Title 15 - LAND DEVELOPMENT CODE
FOOTNOTE(S):

--- (**1**) ---

State Law reference— Planning and zoning, C.R.S. § 31-23-101 et seq.

CHAPTER 15.01. - GENERAL PROVISIONS

15.01.010. - Title.

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."

(Code 1993, § 15.01.010; Ord. No. O-2001-78, § 1)

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.).

(Code 1993, § 15.01.020; Ord. No. O-2001-78, § 1)

15.01.030. - Purpose and intent.

The regulations of this development code are intended to implement the Longmont Area Comprehensive Plan and the community quality of life benchmarks, as amended, and more specifically are intended to:

A. Promote the public health, safety, convenience, comfort, prosperity, and general welfare;
B. Secure the safety of persons and property from fire, flood, and other dangers, and to secure adequate open spaces for light, air, and amenity;
C. Conserve and stabilize property values through appropriate land uses;
D. Protect private property rights as guaranteed by the Colorado and United States Constitutions;
E. 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;
F. 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;
G. Facilitate the efficient provision of adequate public facilities such as transportation, water, sewage disposal, drainage, electricity, public schools, parks, and other public services;
H. 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;
I. 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;
J. Conserve and enhance the architecture, history, pedestrian orientation, mixed use, and character of Longmont's central business district and main street core;
K. Conserve and enhance 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;
L. Encourage 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;
M. Encourage pedestrian and vehicular connections between residential neighborhoods and surrounding employment and shopping centers and community facilities such as parks and schools;
N. Encourage innovative and quality nonresidential 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;
O. Improve the aesthetics and design of all primary entrance corridors (gateways) to the city;
P. Manage overall community growth, including population and employment growth, to benefit the community and to encourage fiscally efficient and orderly development; and
Q. Encourage a balance of residential and nonresidential uses and development in the community so that future growth occurs in a fiscally prudent manner.

(Code 1993, § 15.01.030; Ord. No. O-2001-78, § 1; Ord. No. O-2006-66, § 2)

15.01.040. - Applicability and jurisdiction.

A. *Generally.* The provisions of 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. *Modifications of infill development, redevelopment and changes of use.* The decision-making body may modify applicable scenic entryway overlay standards, mixed use district standards, river, stream and wetland setbacks, common open space, landscaping, off-street parking, and residential and nonresidential design standards in this development code for infill development, redevelopment projects or changes of use where the applicant demonstrates and the city determines that the modification of a

standard is appropriate, desirable, or necessary and can be achieved without detriment to surrounding properties or neighborhoods, the natural environment or to the city's ability to provide services and maintain public facilities.

The decision-making body shall base its decision on the practicality or necessity of meeting a particular standard, taking into consideration the type, scope, or design of a proposed infill development, redevelopment or change of use, or existing conditions that reasonably preclude compliance. The applicant shall make reasonable efforts to meet the purpose and intent of the standard and to mitigate potential adverse impacts associated with a modification of the standard.

C. *Exception for emergencies.* When the planning director determines that, because of an emergency, compliance with the normal procedures and requirements of this title would threaten life, safety, or property, the planning director may 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. The city council shall ratify such exemption after-the-fact at its next regularly scheduled public meeting, and shall base its ratification on specified findings of fact related to the emergency involved.

(Code 1993, § 15.01.040; Ord. No. O-2001-78, § 1; Ord. No. O-2006-66, § 3; Ord. No. O-2009-21, § 2, 6-9-2009)

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 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 and development 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 of chapter 15.07. Parcels created after April 1, 1967, must be part of an approved subdivision plat to receive site plan, development plan or building permit 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 planned unit development or through a joint use (shared) parking agreement.

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 or exception 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, and lots.* See chapter 15.08 of this development code for regulations regarding non-conforming uses, structures, lots, and signs.

(Code 1993, § 15.01.050; Ord. No. O-2001-78, § 1; Ord. No. O-2006-66, § 4)

15.01.060. - Official zoning map.

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. *Adopted by reference.* The official zoning map, as published upon adoption of this title, and as amended and republished upon any amendment, is adopted by reference 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, the planning and development services division 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 the planning and development services division during normal city business hours.

F. *Zoning required upon annexation.* No annexation of property to the city shall become final without the annexed property also including zoning classification(s).

(Code 1993, § 15.01.060; Ord. No. O-2001-78, § 1; Ord. No. O-2006-66, § 5)

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, 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.

(Code 1993, § 15.01.070; Ord. No. O-2001-78, § 1)

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. The city is not responsible for monitoring or enforcing private agreements.

(Code 1993, § 15.01.080; Ord. No. O-2001-78, § 1)

15.01.090. - Transitional provisions.

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 code.* The effective date of this land development code is January 1, 2002.

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 penalties and enforcement 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.*

a. 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.

b. If construction has not begun within 60 days, or been substantially completed within the time limits of the building permit, the community development 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).

c. 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.

1. 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 with the provisions of this development code, subject to the following provisions:

a. 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, unless the preliminary approval has a vested property right effective for more than one year. 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 Code, or the city 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 city determines a longer time frame is necessary.

b. Approval of a final subdivision plat does not exempt the property from subsequent site plan or development plan review, if necessary, for development of any portion of the plat. Subsequent site or development plans shall comply with the standards in effect at the time a complete application for site plan or development plan review is submitted, except that development of one-family dwellings according to a previously approved final subdivision plat is exempt from compliance with the residential design standard stated in section 15.05.110(D) (Garage Doors) for one year from the effective date of this development code, unless the city determines a longer time frame is necessary. If a complete application for a building permit is not submitted for the one-family development within this one-year period, or within any extension granted, then the one-family development shall be constructed and completed in compliance with all applicable requirements of this development code, including but not limited to the residential design standards stated in section 15.05.110

c. Developments that do not require site plan review and that are not otherwise exempt under subsection (C)(2)(b) above shall comply with the development and design standards in chapter 15.05 (Development Standards), as applicable.

2. Developments with applications for approval pending. An applicant that has submitted a complete application for a preliminary subdivision plat (excluding conveyance plats), preliminary PUD 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:

a. Such complete application shall receive final city approval within the time frames specified in the previous codes, but no later than one year after the effective date of this development code, unless the city determines a longer time frame is necessary.

b. Approval of a preliminary subdivision plat does not exempt the property from subsequent site plan or development plan review, if necessary, for development of any portion of the plat. Subsequent site plans or development plans shall comply with the standards in effect at the time a complete application for site plan or development plan review is submitted.

c. Developments, such as one-family dwellings, that do not require site plan review and that are not otherwise exempt under subsection (C)(2)(b) above shall comply with the development and design standards in chapter 15.05 (Development Standards), as applicable.

3. 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, and signs stated in chapter 15.08 (Nonconformities) of this Code.

D. *Zoning district conversion.* On the effective date of this development code, the zoning district names applicable before the effective date of this development code are converted as shown in table 15.01-A:

TABLE 15.01-A
ZONING DISTRICT CONVERSION

District Name	District Name
Old	New
E1	E1
E2	E2
R1	R1
R2	R2
R3	R3
R4	MH
R5	MH
RLE	RLE
RLE2	RMD
C1	C
C2	C
CS	CR
CBD	CBD
M1	BLI or MI [1]
M2	MI
CM	C or MI [1]
ED	BLI or MI [1]
BLI	BLI
GI	GI
MIU	BLI
MD	MD-0
—	SE-0
—	C-0
—	AIZ-O
PUD-R	PUD-R
PUD-B	PUD-C
PUD-I	PUD-I
PUD-MU	PUD-MU

(Code 1993, § 15.01.090(table 15.01-A); Ord. No. O-2001-78, § 1)

CHAPTER 15.02. - DEVELOPMENT REVIEW PROCEDURES

15.02.010. - Overview of chapter.

This chapter describes the procedures for review of all development activity in the City of Longmont, from subdivision of land to issuance of building permits. Identification and description of the various review and decision-making bodies, and in particular their respective roles in administering this land development code, are in section 15.02.020. General provisions that address, among other things, submittal requirements, scope of city review, appeals, and public notice, and which are applicable to all development applications, are stated in section 15.02.040. Except for building permits (see section 15.02.130) and approval of public improvements (see section 15.02.120), the various types of development activity are categorized into major or minor development applications.

A. Major development applications, in most instances, require a public hearing. Major development applications include applications for:
   1. Preliminary subdivision plats;
   2. Preliminary planned unit development (PUD) development plans;
   3. Longmont Area Comprehensive Plan amendments;
   4. Rezonings (amendments to the official zoning map) and concept plan amendments;
   5. Development code text amendments;
   6. Annexations;
   7. Transfer of development rights (TDR);
   8. Conditional uses;
   9. Variances;
   10. Preliminary mobile home subdivision plat/development site plan;
   11. Vacation of easements or rights-of-way; and
   12. Height exceptions.

B. Section 15.02.050 describes an eight-step "core" development review procedure that applies to all major development applications, unless an exception or variation to the core procedure is expressly called for in the particular development application requirements of section 15.02.060. The eight steps are:
   1. Pre-application conference;
   2. Neighborhood meeting;
   3. Submission of application/completeness determination;
   4. Development review committee (DRC)/agency review and preliminary DRC report;
   5. DRC response meeting with applicant;
   6. Submission of revised application/final DRC report;
   7. P/Z recommendation or final action; and
   8. City council final action.

C. In the case of variances, the board of adjustment (BOA) or the planning and zoning commission (P/Z) are the decision-making bodies. In most instances, a public hearing is required at the BOA, P/Z or city council review steps. Appeals from final P/Z decisions will be to the city council, while appeals from final city council or BOA decisions will be to the courts.

D. Minor development applications. Minor development application review is a more expedited administrative process, with final approval typically by the planning director. Public hearings are typically not required. Minor development applications include applications for:
   1. Minor subdivision plats;
   2. Final subdivision plats;
   3. Final PUD development plans;
   4. Limited uses;
   5. Site plans;
   6. Temporary uses;
   7. Minor modifications; and
   8. Final mobile home subdivision plats/development site plan.

E. Section 15.02.080 describes a six-step "core" development review procedure that applies to all minor development applications, unless an exception or variation to the core procedure is expressly called for in the particular development application requirements of section 15.02.090. The six steps are:
   1. Pre-application conference (planning director may waive);
   2. Neighborhood meeting (if required by the planning director);
   3. Submission of application/completeness determination;
   4. Planning director review (and DRC/agency review and recommendation, as applicable);
   5. Submission of revised application, when appropriate (optional applicant meeting with planning director or DRC); and
   6. Planning director final decision.

F. Appeals from the planning director's final decision on a minor development application are to the P/Z.

(Code 1993, § 15.02.010; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 2)

15.02.020. - Review and decision-making bodies.

The following entities comprise the review and decision-making bodies with respect to administering this land development code. The roles and functions of these bodies are described in this section and summarized in section 15.02.030 (Table 15.02-A) below.

A. *City council.* The city council shall have those administration and review roles as shown in Table 15.02-A in section 15.02.030 below. In addition, the city council shall have the following responsibilities in administering this development code:
   1. LACP.
      a. The city council shall implement the Longmont Area Comprehensive Plan (LACP) and other adopted plans, through its powers and duties as set out in this chapter.
      b. Periodically review the LACP to determine if amendments or updates are necessary to further community goals;
   2. Approval of public improvement agreements and accent public improvements;
   3. Schedule of fees. Approve a schedule of fees necessary to effectively administer and enforce the provisions of this chapter and development code. The schedule of fees should be reviewed periodically and adjusted, as necessary. The schedule of fees is contained in Appendix A to this development code, and is incorporated by reference;
   4. Updates of land development code and official zoning map. Periodically review this development code and the official zoning map to determine if they remain relevant in light of the LACP and current development trends and planning concerns.

B. *The planning and zoning commission (P/Z).* The P/Z shall have those administration and review roles as shown in Table 15.02-A in section 15.02.030 below. See also chapter 2.32 of the Longmont Municipal Code for a description of the P/Z membership, operations, and related topics. In addition, the P/Z shall have the following responsibilities in administering this development code:
   1. *LACP.* Periodically review and make recommendations to the city council regarding amendments to the LACP. The P/Z shall also implement the LACP and other adopted plans, through its powers and duties as set out in this chapter.
   2. *Updates of land development code and official zoning map.* Periodically review this development code and the official zoning map to determine if they remain relevant in light of the LACP and current development trends and planning concerns, and make recommendations to the city council for any changes.

C. *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.
   2. *Membership.* The DRC shall consist of representatives from the planning and development services, public works and water utilities, power and communications, water resources, parks and open space, community relations, and fire departments or divisions, and any other city departments or divisions as necessary.
   3. *Chair.* The planning director, or designee, shall be the chair of the DRC, and shall have the authority to arbitrate and finally resolve any inter-departmental or DRC member disputes over the interpretation and applicability of development and design regulations to a specific development application.
   4. *Administration and review roles and responsibilities.* The DRC shall have those administration and review roles as shown in Table 15.02-A in section 15.02.030 below.

D. *The community development director.* The community development director, or designee(s), shall have those administration and review roles as specified in other sections of this development code.

E. *The planning director.* The planning director, or designee(s), shall have those administration and review roles as shown in Table 15.02-A in section 15.02.030 below and as specified in other sections of this development code. The planning director may also be referred to as the planning and development services director.

F. *The public works and water utilities director.* The public works and water utilities director, or designee(s), shall have those administration and review roles as shown in table 15.02-A in section 15.02.030 below and as specified in other sections of this development code.

G. *The board of adjustment (BOA).*
   1. *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 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.
   2. *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.
   3. *Chair—Election—Term.* Members of the BOA shall elect from among themselves a chair to serve for a term of one year.
   4. *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.
   5. *Meetings open to public.* All regular meetings and hearings of the BOA shall be open to the public.
   6. *Meetings and hearings—Conformity with procedural regulations.* All regular meetings and hearings of the BOA shall be conducted in conformity with the procedural regulations adopted by the BOA for this purpose.
   7. *Administration and review roles and responsibilities.* The BOA shall have those administration and review roles as shown in Table 15.02-A in section 15.02.030 below. In addition, the BOA shall have the following roles and responsibilities in administering this development code:
      a. *Nonconforming uses and structures.* Consider and determine applications for the extension or reconstruction of nonconforming uses and structures. See chapter 15.08, "Nonconformities."

H. *Master board of appeals.* See chapter 16.30 of the Longmont Municipal Code for a description of the master board of appeals, which has jurisdiction over all variance requests from the strict application of regulations contained in the city's adopted building, fire, mechanical, electrical, and housing codes.

(Code 1993, § 15.02.020; Ord. No. O-2001-78, § 1; Ord. No. O-2004-86, § 3; Ord. No. O-2006-67, § 3)

15.02.030. - Summary of code administration and development review authority.

