taking into consideration the characteristics of the surrounding areas. Where the ordinary high-water mark cannot be found, it shall be presumed to be the edge of vegetation growing along the channel bank. In braided channels, the ordinary high-water mark is measured to include the entire stream feature.

Illuminance

The amount of light incident on a surface area. Illuminance is measured in footcandles (lumens/square foot) or lux (lumens/square meter). One footcandle equals 10.76 lux.

Important plant or wildlife species

The following:

⁷²⁴ Replaces current definition to remove content-based standards.

⁷²⁵ New.

1. Federally Threatened and Endangered Species; State of Colorado Threatened and Endangered Species;
2. State of Colorado Species of Concern as identified in the document, Colorado's Natural Heritage: Rare and Imperiled Animals, Plants and Natural Communities, April 1996, Volume 2, No. 1, as amended; or
3. Animals and plants of special concern or any other species identified as in need of protection in the Comprehensive Plan or other city plan or policy document, including but not limited to black-tailed prairie dogs.

Improvement

A valuable addition made to property (usually real estate) or an amelioration in its condition, amounting to more than mere repairs or replacement, costing labor or capital, and intended to enhance its value, beauty or utility or to adapt it for new or further purposes. Generally has reference to buildings, but may also include any permanent structure or other development, such as a street, sidewalks, sewers, utilities, etc.

Infill

The development of a parcel of land adjacent to platted lots or developed parcels along at least two-thirds of its perimeter, and where water, sewer, electric, gas, and phone utilities and street access are adjacent to the parcel and other public services and facilities are available nearby.

Land disturbing activity

Any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

Landscape area

An area comprised of any combination of living plants, inorganic material such as rocks or stones, and architectural features including but not limited to fountains, pools, art works, screen walls, fences, street furniture and ornamental concrete or stonework.

Landscape material

Any combination of living plants, inorganic material such as rock and stone, and architectural features including, but not limited to, fountains, reflecting pools, art works, screen walls, fences, street furniture, decks, and ornamental concrete or stonework but excluding principal structures and paved areas.

Landscaping

Preserving the existing trees, shrubs, grass, and decorative materials such as fences or walls on a lot, tract, or parcel of land, or the rearranging or modifying thereof by planting or installing more or different trees, shrubs, grass, or decorative materials.

Landscaping, established

Both the installation of the landscaping and its maintenance for the first two or more years on average, following installation.

Landscaping installation

Includes all landscaping materials, grading, watering system(s), labor and inspection.

Landscaping maintenance

The regular irrigation, weeding, fertilization, mowing, trash removal, and pruning of all landscaping; the treatment or repair of all diseased, insect-ridden, broken or vandalized landscaping; and the replacement of dead or irreparably damaged or diseased landscaping per standard industry practices.

Level of service (LOS)

1. In general terms, an indicator of the extent or degree of service provided by, or proposed to be provided by, a facility based on and related to the operational characteristics of the facility. Generally, "level of service" indicates the capacity per unit of demand for a public facility.
2. More specifically, in terms of transportation, "level of service (LOS)" shall mean a qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed, freedom to maneuver, traffic interruptions, comfort, convenience, and safety. LOS is usually expressed in terms of six levels, designated A through F, with A (free flow of traffic with minimum intersection delay) being the best, and F (forced flow, jammed intersections, long delays) being the worst.

Local street system

The interconnected network of local and collector streets that provides access to a residential development from an arterial street.

Lots

A parcel of land created through a subdivision plat with a separate legal description for purpose of conveyance or use.

Lot area

The total area within the property lines of the lot, excluding adjacent right-of-way.

Lot, corner

A lot that abuts two or more streets that intersect at one or more corners of the lot.

Lot, double-frontage

A lot abutting two non-intersecting streets, as distinguished from a corner lot.

Lot width

The distance parallel to the front lot line measured between side lot lines at the front setback line of a principal building.

Luminaire angle

The vertical (altitude) angle used in luminaire photometry to express the direction of the light output being measured. Light coming straight down is at 0 degrees (the nadir).