TABLE 15.02-A
SUMMARY OF ADMINISTRATION AND DEVELOPMENT REVIEW AUTHORITY

Procedure	Review and Decision-Making Authority				
	City Council	P/Z	DRC	Planning Director	BOA
MAJOR DEVELOPMENT APPLICATIONS					

LACP Amendment	DM/H	R/H	R	Review as Chair of the DRC	
Development Code Amendments	DM/H	R/H *(optional)*	R *(optional)*		
Rezonings (Amendments to the Official Zoning Map) and Concept Plan Amendments	DM/H	R/H	R		
Annexation	DM/H	R/H	R		
Site-Specific Development Plan (Vested Rights)	DM/H	R/H	R		
Development Agreement	DM/H	R/H	R		
Vacation of ROW or Easement	DM/H	R/H *(optional)*	R		
TDR Development Referral	DM		R		
Preliminary Subdivision Plat	A/H	DM/H	R		
Preliminary PUD Plan	A/H	DM/H	R		
Preliminary Mobile Home Development/Subdivision	A/H	DM/H	R		
Variance	A/H [1]	DM/H [1]	R		DM/H [1]
Height Exception	A/H	DM/H	R		
Conditional Use	A/H	DM/H	R		
MINOR DEVELOPMENT APPLICATIONS					
Final Subdivision Plat	A [2]	A/DM [2]	R	DM	
Minor Subdivision Plat (Including Conveyance Plat)	A [2]	A/DM [2]	R	DM	
Final PUD Plan	A [2]	A/DM [2]	R	DM	
Final Mobile Home Development/Subdivision	A [2]	A/DM [2]	R	DM	
Exceptions to Street/Road Standards	A [4]	A/DM [4]		DM [4]	
Limited Use	A [2]	A/DM [2]	R	DM	
Site Plan	A [2]	A/DM [2]	R	DM	
Temporary Use	A [2]	A/DM [2]	R [3]	DM	
Minor Modification	A [2]	A/DM [2]	R [3]	DM	
Property Line Adjustment		A	R [3]	DM	
Written Code Interpretation		A		DM	

Administrative Appeal		A			A
BUILDING PERMIT APPLICATIONS					
The chief building official reviews and takes final action on all building permit applications as stated in section 15.02.120					
PUBLIC IMPROVEMENT AGREEMENTS					
The DRC reviews the design and plans for public improvements concurrently or sequentially with the specific development application at issue (e.g., subdivision plat, PUD plan, site plan). The DRC conducts both a preliminary and final review of public improvements. Final approval of all subdivision plats, PUD plans, and site plans that create the need for public improvements is conditioned on approval of a public improvement agreement. The city council takes final action to approve or deny the public improvement agreement; such action does not require a public hearing.					

Notes to Table 15.02-A:

DM = Decision-Making Body (responsible for final decision to approve or deny)

R = Review Body (responsible for review and recommendation)

A = Appeal Body (authority to hear and decide appeals of Decision-Making Body's final action)

H = Public hearing and notice required (see subsection 15.02.040.H)

[1] The BOA shall be the decision-making body on requests for variances when a plat, site plan (including limited and conditional uses) or development plan is not proposed or required in conjunction with the variance request. The P/Z shall be the decision-making body on all other requests for variances, except for those variances and exceptions stated in section 15.02.060F.3. (See also footnote [4] below.) The city council shall have the authority to determine appeals of variance requests only when the P/Z is the decision-making body. The BOA's decision on a variance is final and appealable only to the courts.

[2] City council's appeal authority shall extend to appeals of minor applications where the P/Z is the decision-making body when an application is referred to it by the planning director. The P/Z's appeal authority shall extend to appeals where the planning director is the decision-making body when an application is referred to it by the planning director. The P/Z's appeal authority shall extend to appeals where the planning director is the decision-making body. In most cases, the planning director will be the decision-making body, and appeals from the planning director's decision will be to the P/Z.

[3] The planning director shall have the option and discretion to refer the application to the DRC for its review.

[4] Instead of the planning director, the public works and water utilities director is the decision-making body on all requests for exceptions/variances from city standards, as stated in subsection 15.02.090.I of this Development Code.

(Code 1993, § 15.02.030; Ord. No. O-2001-78, § 1; Ord. No. O-2004-86, § 4; Ord. No. O-2006-67, § 4)

15.02.040. - General provisions.

The following general provisions apply to all applications under this land development code:

A. *Authority to file applications.* The person having legal authority to take action according to the approval sought shall file an application for development review or approval under this development code. The person is presumed to be the record owner, purchaser under a sale, or the duly authorized agent of the record owner. The city council or planning and zoning commission (at the direction of city council) may initiate development code amendments or LACP amendments under this development code with or without an application from affected property owners.

B. *Applications.* Applications required by this chapter shall be submitted only after a pre-application conference, if required.

C. *Complete applications required.*

1. An application shall be considered complete if it 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 processing fee. In addition, an application shall be considered complete only if the planning director determines the information contained therein is adequate to enable staff to ultimately determine whether the proposed development activity will comply with this Code's substantive requirements. Only complete applications, as set forth in this provision, shall be considered an "application" pursuant to C.R.S. title 24, art. 68 (C.R.S. § 24-68-101 et seq.).
2. The planning director shall review an application for completeness within seven days of the application submittal deadline. If the planning director determines that the application is complete, the application shall then be processed under this chapter.
3. If the planning director determines that the application is incomplete, the planning director shall return the application to the applicant as incomplete and identify how the application is deficient.

D. *Contact person designation required.*

1. The applicant shall designate one person on the application as the primary contact person who will be responsible for all notification, including meeting dates, deadlines, and requirements. Regarding the application and review procedures, the city will communicate with the contact person. It is the contact person's responsibility to inform the owners or applicant of such information.
2. The applicant shall notify the planning director in writing if there is to be a change in the contact person. The planning director will continue to communicate with the designated contact person until the change has been received.

E. *Concurrent review.*

1. The applicant may request, subject to the planning director's approval, concurrent processing and review of various development applications.
2. When a final plat or plan is submitted for concurrent review with the preliminary plat or plan, both shall be reviewed according to the preliminary plat or plan approval process (typically the process for major development applications), as outlined in this chapter. Unless concurrent review is approved, the city shall not accept applications for final plat or plan approval before preliminary plat or plan application approval.

3. The expected time frame and approval process for a consolidated application shall follow the longest time frame and approval process required from among the application types.

F. *Planning director and agency review.*

1. The planning director may distribute the application and other submittals to the DRC, city divisions and departments, and to other appropriate city, county, state, or federal agencies to solicit comments and ensure that the proposal complies with all applicable standards and requirements.
2. The planning director shall refer all applications for subdivision plats to the water board for the board's review and comment.
3. Reviewing agencies and departments shall submit their comments to the planning director by the specified comment due date. Late comments may, at the planning director's discretion, be included in the staff report.

G. *Planning director authority to refer applications to the P/Z.*

1. Whenever the planning director is authorized to take final action on an application as the decision-making body (see Table 15.02-A above), the planning director may instead refer the application to the P/Z for the commission's review and action, based on the planning director's determination that the proposed development's complexity, projected impacts, or proximity to conflicting land uses merits such action. The planning director may also refer the application to the P/Z when there is a disagreement with the applicant over the applicability of, or compliance with, any design or development standard set forth in this development code.
2. Notice of such referral shall be sent to the applicant of the planning director's decision to refer the application. The application and notice of the referral shall be sent to the P/Z for its review according to section 15.02.050(B)(7) below. Appeals of the P/Z's final decision are taken to the city council pursuant to section 15.02.040(P) below.

H. *Notices.*

1. *Content.* All written public hearing notices required under this development code shall:
   a. Indicate the time and place of the public hearing, meeting, or action;
   b. Describe the property involved by street address, if available, and nearest cross street;
   c. Describe the nature, scope, and purpose of the application or proposal being advertised;
   d. Indicate that interested parties may appear at a public hearing or meeting, if applicable, and speak on the matter; and
   e. Indicate where additional information can be obtained.
2. *Written (mailed) notice.*
   a. *Written notice—General rule.* Except as applicable to minor development applications (see subsection (H)(2)(b) of this section), when the provisions of this development code require written or mailed notice (see Table 15.02-B below), notice shall be mailed to:
      i. Owners of subsurface mineral rights in the subject property (except for variances); and
      ii. Owners of any property located within 750 feet, or 1,000 or more feet if meeting the applicable criteria, of any property designated in an application, with the exception that the notice requirement for variances shall be 300 feet, unless the planning director or chief building official determines that a larger notice area should be provided based on the potential impacts of the variance.
   b. *Written notice—Minor development applications.*
      i. *Applicability.* This subsection (H)(2)(b)'s notice requirements shall apply to minor development applications, except minor subdivision plats when no new lots are created, temporary uses (for model homes, sales trailers and temporary uses for 90 days or less), and exceptions to street design and access standards.
      ii. *Notice of receipt.* Written (mailed) notice of the city's receipt of the minor development application shall be mailed to:
         (A) Owners of subsurface mineral rights in the subject property; and
         (B) Owners of any property located within 300 feet of the subject property for all applications except minor modifications (where notice is within 150 feet of the subject property).

      The timing of such notice shall comply with section 15.02.080(B)(3), "Step 3: Submission of Application/Completeness Determination."

      iii. *Notice of decision and right to appeal.* Within five days of the decision-making body's final action on the minor development application, written (mailed) notice of the decision-making body's decision and the applicant's right to appeal under this development code shall be mailed to:
         (A) Owners of the subject property; and
         (B) The applicant's contact person.

      The right to appeal shall be according to section 15.02.040(P)(2), "Appeals from Final Actions and Decisions by the Planning Director on Minor Development Applications and Written Code Interpretations," below.

   c. *Notice to neighborhood organizations.* Written notice shall also be mailed to registered neighborhood associations, organizations, or groups whose defined boundaries lie within required notification areas, or others who have filed a timely request to receive notice.
   d. *Preparation responsibilities.* The city shall be responsible for preparing the written notice. The applicant shall provide the city with ownership information obtained from the county assessor's office, along with stamped and addressed envelopes for mailing the notices and shall be responsible for mailing the written notice within the required time frame, unless the city agrees to mail the notice for the applicant.
   e. *Required time of mailing.* Except as otherwise required by this subsection or by section 15.02.080(B), "Core Development Review Procedure for Minor Development Applications," all written notice shall be mailed no later than 14 days before the hearing, meeting, or action.
   f. *Supplemental written notice requirements.* The planning director may expand or contract the 750-foot notification area required in subsection (H)(2)(a) above in the following circumstances only:
      i. Adjustments may be made so that the boundaries of the notification area coincide with streets or other distinctive physical features, and therefore create a more practical and rational boundary for the notification area.
      ii. The planning director may contract the 750-foot notification area if the planning director determines that the potential impacts from the proposed development will likely be limited to either the subject parcel or only to immediately adjacent properties. For example, a proposed easement vacation may only affect the subject property or adjacent properties, in which case the director may reduce the notification area to include only those adjacent property owners.
      iii.

If the development project is of a type described below, the planning director shall expand the 750-foot notification area otherwise required by subsection (H)(2)(a) of this section to the distance specified:

(A) Developments proposing 100 or more single-family or two-family lots or dwelling units: 1,000 feet;

(B) Developments proposing 100 or more multifamily dwelling units: 1,000 feet;

(C) Nonresidential developments containing 50,000 or more square feet of gross floor area: 1,000 feet;

(D) Developments that propose land uses or activities which, in the planning director's judgment, create community or regional impacts: The appropriate notice area shall be determined by the planning director plus, with respect to the neighborhood meeting(s) required by section 15.02.050.B.2. below, publication of notice according to subsection H.4. of this section.

g. Written notice requirement for consumer goods and services and other support uses in industrial zoning districts. For applications that include consumer goods and services uses and other support uses in industrial zoning districts (see subsection 15.04.020.B.9.), written notice shall be provided to all property owners within the subdivision where the application is proposed.

3. *Posted notice.*

a. When the provisions of this development code require that notice be posted on the subject property, the applicant shall:

i. Post the notice on weatherproof signs that have been approved by the city;

ii. Place the signs on the property that is the subject of the application; and

iii. Ensure that the signs remain in place during the period leading up to the public hearing or, in the case of minor development applications, during the period leading up to the decision-making body's final action.

b. The size of the sign shall be as required by the city.

c. Signs shall be placed along each abutting street in a manner that makes them clearly visible to neighboring residents and passers-by. At least one sign shall be posted on each street frontage.

d. Applicants shall be responsible for removing the signs after the public hearing or final action.

e. Required timing.

i. Notices of public hearings. All such notice shall be posted no later than 14 days before the hearing.

ii. Notices of application. All such notices shall be posted as soon as reasonably possible after the city's certification that an application is complete.

f. On or before the date of the noticed public hearing, the applicant shall certify in writing that required notice was posted according to the requirements of this section. Failure to submit such certification shall postpone city action on the application. The applicant shall have until the date of the postponed or continued hearing to submit the posted notice certification; if the applicant fails again to submit the certification, the application shall be considered withdrawn.

4. *Published notice.* When the provisions of this development code require that notice be published, the planning director shall be responsible for preparing the content of the notice, and shall ensure that notice is published in a newspaper of general circulation. Published notice shall appear in the newspaper no later than five days prior to the hearing or action.

5. *Types of public notice required.* Unless otherwise expressly provided in this development code, public notice shall be provided as follows:

TABLE 15.02-B
PUBLIC NOTICE REQUIREMENTS

Review or Decision-Making Body Holding Public Hearing or Taking Action	Notice Required		
	Written	**Published**	**Posted**
Planning Director/Other Administrative Official	Yes [1]	No	Yes [2]
P/Z	Yes	Yes	Yes
Board of Adjustment	Yes	Yes	Yes
City Council	Yes [3]	Yes	Yes [3]

[1] The planning director shall send written notice to property owners regarding minor development applications according to section 15.02.040.H.2.b., "Written Notice—Exception for Minor Development Applications," above.

[2] Posted notice of receipt of a complete application is required according to section 15.02.040.H.3., "Posted Notice," only for minor development applications subject to the written notice requirements in section 15.02.040.H.2.b., above.

[3] Written and posted notice are not required for land development code (text) amendments or amendments to the LACP (see section 15.02.060.A) that the city attorney determines are legislative, rather than quasi-judicial, in nature, and for city-initiated annexations (see section 15.02.060.L.2).

6. *Constructive notice.* Minor defects in a notice shall not impair the notice or invalidate proceedings under the notice if a bona fide attempt has been made to comply with applicable notice requirements. Where written notice was properly mailed, failure of a party to receive written notice shall not invalidate any subsequent action. In all cases, however, the requirements for the timing of the notice and for specifying the time, date, and place of a hearing and the location of the subject property shall be strictly construed. If questions arise at the hearing regarding the adequacy of notice, 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.

I. *Burden of proof or persuasion.* 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.

J.

Inactive applications. If, at any point in a development review process, (1) the planning director or DRC has notified the applicant that additional or revised application materials are required, and the applicant has not submitted such materials within 120 days after the date of such notification, or (2) the applicant fails to attend any scheduled neighborhood meeting, meeting with the planning director or DRC, or planning and zoning commission or city council meeting or hearing, the planning director may notify the applicant that the application will be considered withdrawn unless corrective action is taken within 60 days. No further processing of such application shall occur until the deficiencies are corrected and submitted. If the applicant does not submit the materials within 60 days of the notice, and has not been granted an extension by the planning director, the application shall be considered withdrawn. Any resubmittal of the application by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application fees.

K. *Withdrawal of an application.*
   1. Except where otherwise expressly provided (see, e.g., subsections H.3.e. and J., above and subsection K.2. below), only the applicant may withdraw an application. The applicant shall request the withdrawal in writing, and after such withdrawal, the city will not take further action on the application. To reinitiate review, the applicant shall resubmit the application, which in all respects, shall be treated as a new application for purposes of review, scheduling, and payment of application fees.
   2. Withdrawal from an agenda is discretionary with the decision-making body.

L. *Permitted scope of action by review and decision-making 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 body or decision-making body may also postpone or continue the public hearing if it finds that the proposal is not in an appropriate form for action or additional time is needed to resolve issues. 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.
   2. *Conditions of approval.*
      a. The review body or decision-making body may impose such conditions upon the subject development as is necessary to carry out the general purpose and intent of this development code.
      b. Conditions of approval shall be reasonably related to the anticipated impacts of the proposed use or development and shall be based upon adopted standards.
      c. 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.
      d. 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.
   3. *Prohibited action.* The review body or decision-making 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. *Times for review/extensions.*
   1. *Times for review advisory only.* The city has development application review time performance measures to govern its review of applications required by this code. Such times for review are estimated and advisory only. Unless otherwise expressly allowed, failure to keep within the recommended time for review shall not be deemed an approval or recommendation of approval on behalf of the review body, decision-making body, or appeal body.
   2. *Extension of DRC review times.* The planning director may lengthen or shorten the DRC review process when such action is in the best interests of the city. The planning director may also limit the number of applications that are scheduled for review if the application load would be detrimental to the efficient operation of the DRC and the quality of review.
   3. *Decision-making body authority to extend review times.* A decision-making or appeal body may approve an extension of time to review or take action on an application upon a finding that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development justify such extension of time. One such extension, up to a maximum of 90 days, may be authorized, unless the applicant agrees to a longer extension.
   4. *All other extensions of time.* The city may extend any other time periods for review and action specified in this chapter or code if the city and the applicant agree to an extension of time.

N. *Modifications and amendments to approved plats, plans, or permits.*
   1. *Modifications.* The planning director may authorize modifications to an approved subdivision plat, PUD development plan, or site plan as stated in subsection 15.02.090.H, "Minor modifications."
   2. *Amendments.*
      a. Any change to an approved plat, plan, or permit that does not qualify as a minor modification as set forth in subsection 15.02.090.H, "Minor modifications," including all changes in use and density, are considered amendments.
      b. For purposes of review and scheduling, proposed amendments are treated as new applications subject to the applicable procedures and review criteria set forth in this chapter. In the case of a final subdivision plat or final PUD development plan, all amendments shall be subject to the review procedures applicable to a preliminary subdivision plat or preliminary PUD development plan application, respectively.
      c. All approved amendments to a recorded plat, site plan, or PUD development plan shall be recorded within 90 days of the amendment's approval.

O. *Extension of approval periods.*
   1. Applicants shall submit requests for extension of any approval period in writing prior to the applicable lapse of the approval deadline and a minimum of 30 days prior to the 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 subsection 15.02.090.G.6, below.
   2. The decision-making body that originally approved the application (the one being extended) 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 provisions of this chapter must not expressly prohibit the extension; and
b. The extension request must be filed in a form established by the planning director and include all exhibits and fees.

4. An appeal from a determination to extend an approval time frame shall be made to the appeal body who would have heard an appeal of the original approval.

P. *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. *Appeals from final actions and decisions by the planning director on minor development applications and written code interpretations.* An applicant aggrieved by any final action, decision, or order by the planning director on a minor development application or written code interpretation under this development code may appeal to the P/Z. All appeals to the P/Z shall be filed in writing with the planning and development services division within 14 days from the date of the planning director's action. The appeal shall specify the reasons why the planning director's action should be amended or reversed. The P/Z shall take action on the appeal within 60 days from the close of the appeal period. The P/Z's action on the appeal shall be final and may be appealed only to a Colorado court of competent jurisdiction.
3. *Appeals from final actions and decisions by the development services manager or other administrative official.*
   a. A party-in-interest aggrieved by any final action, decision, refusal, or order by the development services manager or other administrative officer based on or made in the course of the administration of this development code, other than for minor development application approval or a written code interpretation, may appeal to the board of adjustment.
   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 development services manager or other administrative official in the course of the city's substantive review of development applications.
   c. All appeals to the BOA shall be filed in writing with the building inspection division within 30 days from the date of the development services manager's or officer's action. The appeal shall specify the reasons why the challenged action should be amended or reversed. The BOA shall take action on the appeal at a noticed public hearing within 60 days from the close of the appeal period. The BOA's action on the appeal shall be final, and may be appealed only to a Colorado court of competent jurisdiction.
4. *Appeals from final actions and decisions by the planning and zoning commission.*
   a. A party-in-interest aggrieved by any final action, decision, or order by 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 division, within seven days from the date of the P/Z's action. The appeal shall specify the reasons why the P/Z's action is incorrect.
   b. The city council shall take action on the appeal within 60 days from the close of the appeal period, except that when the appeal is associated with a concurrent development application that requires city council review or approval, the city council shall consider the appeal at the same time that it considers final action on the concurrent development application.
   c. The city council's action on the appeal shall be final and may be appealed only to a Colorado court of competent jurisdiction. If the result of the city council's action on appeal is to deny a development application, the P/Z 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.
5. *Final actions and decisions by the board of adjustment.* Any party-in-interest aggrieved by any final action, decision, or order by the BOA under this development code may appeal directly to a Colorado court of competent jurisdiction.
6. *Final actions and decisions by the city council.* Any party-in-interest aggrieved by any final action, decision, or order by the city council under this development code may appeal directly to a Colorado or other court of competent jurisdiction.
7. *Staff preparation of appeal report.* If an appeal is made under this subsection, the planning director, or other administrative official as applicable, 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 scheduled for hearing.
8. *Appeal proceedings.*
   a. A public hearing on the appeal is required only if the original decision being appealed required a public hearing. Notice of a public hearing on an appeal shall be given to the appellant(s) and the applicant, as applicable, and the property shall be posted as required for a public hearing. If the original decision did not require a public hearing, the appeal body may consider the appeal at a regular meeting, or may, at its discretion, determine the appeal at a noticed public hearing.
   b. The appeal body shall open the hearing by receiving the appeal report. The appeal body shall then give each appellant and the applicant an opportunity to present evidence and argument. The appeal body may augment the record by considering additional evidence or argument, if staff, each appellant, and the applicant are given an opportunity to rebut such evidence.
   c. The applicant shall have the burden of demonstrating that the application complies with the applicable review criteria.
   d. The appeal body 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. A tie vote to uphold, modify, or reverse the original decision results in denial of the subject development application.
   e. The appeal body shall accompany its decision with written findings of fact specifying the reasons for the decision.
9. *Right to appeal—Party-in-interest—General rule.* Except for appeals from the final decisions made by the planning director or other administrative official, appeals may be filed only by "parties-in-interest," who shall be limited to 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 at a public hearing on the application;
   e. Any person who submitted written comments on the application at the public hearing on the application, but not including persons who only signed mass petitions;
   f. Any resident of the City of Longmont;
   g. The city council as represented by the request of a single member of the city council;
   h. The planning director, community development director, or city manager; or

i. Any other person who has standing to appeal under Colorado law.

10. *Right to appeal—Party-in-interest—Appeals from administrative decisions.* In the case of applications that may be approved or actions that may be taken by the planning director or other administrative official, appeals may be filed only by the following parties-in-interest:
    a. The applicant;
    b. The owner of the subject property; or
    c. Any other person who has standing to appeal under Colorado law.

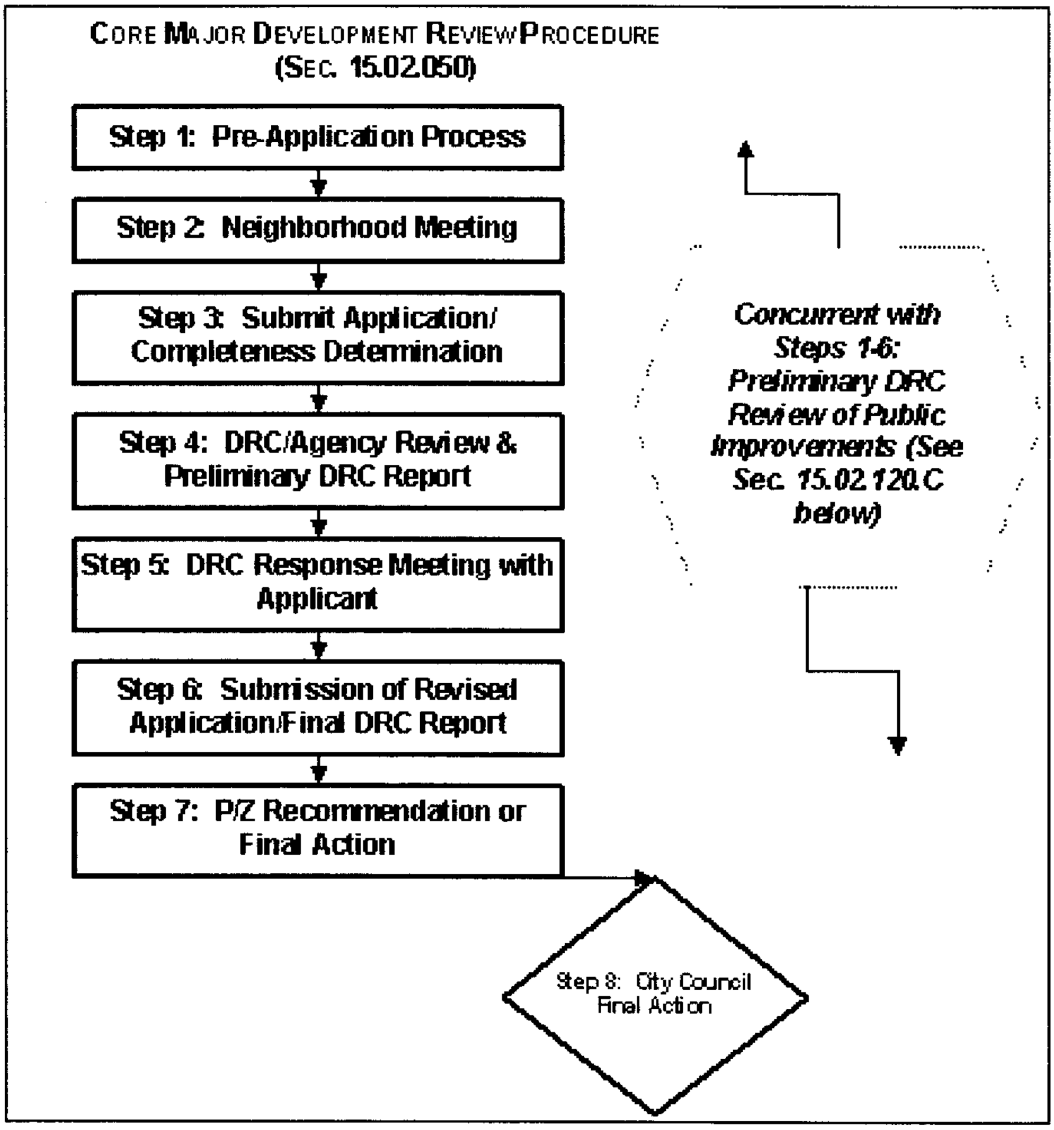
Q. *Submittal requirements.*
1. *General.* Submittal requirements for each type of development application are stated in Appendix B to this development code. Submittal requirements may be established and amended by the planning and development services division without resolution of the city council, provided that each such submittal requirement is an item reasonably required to evaluate compliance with this development code or with the LACP.
2. *Waiver.* The planning director may waive certain submittal requirements in order to tailor the requirements to the information necessary to review a particular application. An applicant shall request a waiver in writing prior to submitting an application, and should include the waiver with a request for a pre-application conference, if applicable (see subsection 15.02.050.B.1 below). The planning director may waive such requirements where the planning director finds that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly support such waiver.

(Code 1993, § 15.02.040; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 5; Ord. No. O-2010-31, § 2, 8-10-2010; Ord. No. O-2012-40, § 1, 7-10-2012)

15.02.050. - Review procedures for major development applications.

A. *"Major development applications" defined.* The review procedures stated in this section shall apply to all major development applications. For purposes of this development code, "major development application" is defined to include the following procedures or types of development applications:
1. LACP amendment (amendments to the Longmont planning area, to specific land use designations, or to the comprehensive plan text);
2. Development code amendment;
3. Rezoning (amendment of official zoning map) and concept plan amendments;
4. Conditional use;
5. Preliminary subdivision plat;
6. Preliminary PUD development plan;
7. Preliminary mobile home subdivision plat/development site plan;
8. Vacations (rights-of-way and easements);
9. Variance;
10. Height exception;
11. Transfer of development rights (TDR);
12. Annexation.

B. *Core development review procedure for major development applications.* The following core development review procedure shall apply to all major development applications, unless variations or exceptions to the core procedure are expressly allowed in the particular development application requirements stated in section 15.02.060 of this chapter:



1. *Step 1: Pre-application conference.*
   a. *Purpose.* The purpose of the pre-application conference is to provide an opportunity for the applicant and the city to discuss the development proposal in order to:
      i. Determine the required application(s) and the timing of multiple application submittals (i.e., whether they may be processed concurrently or sequentially);
      ii. Provide the applicant with application materials and inform the applicant of submittal requirements, including any requirements supplemental to those listed in Appendix B for the type of application;
      iii. Obtain a waiver of any application submittal requirements from the planning director (see subsection 15.02.040.Q, "Submittal requirements," above);
      iv. Provide the applicant with an approximate time frame for the review process;
      v. Discuss compliance with this development code's development standards;
      vi. Determine the number and timing of any required neighborhood meetings; and
      vii. Refer the applicant to other departments or agencies to discuss significant issues prior to application submittal.
   b. *Applicability.* Unless waived, a pre-application conference is required for all major development applications. The planning director may grant a waiver from the requirement for a pre-application conference upon finding that the on-site and off-site impacts of the proposed development are likely to be minimal.
   c. *Attendance.* The applicant, the planning director, and other city staff or agency representatives may participate in the pre-application conference.
   d. *Request for a pre-application conference.* To request a pre-application conference, the applicant shall submit all required forms and materials as required by the planning director, including any requests for submittal waivers. Materials submitted for review at a pre-application conference are not an "application" for development for purposes of C.R.S. title 24, art. 68 (C.R.S. § 24-68-101 et seq.).
   e. *Scheduling.* The pre-application conference should be scheduled for the next available pre-application meeting date.
   f. *Planning director review and recommendations.* The planning director shall provide to the applicant a written summary of the pre-application conference, including any approval of submittal waivers and other appropriate information to assist the applicant before preparing the development application.
   g. *Effect of the pre-application conference.* Planning director and other staff opinions presented during a pre-application conference are informational only and do not represent a commitment on behalf of the city regarding the acceptability of the development proposal.
   h. *Timely application submittal required.* If a development application is not submitted within 180 days of the pre-application conference, the applicant shall schedule and attend another pre-application conference before submitting an application.