Mature tree

A tree typically planted in Colorado with a diameter at breast height (dbh) of eight inches or more.

Maximum extent feasible

No feasible and prudent alternative exists, and that all possible efforts to comply with the regulation or minimize potential harm or adverse impacts have been undertaken. Economic considerations may be taken into account but shall not be the overriding factor in determining "maximum extent feasible."

Maximum extent practicable

Under the circumstances, reasonable efforts have been undertaken to comply with the regulation or requirement, that the costs of compliance clearly outweigh the potential benefits to the public or would unreasonably burden the proposed project, and reasonable steps have been undertaken to minimize any potential harm or adverse impacts resulting from noncompliance.

Mixed-use development

A single building containing more than one principal permitted land use or a single development of more than one building containing more than one principal permitted land use. In a mixed-used development, the different types of land uses are in close proximity, planned as a unified complementary whole, and functionally integrated to the use of vehicular and pedestrian access and parking areas.

Natural area

Any of the following:

1. Streams, rivers, wetlands, and other bodies of water, including their associated riparian areas.
2. Areas characterized by significant stands of mature trees and vegetation.
3. Areas of topography characterized by steep slopes, erosion characteristics/geographic formations, high visibility from off-site locations, or the presence of rock outcroppings.
4. Any area identified as habitat, natural landmarks, or natural areas on the "Map of Wildlife and Plant Habitats, Natural Landmarks and Natural Areas" included in Boulder County's Comprehensive Plan, as amended.
5. Any land that qualifies as a "wetland" under the Federal Clean Water Act, regardless whether shown on any city or county map or inventory.

New development

A development application for a site with no existing principal structure(s) or use(s).

Nit

A unit of luminance equivalent to one candela per square meter.

Nonconforming lot

A lot that was legally established before becoming noncompliant with the dimensional standards that apply in the zoning district in which the lot is located.

Nonconforming sign

Any sign that was legally established before becoming noncompliant with the sign provisions of this development code.

Nonconforming site feature⁷²⁶

Any landscaping, buffer, screening, driveway, off-street parking or loading area, or outdoor lighting that lawfully existed before becoming noncompliant with the development standards in this development code.

Nonconforming structure

A structure or portion thereof, not including signs, legally erected before becoming noncompliant with the dimensional standards of this development code applicable to the zoning district in which the structure is situated.

Nonconforming use

The legal use of a structure or premises before becoming noncompliant with the use standards of this development code.

⁷²⁶ New.

Nonconformity

A nonconforming use, sign, lot, site feature, structure, or building.

Off-street loading spaces

A site or portion of a site devoted to the off-street loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-street parking spaces

A site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives, and landscaped areas.

Outlot

A remaining parcel platted in a subdivision but set aside for a specific purpose other than development, the purpose of which shall be shown on the face of the subdivision plat.

Overlay zoning district

A zoning district that encompasses one or more underlying zoning districts and that imposes additional or alternative requirements to that required by the underlying zoning district.

Parapet

An extension of the main walls of a building above the roof level, often used to shield or screen roof-top mechanical equipment and vents.

Park

Land area owned by the city that is developed and maintained for active or passive recreational use and is open for the general public's use and enjoyment. A "park" may, by way of example only, include public playfields, courts, and other recreation facilities, or may include greenways, water features, picnic areas, or natural areas.

Parking area

An off-street area, other than a street or alley, designed or used primarily for the temporary parking or storage of motor vehicles.

Parking space

A space for the parking of one motor vehicle in a public or private parking area.

Parking structure

A building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

Participation in public improvements

To contribute funds for the construction of a public improvement, or to construct the public improvement, or to reimburse another for the construction of public improvements, or to reimburse another for the costs of electric service territory transfer.

Perimeter fences and walls

Fences or walls that are 42 inches or more in height, and are placed within 50 feet of the edge of the right-of-way of an arterial or collector street. Fences or walls that have a surface area that is 25 percent or less opaque, hedges, or screens composed of living plant material, shall not be included in this definition of "perimeter fences and walls."

Planned unit development (PUD)⁷²⁷

A land area under unified control designed and planned to be developed in a single phase or a series of phases according to an approved final development plan.

Plaza/courtyard

A common area that is developed as a gathering space for active or passive recreation, entertainment, or other common use by the residents, guests, or customers of a mixed-use development.

Pocket park

A common area that is developed and maintained for active or passive recreational use by the residents of a neighborhood or development.

Primary access street

The street abutting a development that carries the most average daily traffic volume. If a development abuts two streets that have average daily traffic volumes within 20 percent of each other, the applicant shall designate for purposes of development review which street is the "primary access street."

Primary or principal entrance

The place of ingress and egress used most frequently by the public.

Principal building

A building or structure on a lot or parcel in which is conducted the primary permitted use, such use possibly occurring in more than one building or structure.

Primary greenway

A public right-of-way consisting of linear strips of land adjacent to creeks, rivers, ditches or roadways used for storm water drainage, passive and scenic open space and park purposes, and self-propelled transportation modes. Greenways provide connections between community and residential areas as described and designated by the comprehensive plan.

Principal use

The specific primary purpose for which a property is used. Any specific use listed in Table 4.1, Table of Allowed Uses established on a lot or parcel would generally be considered a "principal use" of such property.

Property

Any real property including any buildings or structures or improvements located thereon.

Property interest or interest in property

A right, claim, title, estate or legal share in property.

Property line

The legally described boundary line that indicates the limits of a parcel, tract, lot, or block to delineate ownership and setback requirements.

Property line adjustment

To move the location of a property or lot line without creating any new lots or parcels, provided the remaining parcels meet all applicable development code requirements.

⁷²⁷ May be revised to reflect updated procedures once that content is developed. For example, we may consider developing an Overall Development Plan to replace the Preliminary and Final Development Plan system.

Public hearing

A formal meeting held under public notice, intended to inform and obtain public comment.

Public improvement

Any facility that is within city right-of-way, on city property, or maintained by the city after final acceptance, including, but not limited to, streets, alleys, sidewalks, primary greenways, water and sewer lines, electric facilities, storm drainage facilities, arterial right-of-way landscaping and bikeways.

Public improvements agreement

An agreement executed by the city and an applicant guaranteeing the installation of, and participation in, specific improvements, including financial security for the improvements in conjunction with the execution of the agreement. A public improvements agreement is generally required before recording a final plat or site plan.

Redevelopment

To an application for site development where there are existing structures or site uses (other than vacant or agricultural uses) or structures existed before the development.

Registered neighborhood association

Any organization representing a defined geographic portion of the City of Longmont, and that has registered with the city.

Reserve strip

A strip of land designed to prevent or control access to a street.

Review body

The entity (typically the planning director or staff or the P/Z) that is authorized to review and recommend approval or denial of an application or permit required under this development code.

Rezoning

To change the zoning of a parcel of land, also referred to as an amendment to the official zoning map. Rezoning may require a land use amendment to the comprehensive plan.

Riparian area

The land areas adjacent to a stream corridor, wetlands, or other body of water that contain vegetation, habitats, and ecosystems associated with bodies of water or dependent on the flow of water in the adjacent stream, wetlands, or other water body. A riparian area will vary in width depending on the particular stream, wetlands, or other body of water.

Screening

The use of landscape materials to shield an area from view and to mitigate noise impact.

Secondary greenway

A right-of-way consisting of an eight-foot-wide pathway designed to provide open space connections between living areas and parks, schools, and primary greenways.

Secondary use

A use that is not intended to be a primary or predominant use in a zoning district.

Setback⁷²⁸

The distance between a lot line and closest projection of a building or structure along a line at right angles to the lot line. "Setback" areas are commonly referred to as "yards." Setback also refers to the horizontal distance (plan view) between the delineated edge of wetlands, stream/river corridors, riparian areas, or wildlife habitat and the closest projection of a building or structure.