2. *Step 2: Neighborhood meetings.*
   a. *Intent and purpose.* To facilitate citizen participation early in the development review process, the city requires neighborhood meetings between applicants and citizens of neighborhoods potentially affected by the development proposal.
   b. *Applicability.* Unless waived, neighborhood meetings are required for all major development applications. The planning director may waive a neighborhood meeting if the planning director determines after such review as necessary, that the development proposal would not have significant neighborhood impacts. The planning director may also wait until after the application has been submitted and reviewed to determine if a neighborhood meeting is appropriate based on the anticipated impacts of a development. The planning director shall determine the applicability of this subsection to a development proposal at the pre-application conference (Step 1).
   c. *Timing and number of neighborhood meetings.*
      i. When required, at least one neighborhood meeting shall be held after the pre-application conference (Step 1) but before submittal of a formal application (Step 3).
      ii. At the planning director's discretion, additional pre-application or post-application neighborhood meetings may be required based on consideration of 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.
      iii. Applicant's failure to hold and complete all required neighborhood meetings shall delay DRC review of the application (Step 4 below) or shall result in an inactive application under section 15.02.040(J), "Inactive Applications," above.
   d. *Notice of neighborhood meeting.* The applicant is responsible for scheduling neighborhood meetings. The applicant shall give written notice of the neighborhood meeting according to section 15.02.040(H), "Notices," above. If available and appropriate, neighborhood meetings should be convened at a place in the vicinity of the proposed development.
   e. *Content of neighborhood meeting.* The applicant or applicant's representative shall present a summary of the development proposal and be available to answer questions and receive comments from persons attending the meetings. In the event that no one attends the meeting for which proper notice was given, the applicant shall have satisfied the requirements for that neighborhood meeting.
   f. *Summary of neighborhood meeting.* The applicant shall prepare a written summary of the neighborhood meeting(s). The written summary shall be included in the P/Z and/or city council communication provided to the decision-making body at the time of the first public hearing to consider the proposed development. At a minimum, the written summary shall include the following information:
      i. Dates and locations of all meetings;
      ii. The number of people that participated in the meetings;
      iii. A summary of comments and questions made at the meetings, including:
         (A) The substance of the comments and questions;
         (B) How the applicant has addressed or intends to address the comments and questions; and
         (C) Comments and questions the applicant is unwilling or unable to address and why.
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 division. The planning director shall review the application for completeness under section 15.02.040(C), "Complete Applications Required," above and Appendix B (Submittal Requirements).
   b. After the planning director determines an application is complete, the applicant shall not make any changes to the development application or any accompanying plans or information, except for changes or additional information requested by the planning director, DRC, or other city agency during their preliminary review, or as otherwise agreed to by the city. Alternatively, the applicant may withdraw the application under section 15.02.040(K), "Withdrawal of an Application," above.
   c. After a determination that the application is complete, the planning director shall send written notice of receipt of the application to surrounding property owners according to section 15.02.040(H), "Notices."
4. *Step 4: DRC/Agency review and preliminary DRC report.*
   a. *DRC/agency review.* After receipt of a complete application, the project planner shall distribute the complete application to DRC members and any other appropriate city departments or outside agencies whose services or facilities may be affected by the proposed development. DRC members and staff shall review the application for technical accuracy, compliance with this development code and other relevant city regulations and ordinances, and shall evaluate the proposal according to adopted review criteria. DRC members and other reviewing agencies shall provide their comments and preliminary recommendation on a specific development application in writing to the project planner by the deadline established in the city's review schedule.
   b. *Preliminary DRC report.* All DRC member and agency comments shall be compiled, in writing, into a single preliminary DRC report. The preliminary DRC report shall incorporate the responses and comments from the DRC and reviewing agencies, shall report whether the development application complies with all applicable standards, and shall specify any areas of noncompliance. The preliminary DRC report may also identify any need for plan modifications, additional information, or technical reports to supplement the mandatory submittal requirements. Conditions for approvals may be recommended to eliminate any areas of noncompliance or to mitigate any adverse impacts from the development proposal.
   c. *Subsequent requests for information.* After completion of the preliminary DRC report, the DRC or staff shall not request additional information, data, or reports from the applicant unless the planning director makes a finding that the additional information or report is needed to address potentially significant public health or safety issues. This provision shall not be interpreted to preclude the DRC or staff from requesting revisions or corrections to previously submitted materials if such materials are subsequently found to be inaccurate, incomplete, or if subsequent plan revisions do not comply with this development code.
5. *Step 5: DRC response meeting.*
   a. *Scheduling/applicant attendance.* Following completion of Step 4 above, the project planner may schedule the development application for consideration at the next regular DRC response meeting. The project planner shall notify the contact person of the meeting day and time. Attendance by the applicant or applicant's contact person is optional.
   b. *Purpose of meeting.* The purpose of the DRC response meeting is to provide the applicant an opportunity to resolve any issues relevant to the application raised by DRC members, resolve any conflicts over the application that have emerged between city departments and other reviewing agencies, and to ask any questions that would assist in the completion/revision of the application.
6. *Step 6: Submission of revised application/final DRC report.*
   a. *Applicant final revisions.*

i. *Scope of revisions.* After the preliminary DRC report is received by the applicant, the applicant shall revise the development application as necessary to respond to DRC and review agency comments and shall submit the revised application package to the project planner. The applicant is encouraged to work with the various departments to resolve any concerns raised at the DRC response meeting, to revise plans to reflect the resolution, and to assemble the appropriate documentation for issues that the applicant cannot or will not resolve. The revised application shall address, either through plan revision or by written explanation, each comment contained in the preliminary DRC report.

ii. *Time frame for final revisions.* The applicant shall submit the revised application and related materials to the planning and development services division within 120 days. If the applicant does not submit a revised application within this time frame, the planning director may notify the applicant that the application will be considered withdrawn unless the revised application is submitted within 60 days. No further processing of such application shall occur until the revised application is submitted. If the applicant does not submit the revised application within 60 days, and has not been granted an extension by the planning director, the application shall be considered withdrawn. Any resubmittal of the application by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application fees.

b. *Preparation of the final DRC report.*

i. The project planner shall distribute the revised application to the DRC members and any agency that commented during the preliminary review.

ii. DRC members and review agencies should submit their written comments and final recommendation on the application to the project planner by the deadline established on the city's review schedule.

iii. At the close of the time frame for receipt of comments, the project planner shall prepare the final DRC report. The final DRC report shall incorporate the responses and comments from the DRC and reviewing agencies. The final DRC report shall conclude with a preliminary 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.

iv. The project planner shall send the final DRC report to the applicant.

c. *Applicant written response to the final DRC report.* The applicant shall submit a written response to the conditions of approval, if any, and to the preliminary determination proposed in the final DRC report.

d. *Scheduling for review and/or decision-making body action.*

i. Upon completion of the final DRC report and receipt of the applicant's written response, the project planner shall schedule the development application for hearing on the next regular meeting agenda, or as soon thereafter as meeting agendas allow, before the applicable review body or decision-making body. Public notice of the hearing shall be given under the requirements stated in section 15.02.040(H), "Notices," above.

ii. For major development applications that do not require a public hearing (TDR referrals), upon completion of the final DRC report and receipt of the applicant's written response, the project planner shall schedule the application to be considered at the next regular meeting of the decision-making body, or as soon thereafter as meeting agendas allow.

7. *Step 7: P/Z Action or recommendation.*

a. *Public hearings required.* All major development applications are subject to P/Z review or action at a public hearing, except for the following:

i. Development agreements;

ii. Development code (text) amendments (P/Z review is optional at city council's discretion);

iii. Vacation of rights-of-way and easements (P/Z review is optional); and

iv. TDRs.

b. *Applicant submittal for P/Z hearing.*

i. No later than 15 days prior to the P/Z's public hearing on the application, the applicant shall submit to the project planner the following items, which together with the applicant's written response to the DRC final report and the public hearing report shall comprise the application package delivered to the P/Z:

(A) A letter addressed to the P/Z describing the proposal;

(B) Copies of all application plans reduced to 11 by 17 inches; and

(C) Any other required documents.

ii. The planning director may use materials submitted after the deadline in subsection (B)(7)(b)(i) above in preparation of staff recommendations, or may send them to the P/Z, or may remove the application from the P/Z agenda to provide more time to review and respond to the submitted materials.

c. *Staff preparation of public hearing report.* After the applicant's submittal for the P/Z hearing, staff shall prepare the public hearing report, which shall include the written summary of any neighborhood meetings, shall report whether the development application complies with all applicable standards, shall specify any areas of noncompliance, and shall conclude, when applicable, with a 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.

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

e. *Conduct of public meetings/hearings.* All P/Z public meetings or hearings convened to consider a development application subject to this chapter shall be conducted according to the rules and procedures adopted by the P/Z to govern such actions. If any such rule or procedure conflicts with this chapter, this chapter shall apply.

f. *Decisions.* The P/Z shall consider the development application and the evidence from any public hearing, and then take action. For applications on which the P/Z has decision-making authority, the P/Z shall approve, approve with conditions, or deny the development application based on its compliance or noncompliance with applicable review standards. For applications on which the P/Z has only authority to recommend action to the city council, 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. Alternately, subject to section 15.02.040(L)(1) above, the P/Z may postpone action on the application to a date certain.

g. *Findings.* The P/Z shall make written findings of fact and conclusions related to the applicable standards stated in this development code.

h. *Notification of P/Z's action.* The P/Z shall send written notice of its action on a major development application to the applicant.

i. *Effect of P/Z denial.* When the P/Z is the decision-making body, its denial of a development application is final and that same request or one substantially the same may not be heard by the P/Z 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.

8. *Step 7: BOA action.*

a. *Public hearings required.* All variances reviewed by the BOA are subject to public hearings.

b. *Applicant submittal for BOA hearing.*
   i. No later than 28 days prior to the BOA public hearing on the application, the applicant shall submit to the building inspection division all of the application materials indicated on the variance application form. BOA variance applications are received on a first-come basis and each BOA agenda is limited to a specific number of applications. The submitted application materials and the public hearing report shall comprise the application package delivered to the BOA.
   ii. The chief building official may use materials submitted after the deadline in subsection (B)(8)(b)(i) of this section in preparation of staff recommendations, or may send them to the BOA, or may remove the application from the agenda to provide more time to review and respond to the submitted materials.

c. *Staff preparation of public hearing report.* After the applicant's submittal for the BOA hearing, staff shall prepare the public hearing report, which shall include the written summary of any neighborhood meetings, shall report whether the development application complies with all applicable standards, shall specify any areas of noncompliance, and shall conclude, when applicable, with a 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.

d. *Distribution of public hearing report.* Staff shall make the public hearing report available to the applicant, the BOA, and the public at least ten days prior to the public hearing on the application.

e. *Conduct of public meetings/hearings.* All BOA public hearings convened to consider a variance application shall be conducted according to the rules and procedures adopted by the BOA to govern such actions. If any such rule or procedure conflicts with this chapter, this chapter shall apply.

f. *Decisions.* The BOA shall consider the development application and the evidence from any public hearing, and then take action. Alternately, subject to section 15.02.040(L)(1) above, the BOA may postpone action on the application to a date certain.

g. *Findings.* The BOA shall make written findings of fact and conclusions related to the applicable standards stated in this development code.

h. *Notification of BOA action.* The BOA shall send written notice of its action on a major development application to the applicant.

i. *Effect of BOA denial.* When the BOA denies an application, its denial of a variance is final and that same request or one substantially the same may not be heard by the BOA for a period of one year from the date of denial, or unless the BOA's denial explicitly states that an earlier re-application will be considered.

9. *Step 8: City council action.*

a. *When public hearings required.* The following major development applications are subject to city council decision-making authority and shall be considered and acted upon only after a public hearing before the city council:
   i. LACP amendments;
   ii. Development code amendments;
   iii. Rezonings (official zoning map amendments) and concept plan amendments;
   iv. Site-specific development plans (vested rights);
   v. Development agreements;
   vi. Vacation of ROW or easements;
   vii. Annexations.

b. *Public hearings not required.* The following major development applications are subject to city council review and final action, but do not require a public hearing:
   i. Transfer of development rights (TDR).

c. *Applicant response to P/Z recommendation.* As a prerequisite to scheduling for city council review, all conditions of the P/Z's recommendation shall be addressed in writing at least 15 days prior to the established deadline. The applicant must indicate in writing whether or not the conditions are acceptable. If not, the applicant shall detail what alternative solution is recommended.

d. *City council scheduling.* When all appropriate materials have been received by the city prior to the established deadlines, the application shall be scheduled for the next regular city council meeting for consideration, or as soon thereafter as meeting agendas allow.

e. *Conduct of public hearings before the city council.* All public hearings convened by the city council to consider a development application subject to this development code shall be conducted according to the rules and procedures adopted by the city council to govern such actions.

f. *Decisions.* The city council shall consider the development application, the public hearing report, the P/Z's recommendation and applicant response if any, and the evidence from any public hearing. The city council shall then take final action by approving, approving with conditions, or denying the development application based on its compliance with the appropriate review standards. Alternately, subject to section 15.02.040(L)(1) above, the city council may postpone action on the application to a date certain.

g. *Findings.* All decisions of the city council shall include written findings of fact and conclusions related to the applicable standards in this development code.

h. *Effect of city council denial.* If the city council denies an application, that same request or one substantially the same may not be heard by the city council 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.

i. *City council as appeal body—Procedures.* For procedures governing appeals to the city council from P/Z final decisions, please see section 15.02.040(P), "Appeals," above.

(Code 1993, § 15.02.050; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 6)

15.02.060. - Specific requirements and review standards for major development applications.

A. *Amendments to the Longmont Area Comprehensive Plan.*

1. *Generally.* An amendment to the Longmont Area Comprehensive Plan may be any of the following:

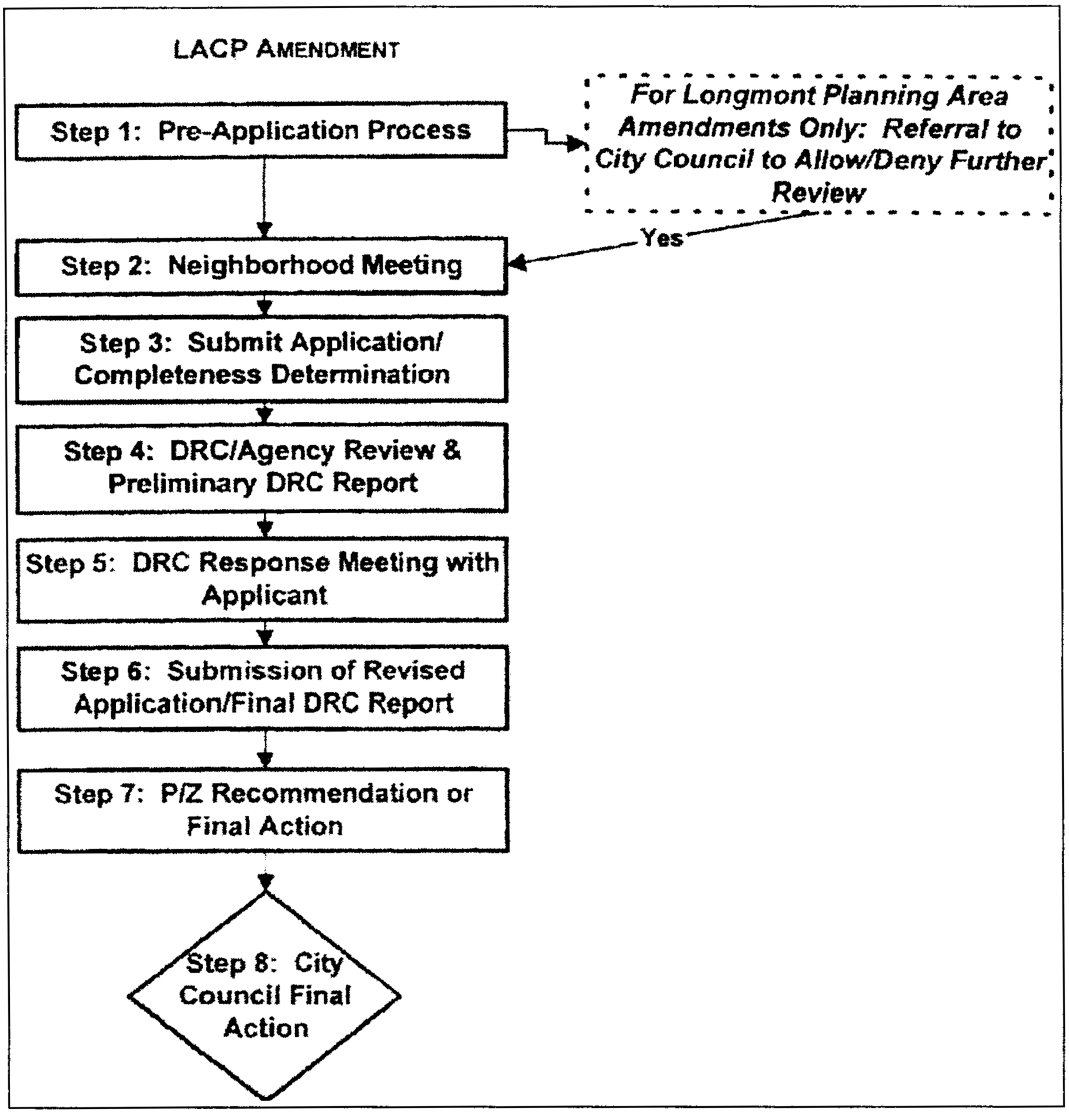
a. Comprehensive plan amendment, which is an amendment to the text of the plan. Both private parties and the city can initiate comprehensive plan amendments.

b. Land use amendment, which is an amendment to the plan's land use designation for a specific property or 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, which is an amendment to add new neighborhoods with land use designations to the Longmont planning area, as described and depicted in the LACP. Both private parties and the city can initiate Longmont planning area amendments.

d. Municipal service area amendment, which is an amendment that transfers land from the Longmont planning area to the municipal service area, as described and depicted in the LACP. Approval of a municipal service area amendment is not needed where annexation involves land in the Longmont planning area, because upon recording of the approved annexation, land is automatically transferred to the municipal service area. Only the city can initiate municipal service area amendments.

2. *Review procedure.* Generally, all applications for LACP amendments follow the core procedure for review of major development applications, stated in section 15.02.050(B) above, except for the following modifications:
   a. *After step 1 (Pre-application conference): Initial referral to the city council.* Applications for Longmont planning area amendments shall be referred to the city council before the city begins to process the application. All other applications for LACP amendments, except for land use amendments, may be referred to the city council before the city begins to process the application. The planning and development services division shall schedule the LACP amendment for the city council's consideration at the next regularly scheduled city council meeting, or as soon as council meeting agendas allow. The city council shall review the application and determine whether or not the city should devote staff and P/Z resources to a full review of the amendment application. The city council shall base its determination on whether the application, if potentially approved, will be in the best interests of the city. Allowing submittal of an LACP amendment application does not bind the city council to approve the amendment.
   b. *Step 8: City council action.* All approved amendments to the LACP shall be enacted by ordinance.



3. *Review criteria.* All proposed plan amendments shall be reviewed for compliance with the following criteria:
   a. *Comprehensive plan (text) amendments.* Since text amendments to the LACP alter the basic philosophy of the LACP, review criteria for this type of amendment need not be consistent with the existing plan. A text amendment to the plan, however, shall be consistent with the criterion that it will serve the best interests of the city.
   b. *General review criteria for all LACP amendments (except comprehensive plan (text) amendments).* Review bodies and the decision-making body shall evaluate the proposed amendment's compliance with the following criteria and may approve the amendment if the proposed land use designation satisfies the following criteria better than the current land use designation under the plan:
      i. The proposed land use designation implements one or more of the goals, policies, and strategies stated in the LACP. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve an amendment that provides a public benefit even if the amendment is contrary to some of the goals, policies or strategies in the LACP.
      ii. The amendment shall not adversely affect existing or planned city facilities or services, or the applicant will substantially mitigate any such impacts.
      iii. The amendment shall not adversely affect existing or planned city transportation facilities, or the applicant will substantially mitigate any such impacts.
      iv. The amendment shall not adversely affect the existing or planned use of adjacent properties, or the applicant will substantially mitigate any such impacts.
4. *Exception: City-initiated legislative LACP amendments.*
   a.

Applicability. City-initiated comprehensive plan (text) amendments and city-initiated land use amendments updating the land use designations for an area of the city encompassing more than 640 acres of land or involving more than 100 properties owned by different owners, are determined to be quasi-legislative in nature and to establish city-wide policy regarding future urban growth, and shall follow a different procedure than other LACP amendments.

b. *Purpose.* Because of the large number of properties involved in these comprehensive amendments and because of the generally applicable nature of these amendments, it is necessary to act under the council's legislative powers and procedures and it would be impossible, in light of the council's other duties, to alter the comprehensive plan maps and text through a series of individualized quasi-judicial proceedings. These amendments may include changes to the text and maps to classify and re-allocate 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.

c. *Review procedure.* The procedure for these LACP amendments shall be as stated in § 15.02.060.A.2., except for the following modifications:

i. Steps 2 through 6 - Step 2 (neighborhood meeting); Step 3 (submission of application); Step 4 (DRC/agency review); Step 5 (DRC response meeting; Step 6 (submittal of revised application/final DRC report) - are not required.

ii. Notice shall not be required as described in § 15.02.040.H.5. Posted notice is not required as described in § 15.02.040.H.3. For land use designation updates, written and published notice are required as described in §§ 15.02.040.H.2. and 4., prior to any public hearing on the LACP amendment, except that written notice need only be mailed to property owners in the land use designation update area.

B. *Land development code (text) amendments.*

1. *Initiation.* The planning director or other division or department head, the P/Z, the city manager, or the city council may initiate applications for text amendments to the development code. Private parties may request that city council initiate a text amendment.

2. *Preliminary or final plan/plat and site plan applications during consideration of application for text amendment to this development code.*

a. Whenever an ordinance that adds new restrictions on permitted uses (e.g., adding new use regulations or development standards), or that changes permitted uses in any existing zone district (e.g., prohibiting a previously allowed use) is introduced in city council, the planning and development services division shall not accept applications for preliminary or final subdivision plats, preliminary or final PUD development plans, or site plans (including limited and conditional uses) for a period not to exceed 120 days from the date of the introduction of such amendment ordinance when, if approved, such plan or plat would authorize the construction of a building or the establishment of a use that would become nonconforming under the contemplated amendment. The city council may extend the 120-day period by ordinance.

b. If the amendment ordinance is not adopted within the 120 days, or any extensions thereof, the planning and development services division shall accept applications and issue plan or plat approval regardless of the status of such amendment ordinance.

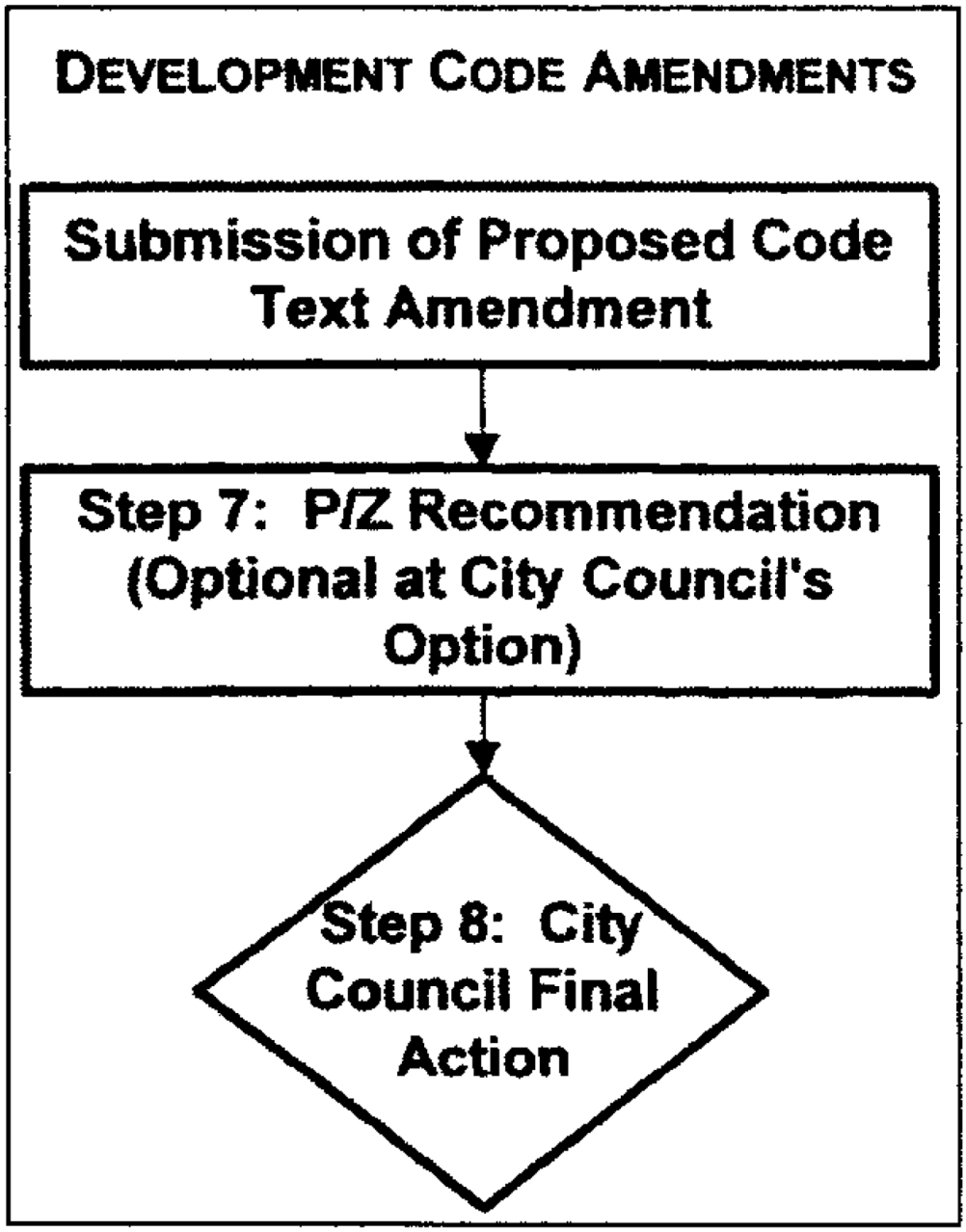
3. *Review procedures.* Applications for text amendments to the development code shall follow the core procedure for review of major development application, stated in subsection 15.02.050.B above, except for the following modifications:

a. *Steps 1 through 5.* Step 1 (pre-application conference), Step 2 (neighborhood meeting), Step 3 (submission of application), Step 4 (DRC/agency review), and Step 5 (DRC response meeting) are not required. The city council may request DRC review and recommendation; otherwise, DRC review and recommendation is not required.

b. *Step 7 (P/Z action or recommendation).* The city council may request P/Z review and recommendation; otherwise, P/Z review and recommendation is not required.

c. *After Step 7 (P/Z action or recommendation).* After the P/Z takes action, the city shall prepare an ordinance according to the P/Z's recommendation and schedule the amendment application on the next regular city council meeting agenda, or as soon as meeting agendas allow, for first reading.

d. *Step 8: City council action.* The amendment ordinance shall be placed on the city council agenda for first reading and, if passed, a date shall be set for second reading and public hearing. At second reading and public hearing, the city council shall approve, approve with conditions, or deny the ordinance.



4. *Review criteria.* Text amendments to the development code may be approved if the decision-making body finds that all of the following approval criteria have been met:
   a. The proposed amendment is generally consistent with the LACP. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve an amendment that provides a public benefit even if the amendment is contrary to some of the goals, policies or strategies in the LACP.
   b. The proposed amendment is consistent with the purpose and intent of this development code set out in section 15.01.030 above.

C. *Rezonings (amendments to the official zoning map) and concept plan amendments.*
1. *Rezoning initiation.* Applications for rezonings 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 (referred hereafter as "private-parties").
2. *Concept plan.* A concept plan is required for rezonings and amendments. The concept plan shall be referenced in the rezoning ordinance.
   a. Contents of concept plan. At a minimum, a concept plan shall include the following general information:
      i. Uses proposed, in general categories;
      ii. Intensity or density of uses proposed;
      iii. Existing and proposed open space;
      iv.

Existing buildings and proposed development areas with a conceptual layout of lots (for all developments) and buildings (for multifamily residential, mixed use, and nonresidential development), unless waived by the planning director;

v. Existing and proposed street and pedestrian networks;

vi. Existing and proposed utilities and public services;

vii. For mixed use (MU) districts, a regulating plan that includes the information identified in appendix B of this development code; and

viii. All other applicable submittal requirements stated in appendix B to this development code.

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 held under single and common ownership 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 during consideration of rezoning application.*

a. Whenever an ordinance has been introduced in city council 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 (e.g., prohibiting a previously allowed use), the planning and development services division shall not accept applications for preliminary or final subdivision plats, preliminary or final PUD development plans, or site plans (including limited and conditional uses) for a period not to exceed 120 days from the date of the introduction of such amendment ordinance when, if approved, such plan or plat would authorize the construction of a building or the establishment of a use that would become nonconforming under the contemplated amendment. The city council may extend the 120-day period by ordinance.

b. If the amendment ordinance is not adopted within the 120 days, or any extensions thereof, the planning and development services division shall accept applications and issue plan or plat approval regardless of the status of such amendment ordinance.