Setback, front

The setback extending across the full width of the lot between the front lot line and the closest projection of a building or structure along a line at right angles to the lot line.

Setback, rear

The setback extending across the full width of the lot between the rear lot line and the closest projection of a building or structure along a line at right angles to the lot line.

Setback, side

The setback extending from the front setback area to the rear setback area between the side lot line and the closest projection of a building or structure along a line at right angles to the side lot line.

Shared parking

Joint use of a parking lot or area for more than one principal use.

Sign

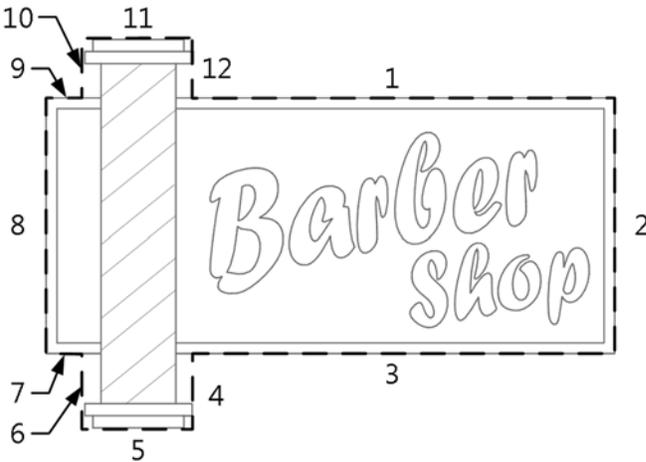
Any writing, pictorial representation, decoration, form, emblem, trademark, or any other figure of similar character, on any medium including projection of light, that is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

Sign area

The square footage of all that area within the outside dimension of the sign or cabinet containing the sign, not including support structures. In the case where letters or symbols are attached directly to a wall or structure with no other background, the sign area shall be the square footage contained within the smallest single continuous perimeter of no more than 12 straight lines. (Figure 10.2)

⁷²⁸ Excludes statement related to unobstructed space from ground to sky, since that is covered in the dimensional standards.

Figure 10.2: Sign Area Measurement



When a sign has two parallel display faces, the area of one face shall be the total sign area; however, when a sign has faces that are not parallel, the area of all faces shall be included in determining the total sign area. All riders or attachments to signs or sign structures, such as changeable sign displays, whether temporary or permanent, shall be included in determining the total sign area.

Sign structure

Any supports, uprights, braces or framework of a sign.

Sign, animated

A sign or any portion of a sign that changes position by movement or rotation or gives the illusion of such change of position.

Sign, awning

A sign that is painted, stitched, sewn or stained onto the exterior of an awning. An awning is a shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for the supporting framework.

Sign, banner

A sign made of fabric or other non-rigid material held in place by cables, which spans a street, alley, or other public place.

Sign, blade

A sign hanging or attached beneath a permanent roofed shelter, awning or canopy covering a sidewalk, driveway, or other similar area.

Sign, canopy

A sign affixed permanently to a roofed shelter attached to and supported by a building, by columns extending from the ground or by a combination of a building and columns.

Sign, changeable copy

A sign on which message copy can be changed through the use of attachable letters or numerals, or any sign which features automatic switching of sign face.

Sign, electronic message

An electronically changeable copy sign that displays a message or image using light-emitting diodes (LED), liquid crystal diodes (LCD), fiber optics, plasma or other illumination devices within the display area.

Sign, flashing/moving

Any sign other than an animated sign that incorporates:

1. Movement, either real or illusory, by mechanical, electrical or any other means; or
2. A change in intensity of brightness or color.

Sign, freestanding

A sign that is supported by one or more columns, poles, or a base attached to the ground.

Sign, historical

A legally approved sign designated by the city as a historical landmark.

Sign, illuminated

A sign that is illuminated with a constant light intensity.

Sign, inflatable

A sign that is inflated with air and sealed for display.

Sign, monument

A freestanding sign that is supported by a base attached to the ground specifically designed for the display of the sign.