4. *Review procedure.* All applications shall follow the core procedure for review of major development applications, stated in section 15.02.050(B) above, except for the following modifications:

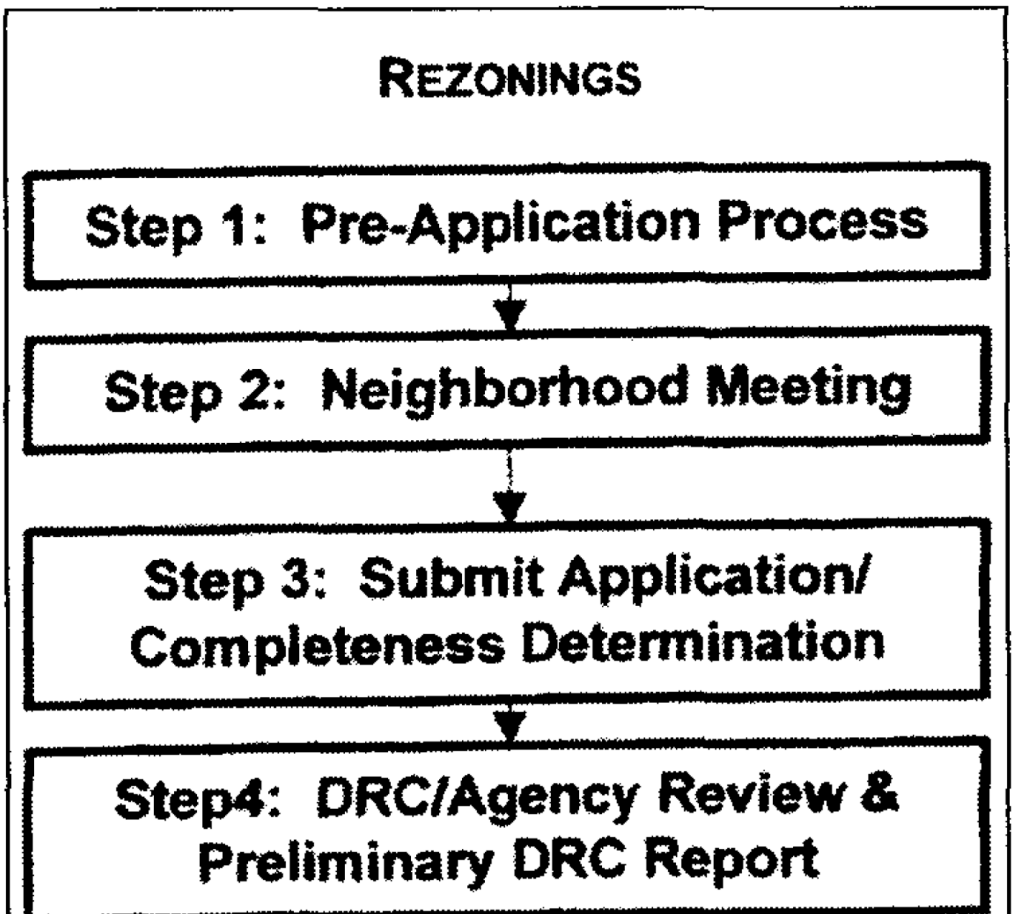
a. *Rezonings.*

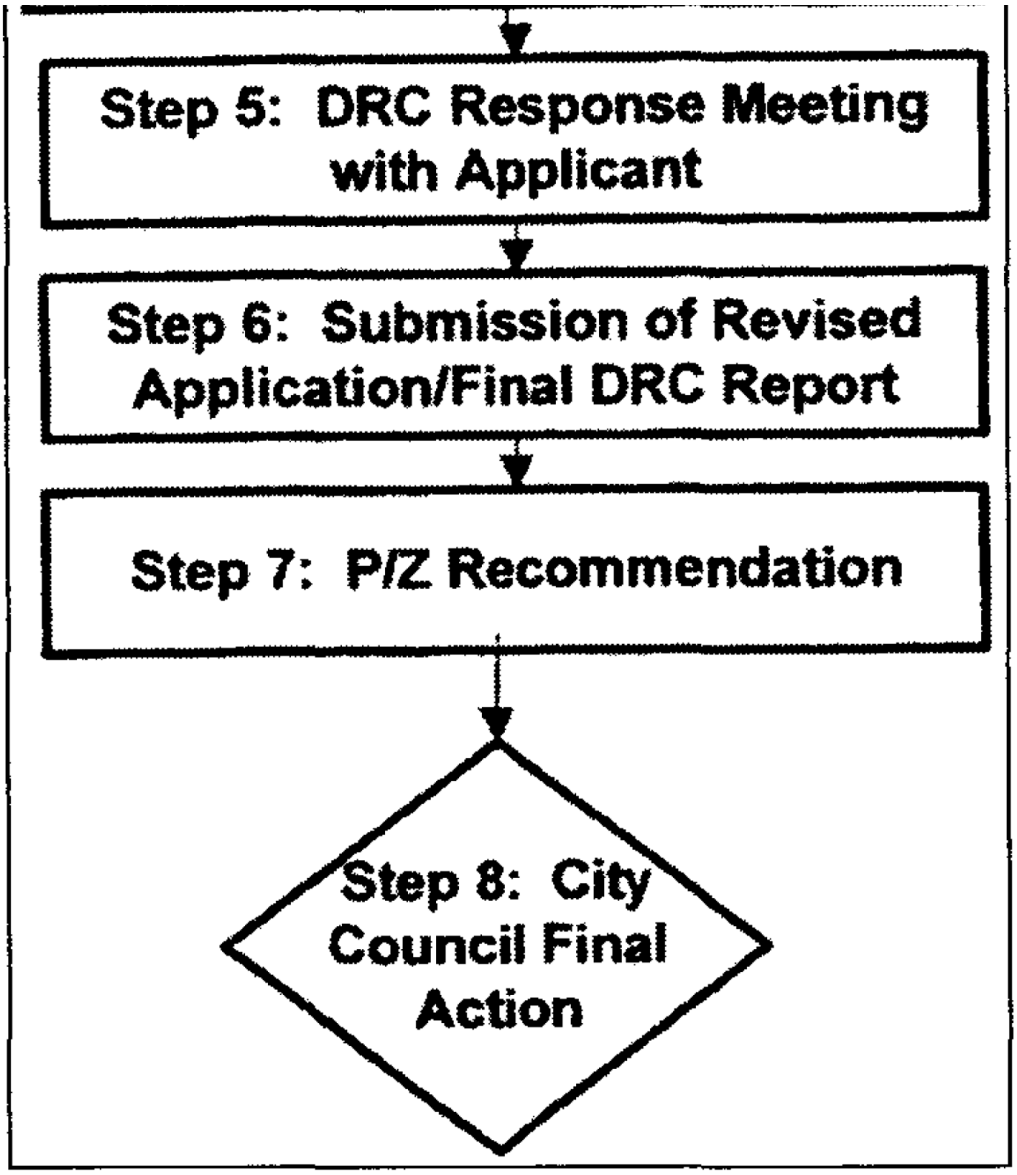
i. *After Step 7 (P/Z action or recommendation).* After the P/Z takes action, the city shall prepare an ordinance and schedule the amendment application on the next regular city council meeting agenda, or as soon as meeting agendas allow, for first reading.

ii. *Step 8: City council action.* The rezoning ordinance shall be placed on the city council agenda for first reading and, if passed, a date shall be set for second reading and public hearing. At second reading and public hearing, the city council shall approve, approve with conditions, or deny the ordinance.

b. *Concept plan amendments.*

i. *Step 8: City council action.* The concept plan shall be placed on the city council public hearing agenda for consideration and the city council shall approve, approve with conditions or deny the concept plan.





5. *Review criteria.* All proposed rezonings shall be reviewed based on compliance with subsections C.5.a. and C.5.b. of this section. Concept plan amendments shall be reviewed based on compliance with subsection C.5.b. of this section.
   a. *Justification for rezoning.* The rezoning is justified by at least one of the following conditions:
      i. 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;
      ii. The rezoning is requested to comply with the LACP land use designation;
      iii. The rezoning eliminates an improper (spot) zone, such as a relatively small island of land that has been afforded privileges not afforded to the surrounding area generally and such spot zone is inconsistent with the LACP land use designation;
      iv. The rezoning corrects an error of a technical nature; for example, in order to achieve zoning district conformance with existing lot lines;
      v. The rezoning is requested to rezone between a planned unit development zoning district and a non-PUD zoning district where the property's land use designation on the LACP does not change. Rezoning to a PUD zoning district must comply with the requirements for PUD rezonings (see subsection 15.02.060.G.) and will provide a high quality development design with uses that are compatible with surrounding properties.
      vi. 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.
   b. *Appropriateness of the rezoning or concept plan amendment.* The application shall comply with all of the following criteria:
      i. The development is generally consistent with the LACP, as amended, or reflects conditions that have changed since adoption of the LACP. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve an application that provides a public benefit even if the application is contrary to some of the goals, policies or strategies in the LACP.
      ii. There will be capacity to provide adequate public services and facilities to accommodate development allowed under the zoning and the application evidences appropriate utility and transportation design, including multi-modal transportation access, given the existing and planned capacity of those systems.

iii. The application will not result in adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated.

iv. The application will not result in adverse impacts on surrounding properties and neighborhoods or such impacts will be substantially mitigated.

v. The intended land uses and site design shown in the concept plan are consistent with the intent and purpose of the zoning and will be compatible with existing and planned development on surrounding properties and neighborhoods.

vi. For mixed use districts:

(a) The application is consistent with other city approved plans that apply to the area being rezoned.

(b) Residential uses will be integrated with other uses in the district and proposed housing types and densities will support the planned mix of uses.

(c) The design and placement of buildings, pedestrian and vehicle access, parking, streetscapes, open space, signage, lighting, and other features within the district will support pedestrian scaled and oriented mixed use development that is integrated with surrounding properties and neighborhoods.

vii. For rezonings, the proposed zoning does not create improper (spot) zoning.

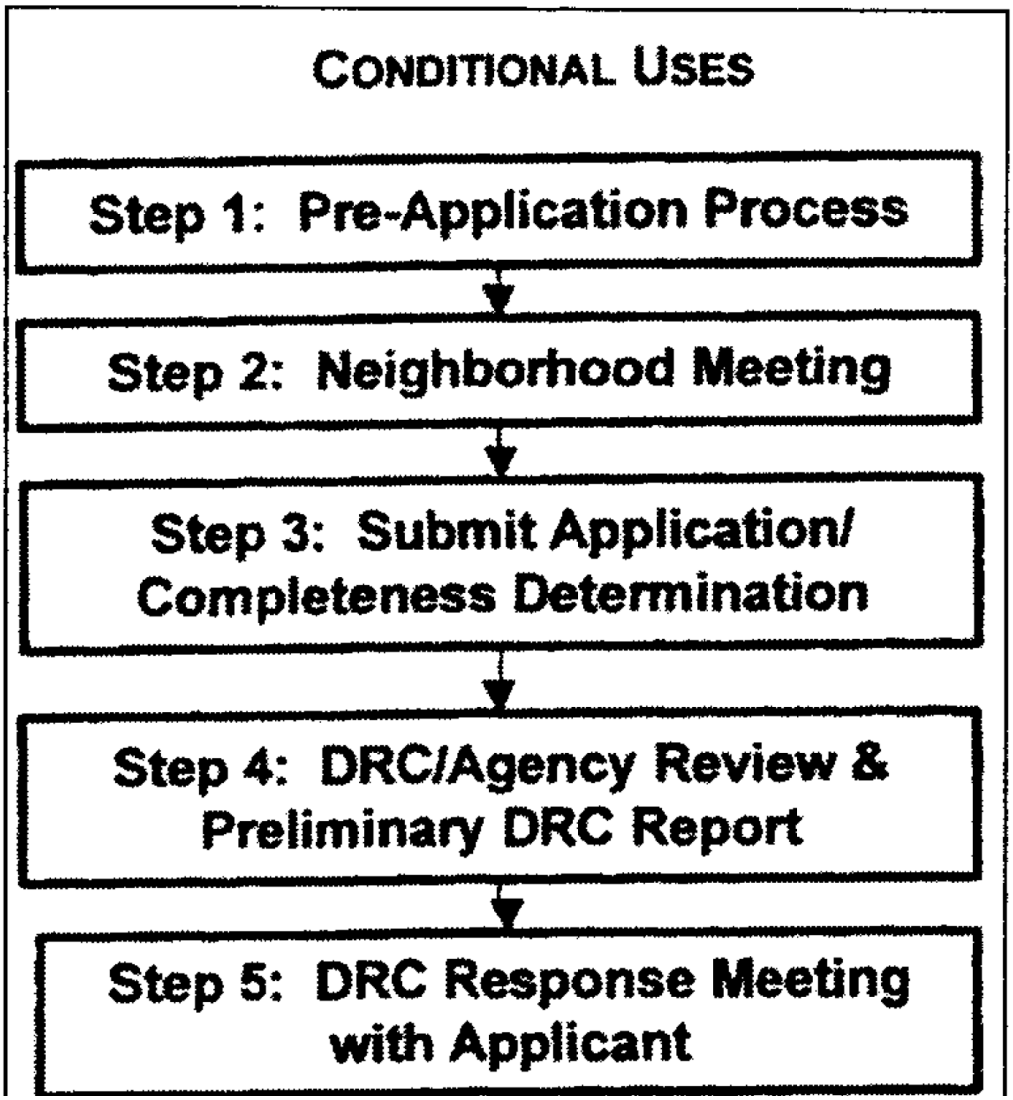
6. *Effect of approval.*

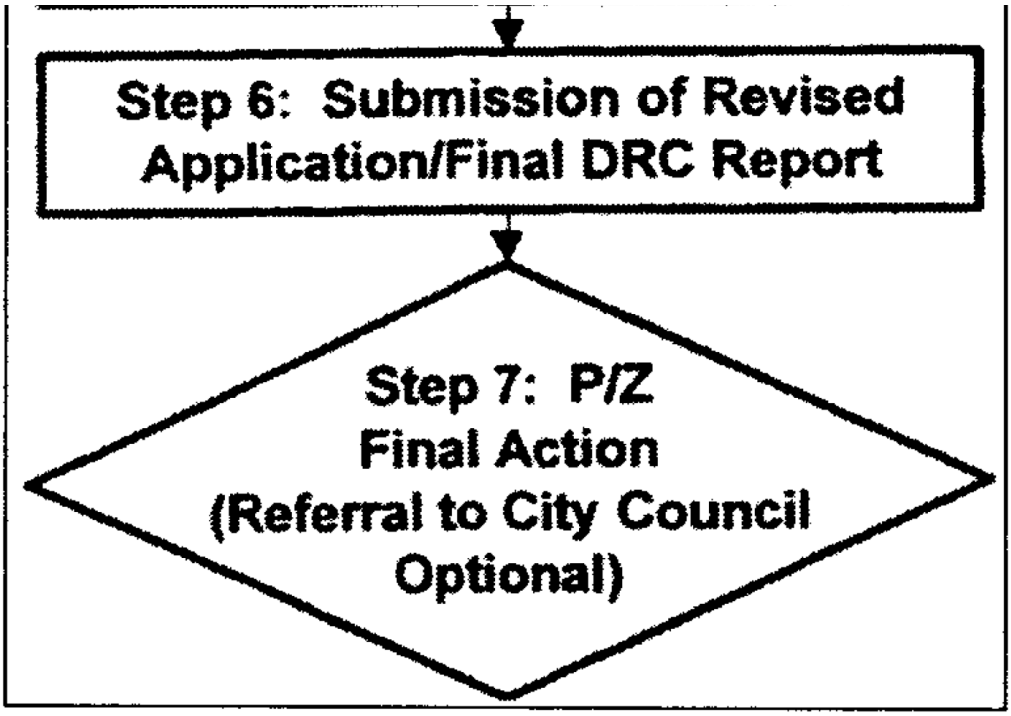
a. Concept plan approval does not exempt the subject development from subsequent subdivision, development plan, or site plan review, as applicable.

b. The property with an approved concept plan shall receive approval of a subdivision plat and development plan or site plan consistent with such concept plan within two years from the date of approval of the concept plan, unless another time frame is stated in the approval. If a subdivision plat and development plan or site plan has not been approved within two years, the concept plan approval shall automatically lapse and become null and void, unless an extension is granted by city council prior to expiration. If the concept plan lapses, a new concept plan shall be required prior to future development of the subject parcel. Such new concept plans shall be processed according to the procedures of this subsection. Amendments to the concept plan do not affect the original approval period, unless otherwise provided. At its discretion, the city council may institute rezoning proceedings pursuant to this section 15.02.060(C) to rezone the affected land areas at the expiration of such time periods.

D. *Conditional uses.*

1. *Review procedure.* All applications for conditional use approval shall follow the core procedure for review of major development application, stated in section 15.02.050.B. above. Applications for a conditional use shall be processed concurrently with an application for site plan review, as applicable, as indicated in subsection 15.02.090.F.





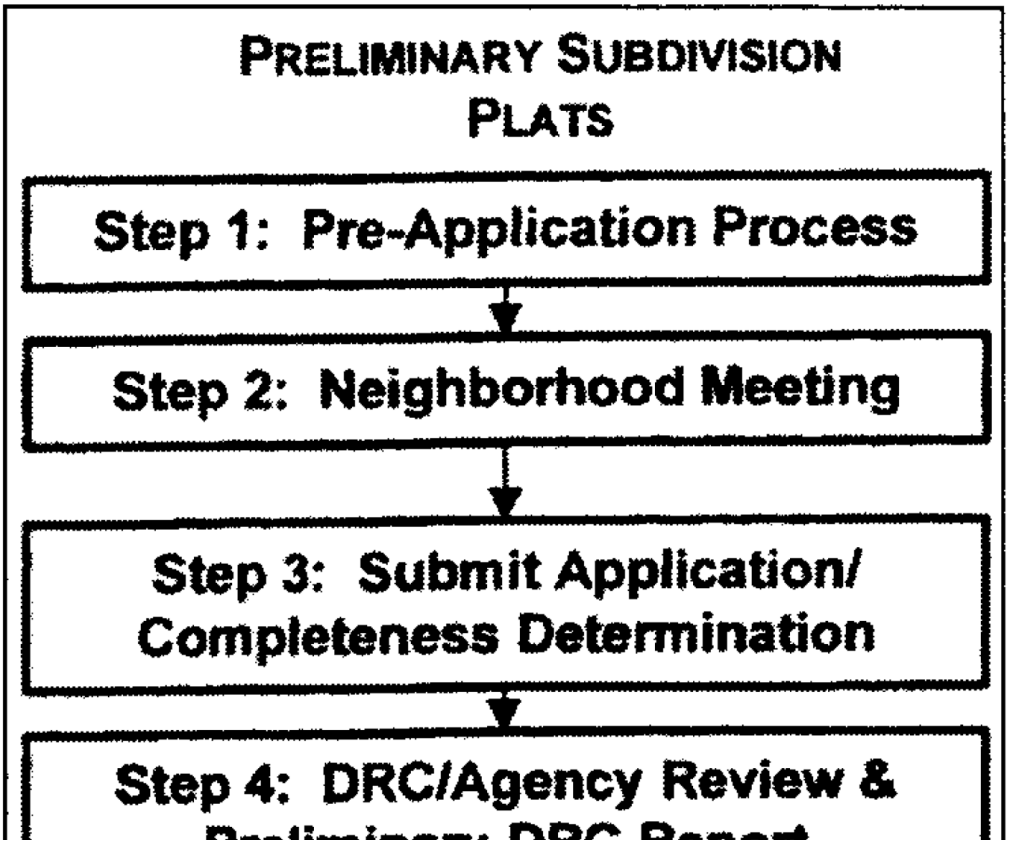
2. *Review criteria.* In addition to compliance with any special conditions and standards listed in chapter 15.04, "Use Regulations," of this development code or Table 15.04-A (Table of Principal Uses by Zoning District), all applications for conditional use shall demonstrate compliance with the following criteria, and the criteria for a site plan, stated in subsection 15.02.090.F.5, when the conditional use is combined with a site plan:
   a. *LACP/code compliance.*
      i. The conditional use is generally consistent with the LACP, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a conditional use that provides a public benefit even if the conditional use is contrary to some of the goals, policies or strategies in the LACP.
      ii. The conditional use complies with all applicable provisions of this development code, except to the extent modifications, variances, or waivers have been expressly allowed.
   b. *General traffic/circulation standard.* On-site and off-site traffic circulation patterns related to the use shall not adversely affect adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site.
   c. *General adequate facilities standard.* The use will be adequately served by public facilities and services. Public facilities and services include, but are not limited to, water, sewer, electric, schools, streets, fire and police protection, storm drainage, solid waste collection and recycling, public transit and other multi-modal transportation access, and public parks/trails. See also section 15.05.150, "Adequate Public Facilities."
   d. *General compatibility standard.* The use is compatible with the surrounding neighborhood and surrounding existing uses and the application mitigates, to the maximum extent feasible, potential adverse impacts on surrounding land uses, public facilities and services, and the environment.
   e. *General design compatibility standard.* The use is compatible in design and scale with existing surrounding uses and permitted uses of the district in terms of, but not limited to:
      i. Building scale, bulk and height;
      ii. Architectural style and building materials;
      iii. Building setbacks;
      iv. Landscaping and buffering;
      v. Sign size, location, and type; and
      vi. Parking configuration and screening.
   f. *General influence standard.* The conditional use will not substantially alter the basic character of the zoning district, increase the likelihood for future rezoning requests, or jeopardize the development or redevelopment potential of the district.
3. *Authority to impose conditions to ensure compliance with standards.* 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 and the district will be substantially mitigated, including but not limited to conditions or measures addressing:
   a. Amount or degree of outdoor activity or storage;
   b. Location on a site of activities that generate potential adverse impacts such as noise and glare;
   c. Location on a site of buildings or structures that may be incompatible with existing development on adjacent properties;
   d. Hours of operation and deliveries;
   e. Light intensity and hours of full illumination;
   f. Location of loading and delivery zones;
   g. On-site parking configuration and facilities;
   h. On-site circulation;

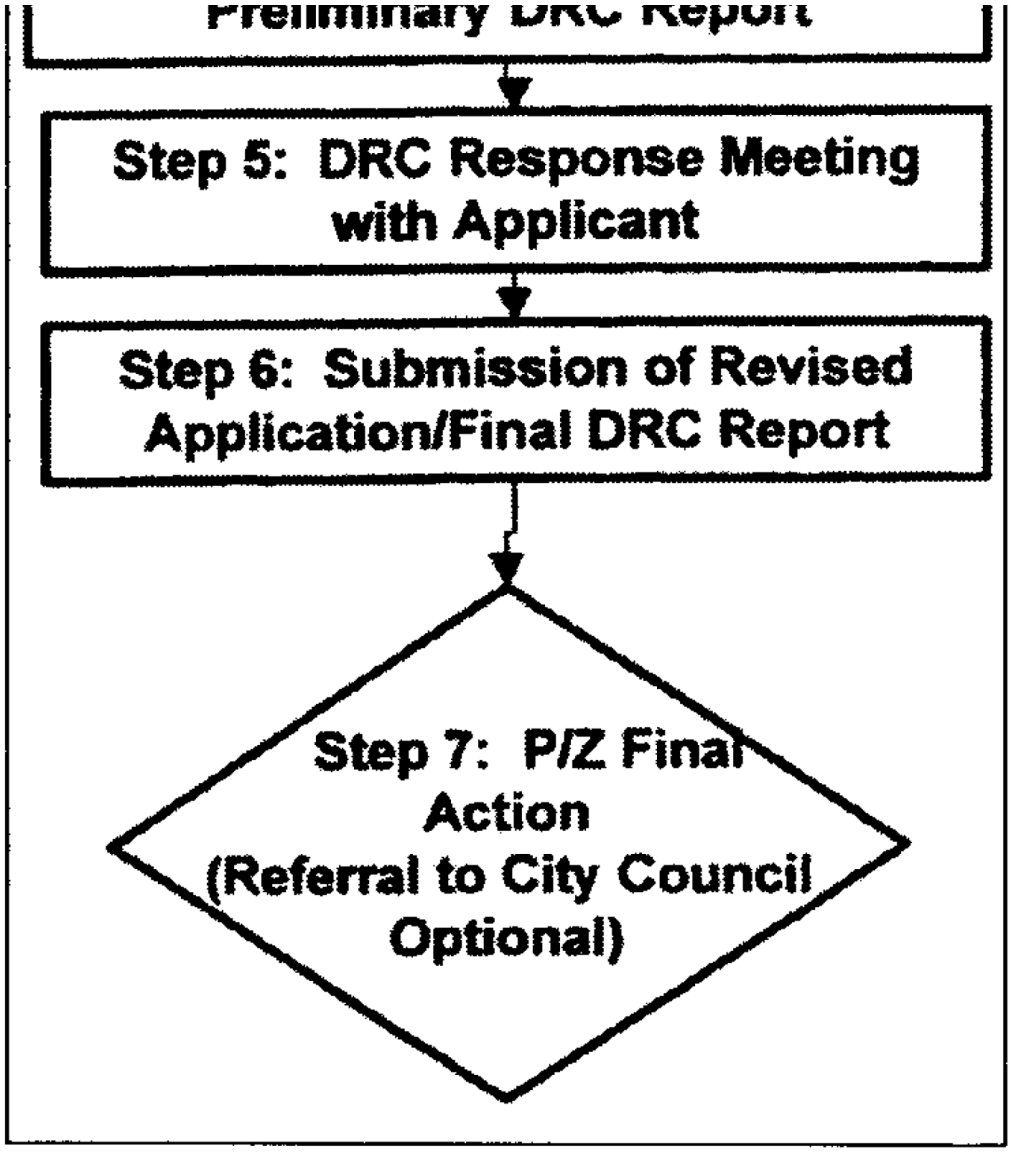
i. Placement and illumination of outdoor vending machines, telephones, and similar devices;
j. Loitering;
k. Litter control;
l. Placement of trash and recycling receptacles;
m. Privacy concerns of adjacent uses;
n. Building setbacks, roof line and building facades, structure height, and other similar design features and treatments; or
o. Location, size, height, design, or illumination of signs.

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. *Conditional use agreement.* Upon approval or conditional approval of the conditional use, the applicant shall enter into a conditional use agreement, which shall state all terms and conditions of approval. The agreement shall be recorded at the county clerk and recorder's office, and shall provide that it will be binding on the applicant, the applicant's successors and assigns, and shall run with the land. In lieu of a separate agreement, where appropriate, applicable terms and conditions of approval may be placed directly on the conditional use site plan, provided the notice of approval of the site plan is recorded at the county clerk and recorder's office.
6. *Lapse.*
   a. *General.* Failure of an applicant to begin operation or to apply for a building permit and commence construction with regard to the conditional use within one year of receiving approval of the conditional use permit shall automatically render the approval null and void.
   b. *Abandonment.* If a legally established conditional use is abandoned, extinguished, or discontinued for a period of one consecutive year or more, then the decision originally approving such conditional use shall automatically lapse and be null and void.
7. *Previously approved conditional uses.* Building additions or site changes for previously approved conditional uses that do not constitute a substantial change to the use and do not create or can adequately mitigate potential adverse impacts on surrounding properties or surrounding neighborhoods, as determined by the planning director, may be reviewed as an amendment to a site plan, according to subsection 15.02.090.F. 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 section.

E. *Preliminary subdivision plats.*

1. *Generally.* Preliminary subdivision plats are reviewed and approved by the P/Z (with referral and appeal possible to the city council), while final subdivision plats are administratively reviewed and approved by the planning director (unless referred to the P/Z for final action). Final subdivision plats are reviewed according to the minor development application procedures stated in section 15.02.080 below. See also subsection 15.02.090.A below for review procedures for minor subdivisions and section 15.02.100 for procedures for approval of statutory vested rights.
2. *Review procedure.* All applications for preliminary subdivision plat approval shall follow the core procedure for review of major development applications, stated in section 15.02.050.B above, except for the following modifications:
   a. *Step 7: P/Z action or recommendation.* The P/Z shall be the decision-making body on all applications for preliminary subdivision plat approval, and shall approve, approve with conditions, or deny the application based on its compliance with the review criteria stated in this subsection. However, the P/Z may determine by majority vote of those seated that city council action on the application is necessary and, in such cases, shall make a recommendation on the proposal and refer the application to the city council.



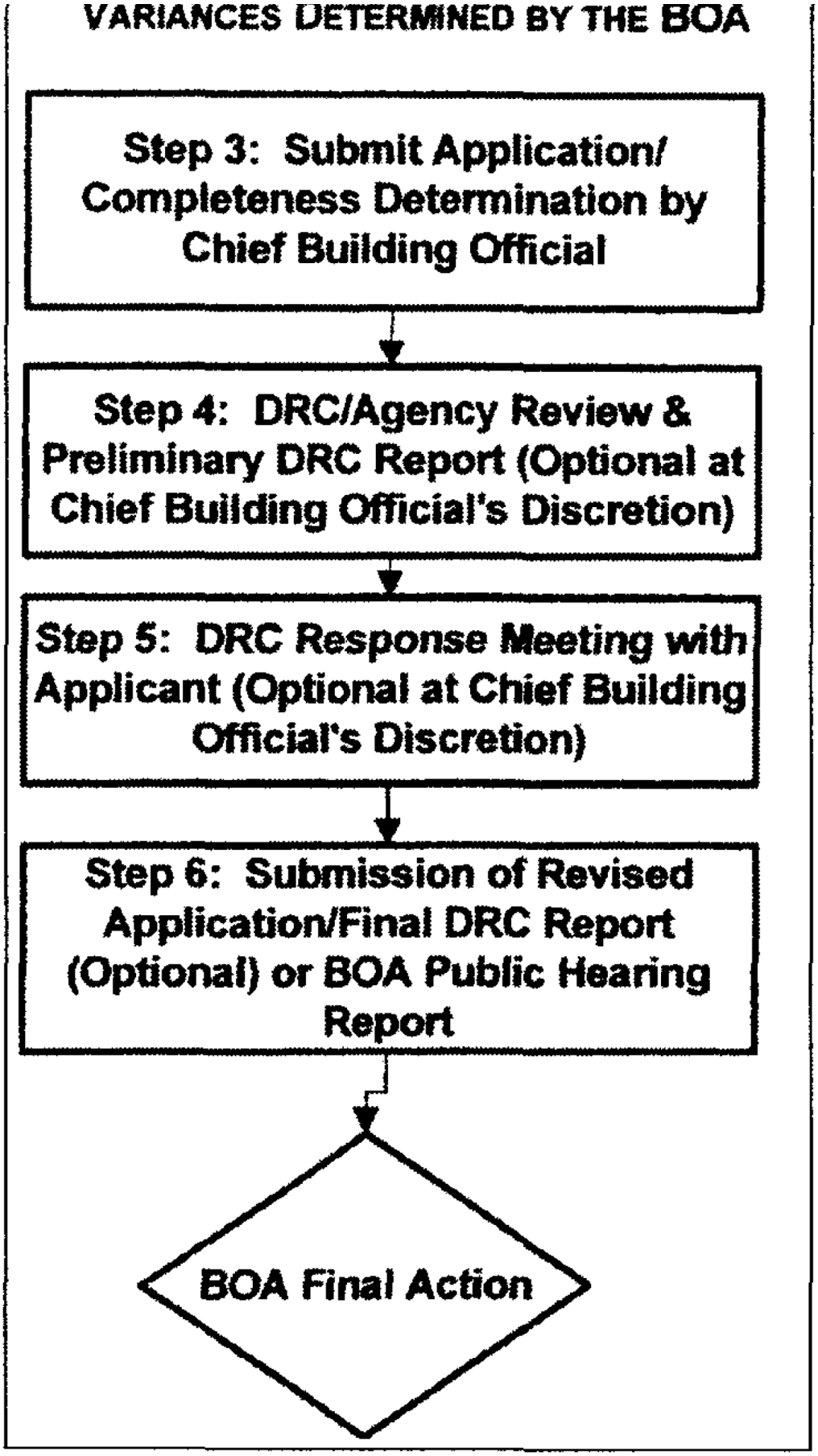


3. *Review criteria.* All applications for preliminary subdivision plat approval shall demonstrate compliance with the following criteria:
   a. The subdivision is generally consistent with the LACP, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a subdivision that provides a public benefit even if the subdivision is contrary to some of the goals, policies or strategies in the LACP.
   b. The subdivision is consistent with any precedent approved rezoning concept plan or PUD development plan.
   c. The subdivision is consistent with and implements the intent of the specific zoning district in which it is located.
   d. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within the proposed subdivision shall be designed in a way that minimizes the amount of land disturbance, maximizes the amount of open space in the development, preserves existing trees/vegetation and riparian areas, protects important wildlife habitat, and otherwise accomplishes the purposes and intent of this development code. Applicants shall refer to the development standards stated in chapter 15.05 of this development code and shall consider them in the layout of the subdivision in order to avoid creating lots or patterns of lots that will make compliance with such development standards difficult or infeasible.
   e. The subdivision complies with all other applicable development regulations, standards, requirements, and plans. For residential developments, the subdivision shall not exceed the density limit of the zoning district, including any subsequent resubdivisions.
   f. The subdivision shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features including multi-modal transportation access.
   g. The subdivision's general layout and design are compatible with surrounding residential neighborhoods and existing or planned land uses, or conditions or other measures will be imposed to substantially mitigate any incompatibility or potential adverse impact.
   h. The subdivision will not result in significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation, or such impacts will be substantially mitigated. The city and other service providers will be able to provide adequate public facilities and services, including schools, police and fire protection, transportation, recreational facilities and parks, to the subdivision when development is complete, while maintaining adequate levels of service to existing development (see also section 15.05.150, "Adequate Public Facilities");
   i. The subdivision shall have access to adequate and available utility services.
   j.