Sign, off-premises

A sign advertising commerce not directly related to the property on which the sign is located.

Sign, portable

A sign that is capable of being carried or moved about, except wind signs.

Sign, projecting

A sign attached to a building and extending in whole or in part more than 15 inches horizontally beyond the wall surface of the building to which the sign is attached, excluding blade signs.

Sign, public

Any sign required by the local or state government, or signs erected by government agencies, utilities, the Longmont Downtown Development Authority (DDA), or special districts, including, but not limited to signs for traffic, schools, safety, railroad crossing, wayfinding, civic and special events, public notices, and other official and legal notices.

Sign, roof

A sign which is attached to the building for support and:

1. Is mounted on the roof of a building; or
2. Projects above the wall or false building front of a building with a flat roof; or
3. Projects above the eave line of a building with a gambrel, gable, hip, or mansard roof.

Sign, three-dimensional

A freestanding, wall, or projecting sign that consists of one or more three-dimensional objects such as balls, cubes, clusters or objects, or sculpture. (Figure 10.3)

Figure 10.3: Three-Dimensional Sign



Sign, transit stop

A sign located on a transit stop shelter or bench placed in the public right-of-way or on private property adjacent to a public right-of-way at a transit stop pursuant to a written agreement with the city containing the regulations for the size, placement, design, and materials used in the construction of such signs and shelters.

Sign, wall

A sign displayed upon or against the wall of an enclosed building with no part of the sign more than 12 inches from the wall. Any signs not contained within a similarly styled and colored cabinet or, if separate letters, not formatted to appear to be one sign or contain one message, shall be deemed separate wall signs.

Sign, wind

A sign consisting of one or more banners, pennants, ribbons, spinners, streamers, or other objects or material fastened in such a manner as to move upon being subjected to pressure by air or wind.

Sign, wind sock

A sign consisting of a vertical tube that moves with pressure from mechanically blown air.

Sign, window

A sign that is painted on, applied, or attached to a window or that can be read through the window from the public right-of-way.

Sign, yard

A non-permanent sign constructed of paper, vinyl, plastic, wood, metal, or other material that is intended to be displayed for a short period of time.

Site distance triangle

A triangular-shaped portion of land established at street intersections and street/driveway intersections in which nothing is erected, planted, or allowed to grow in such a manner as to limit or obstruct the sight distance of persons entering or leaving the intersections. Specifications for required sight distance triangles are found in the city standards⁷²⁹.

⁷²⁹ Currently says "city standards."

Site plan

A specific development plan for a lot, use, or building, specifying how the entire site will be developed including, but not limited to, building envelopes, uses, densities, open space, parking/circulation, access, drainage, building area, landscaping, and signs. Approval of a site plan means a proposed development complies with the standards and provisions of this development code and, consequently, the city may issue a building or grading permit to an applicant, assuming all other city standards and regulations have been satisfied.

Site-specific development plan⁷³⁰

Any of the following applications as defined in this development code, if designated by the applicant as a site-specific development plan for the establishment of vested property rights according to C.R.S. title 24, art. 68:

1. Final subdivision plat;
2. Site plans;

The site-specific development plan shall describe with reasonable certainty the type and intensity of use proposed for a specific parcel or parcels of property.

Slope

The ratio of horizontal distance (run) proportional to vertical distance (rise or drop) of a slope, such as a 4:1 slope having one foot of rise for every four horizontal feet.

Slope, steep

Slopes that are 6:1 or steeper.

Stream or river

For the purposes of this development code, any perennial stream or river (or portion thereof) that is portrayed as solid blue lines on the United States Geological Survey 7.5 Minute Quadrangle Maps, of the most recent edition.

Stream or river corridor

The corridor defined by a river's or stream's ordinary high-water mark, plus associated riparian areas. See definitions of "high-water mark" and "riparian area" above.

Street

A public way dedicated to the public for purposes of vehicular travel, including all area within the right-of-way.

Street, arterial

A street used primarily for faster traffic speeds or higher traffic volumes.

Street, collector

A street that collects local traffic and carries it to an arterial street.

Street, cul-de-sac

A street open at one end only, with a radius bulb for the turning around of vehicular traffic on the other end.

Street frontage

The linear footage of a parcel abutting a public street.

⁷³⁰ Did not carry forward final PUD development plan.

Street, local

A street used primarily for access to a limited area and that carries lower traffic volumes.

Street, no-outlet

A street with only one outlet.

Street segment

A portion of a street which is located between two street intersections, or between a street intersection and the end of a cul-de-sac or dead-end street.

Subdivider

Any individual, firm, association, syndicate, partnership, corporation, trust or any other legal entity who has a proprietary interest in the land sought to be subdivided and who commences proceedings under this code to effect a subdivision of land under this code for himself or herself or for any co-owners.

Subdivision

The act or result of dividing a lot, tract, or parcel(s) of land into two or more lots, plats, sites or other divisions of land for the purpose of sale or building development, either immediate or future.

"Subdivision" includes re-subdivision.

Subdivision, minor

Any of the following:

3. A subdivision of three or fewer lots;
4. Property line adjustments; or
5. A subdivision for the sole purpose of sale or conveyance ("conveyance plats").

Substantial economic hardship

A denial of all reasonable economic use of a subject property.

Temporary use

A use intended for limited duration and allowed in the applicable zoning district. "Temporary use" does not include continuing a nonconforming use as otherwise defined in this development code.

Treated water

Water processed by the Longmont municipal water utility.

Treatment facilities

Any plant, equipment or other works used for the purpose of treating, separating or stabilizing any substance produced from a water well.

Tree protection zone

An area surrounding the base of tree, generally circular in shape, within which neither construction activity nor physical development is permitted.

Underdrain collection system

A pipe collection system installed to collect the groundwater from building perimeter underdrains or area underdrains and to carry the groundwater to a point of discharge on the surface or into a storm sewer, or into a drainage channel.

Untreated water

Water not processed by the Longmont municipal water utility.

Uplight (up lit)

Light directed upward at greater than 90 degrees above nadir. The source of uplight can be a combination of direct uplight and reflected light.

Utility or lighting pole

An electric transmission or distribution pole, telephone pole, street light, traffic signal, parking lot light, athletic field light, utility support structure or other similar structure approved by the city.

Vacation of easement

To abandon publicly dedicated easements. When an easement is vacated, the right to use the land for the purpose established in the easement dedication is terminated. Easements that have been dedicated to the public may only be vacated by ordinance of city council.

Vacation of right-of-way

To abandon right-of-way dedicated to the public. When right-of-way is vacated, the ownership of the property reverts to the abutting properties as contemplated by state law. Rights-of-way that have been dedicated to the public may only be vacated by ordinance of city council.

Variance

A deviation or exception from the specific terms of this code that will not be contrary to public interest.

Vested property right

The right to undertake and complete the type and intensity of development and use of property under the terms and conditions of an approved site-specific development plan for a period of three years from the date of approval. Vested property rights may include the number and type of units or the type and amount of square footage of development described on an approved site-specific development plan, but shall not include any aspect of the site-specific development plan that does not directly affect the type or intensity of use, such as but not limited to signage, landscaping, streets, utilities, parking, or drainage.

Volume-to-capacity ratio (V/C)

A measure of the operating capacity of a roadway or intersection, in terms of the number of vehicles passing through, divided by the number of vehicles that theoretically could pass through when the intersection or roadway is operating at its designed capacity. A V/C ratio of 1.0 means the roadway or intersection is operating at capacity; if the V/C ratio is less than 1.0, the traffic facility has additional capacity.

Walkway

An off-street pedestrian path not in an arterial right-of-way or primary or secondary greenway.

Wetlands

An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Xeriscape or xeriscaping

Landscaping characterized by the use of vegetation and other landscaping materials that are drought-resistant or water-conserving.

Yard

See "setback."