When the subdivision generates a need for public improvements, including public school sites, the applicant shall make fair contribution to the cost, construction, or provision of such improvements that is acceptable to the service provider, including fair contribution for public school sites acceptable to the school district. (See section 15.02.150(D), "Intergovernmental agreement concerning fair contributions for public school sites between the City of Longmont and the St. Vrain Valley School District RE-1J.")

4. *Effect of preliminary subdivision plat approval.*
   a. An approved preliminary subdivision plat shall lapse and be of no further force and effect if a complete final subdivision plat application for the subdivision or a phase of the subdivision has not been submitted within any time frame established by P/Z or city council at the time of preliminary subdivision plat approval, or, if no time frame was established, then within one year.
   b. In the case of partial final subdivision plat submission, the approval of the remaining portion of the preliminary subdivision plat shall automatically gain an extension of three years.
   c. If the applicant fails to submit a final subdivision plat within any applicable time period, or is not granted an extension, all proceedings concerning the subdivision are terminated and a new preliminary subdivision plat application shall be required.

F. *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 board of adjustment (BOA).* The BOA shall be the decision-making body on requests for variances from dimensional standards (as that term is defined in chapter 15.10, but excluding density, lot area, lot width, and building height standards), and variances from chapter 15.06 (Signs) stated in this development code when a plat, site plan (including limited and conditional uses) or development plan is not proposed or required in conjunction with the variance request.
   b. *Variances reviewed by the planning and zoning commission (P/Z).* The P/Z shall be the decision-making body on all requests for variances when a plat, site plan (including limited and conditional uses) or development plan is proposed or required in conjunction with the variance request. The P/Z shall also review the following variance requests regardless of the type of application:
      i. Variances from the building height standards in this development code (see section 15.02.060(J), "Height Exceptions");
      ii. Variances from any standards within the scenic entryway overlay (SE-O) district (see section 15.03.090);
      iii. Variances from standards related to the protection of rivers, streams and wetlands (see section 15.05.020);
      iv. Variances from habitat and species protection standards (see section 15.05.030);
      v. Variances from open space standards (see section 15.05.040);
      vi. Variances from street and vehicle access and circulation standards (see section 15.05.050), as applicable;
      vii. Variances from pedestrian and bicycle access and connectivity standards (see section 15.05.060);
      viii. Variances from off-street parking and loading standards (see section 15.05.080) (except for building permits for one-family dwellings or additions to residential dwellings not requiring site plan review, which are reviewed by the BOA);
      ix. Variances from landscaping standards (see section 15.05.090);
      x. Variances from residential design standards (see section 15.05.110) and nonresidential design standards (see section 15.05.120).
   c. *Requests for exceptions to the road/street and access design standards.* The public works and water utilities director shall be the decision-making body on all requests for variances or exceptions to the city's road/street and access 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. All such requests shall be processed as a minor development application under subsection 15.02.090.I below.
   d. *Signs.* under section 15.06.080, the planning director, or designee, or decision-making body may approve master sign plans that deviate from the sign standards of chapter 15.06 (Signs).
   e. *Lighting standards.* Under section 15.05.140(G), "Height Standards for Lighting," the planning director may approve modifications from the height standards for lighting fixtures.
   f. *Master board of appeals.* Under chapter 16.30 of the Longmont Municipal Code, the master board of appeals is the decision-making authority on all requests for variances from the strict application of the city's duly adopted building, mechanical, plumbing, electrical, housing, energy, and fire codes. See LMC section 16.30.030(C).
   g. *Minor modifications.* Under subsection 15.02.090.H, "Minor Modifications," the planning director may approve minor modifications from specified provisions of this development code without review by the BOA or P/Z for a variance.
4. *Review procedure.* All applications for variances from the provisions of this development code shall follow the core procedure for review of major development applications, stated in section 15.02.050(B) above, except for the following modifications:
   a. *Variances determined by the BOA.*
      i. *Steps 1—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 15.02.050(B)(3).
      iii. *Steps 4 and 5 (DRC review and response meeting).* 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.
      iv. *After Step 6—Transmittal of application to the BOA.* The final DRC report (as applicable) and public hearing report shall be transmitted to the BOA. After receipt of the reports, the BOA shall hold a public hearing on the variance request at its next regularly scheduled meeting, or as meeting agendas allow.


VARIANCES DETERMINED BY THE BOA
Step 3: Submit Application/ Completeness Determination by Chief Building Official
Step 4: DRC/Agency Review & Preliminary DRC Report (Optional at Chief Building Official's Discretion)
Step 5: DRC Response Meeting with Applicant (Optional at Chief Building Official's Discretion)
Step 6: Submission of Revised Application/Final DRC Report (Optional) or BOA Public Hearing Report
BOA Final Action

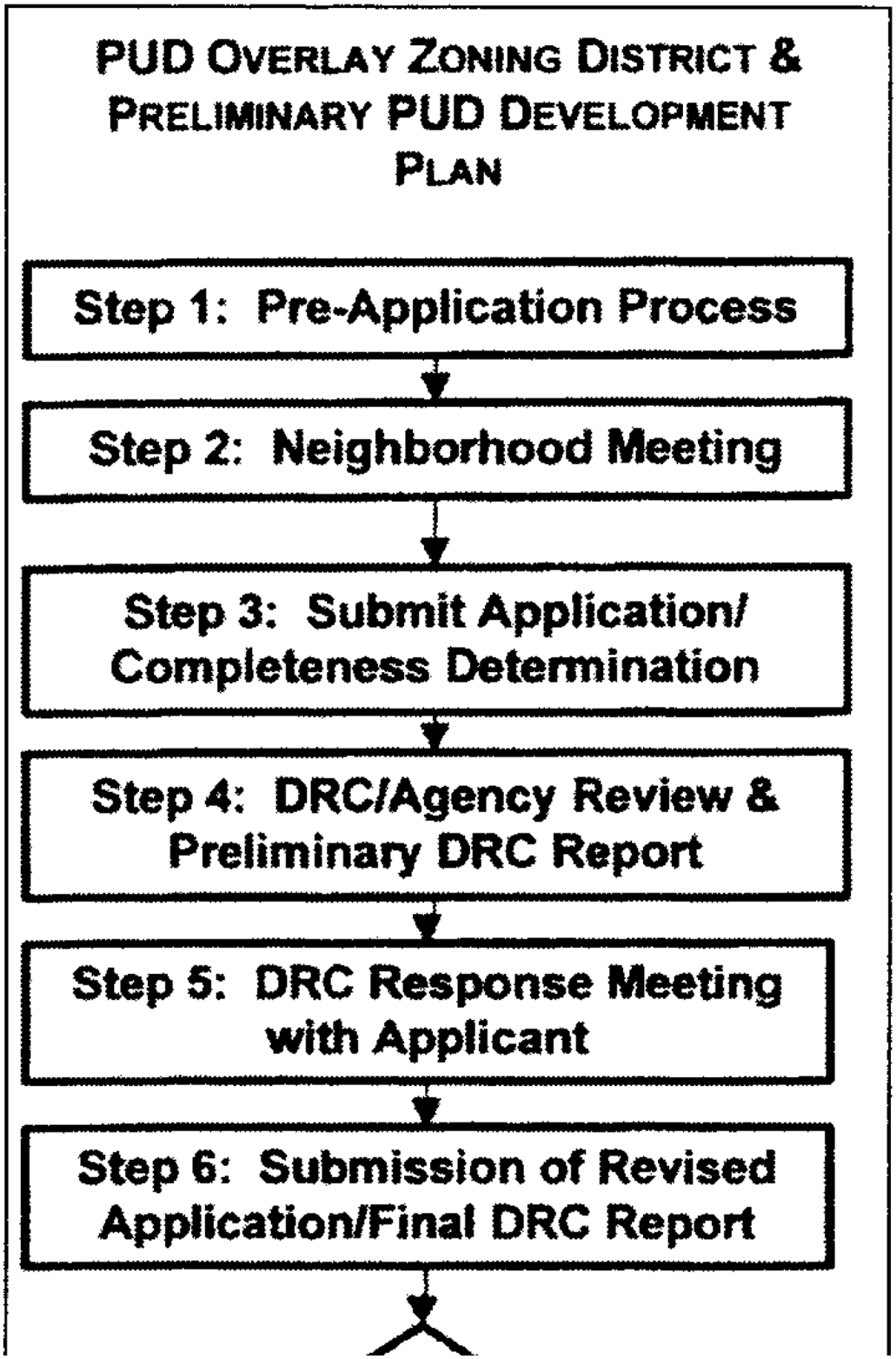
b. *Variances determined by the P/Z with other development applications—Step 7.* The P/Z shall determine requests for variances at the public hearing on the development application. The notice for the public hearing shall reference all requests for variances. At the public hearing, the P/Z shall make separate findings relating to the development application and the variance. Approval of the development application shall be made conditional upon compliance with the terms of any variance granted by the P/Z. The approval period of any variance shall be the same as the approval period of the development application.

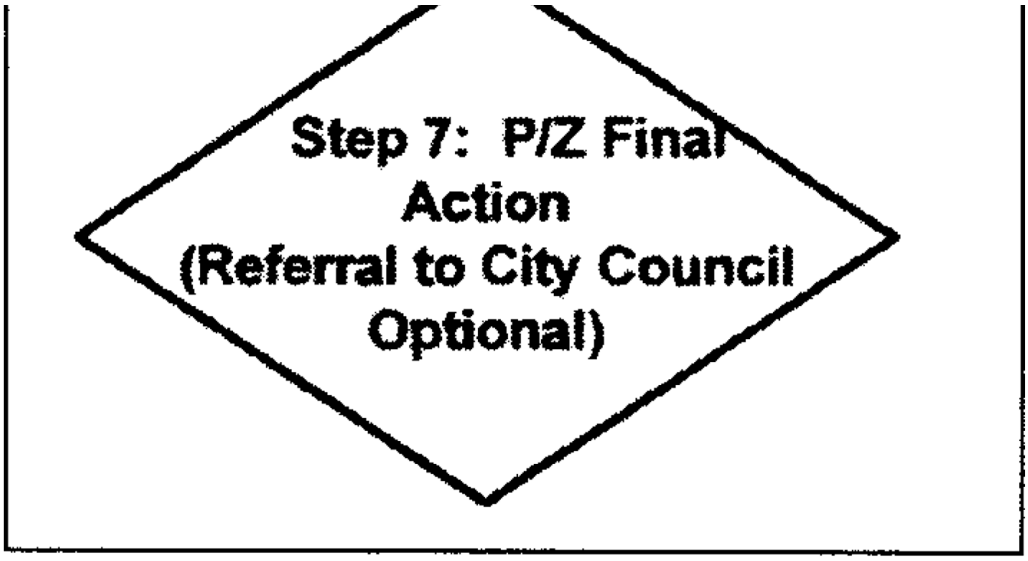
5. *Review criteria for variances determined by the BOA.* Except as stated in subsection (F)(7) of this section, "Review Criteria for Sign Variances," the decision-making body shall not grant a variance from the terms of this development code unless the application demonstrates the following:
   a. Special circumstances exist that are exceptional to the subject property and that do not apply generally to similarly situated property in the same zoning district or neighborhood, such that the strict application of the zoning or development regulations adopted in this development code would result in undue hardship and practical difficulties for the owner of such property. Relief in the form of a variance, however, shall not have the effect of nullifying or impairing the intent and purpose of these regulations or the LACP. Special circumstances include, but are not limited to, exceptional narrowness, shallowness, or shape of the subject piece of property or exceptional topographic conditions of such property.
   b. In determining "practical difficulty," the decision-making body shall consider the following factors:
      i. Whether the property in question, considered within the context of the entire development, will yield a reasonable return or whether there can be any beneficial use of the property without the variance;
      ii. Whether the variance is substantial;
      iii. Whether the essential character of the neighborhood would be substantially altered or whether surrounding properties would suffer a substantial detriment as a result of the variance;
      iv. Whether the variance would adversely affect the delivery of municipal/public services such as water and sewer;
      v. Whether the applicant purchased the property with knowledge of the requirement;
      vi. Whether the applicant's problem can be resolved feasibly through some method other than a variance; and
      vii. Whether the spirit and intent behind the requirement would be observed and substantial justice done by granting the variance.
   c. The decision-making body shall not grant a variance if doing so will result in significant adverse impacts to surrounding properties or neighborhoods, or the natural environment.
   d. The decision-making body shall not grant a variance that may create a safety hazard.
   e. The decision-making body shall not grant a variance for a self-imposed hardship.
   f. The decision-making body shall not grant a variance reducing the size of lots contained in an existing or proposed subdivision if it will result in the subdivision exceeding the density limit of the applicable zoning district.
   g. If authorized, a variance shall represent the least deviation from the regulations that will afford relief.
6. *Review criteria for variances determined by the P/Z.* Except as stated in subsection (F)(7) of this section, "Review Criteria for Sign Variances," the decision-making body shall not grant a variance from the terms of this development code unless the application demonstrates the following criteria:
   a. The requested variance is generally consistent with the LACP and with the stated purposes of this development code. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a variance even if the variance is contrary to some of the goals, policies or strategies in the LACP;
   b. The proposed variance presents an alternative site or development design that:
      i. Meets the purpose and intent of the standard being modified;
      ii. Represents an improvement in quality over what could have been accomplished through strict application of the standard; and
      iii. Does not result in, or substantially mitigates, any detriment to surrounding properties or neighborhoods, the natural environment or to the city's ability to provide services and maintain public facilities. Examples include, but are not limited to, enhancements in open space and pedestrian access, environmental protection, landscape design and tree/vegetation preservation; efficient provision of streets, multi-modal transportation facilities, and other utilities and services; or enhanced alternative living and housing opportunities;
   c. The decision-making body shall not grant a variance if doing so will result in significant adverse impacts to surrounding properties or neighborhoods, or the natural environment;
   d. The decision-making body shall not grant a variance that may create a safety hazard;
   e. The decision-making body shall not grant a variance reducing the size of lots contained in an existing or proposed subdivision if it will result in the subdivision exceeding the density limit of the applicable zoning district;
   f. If the decision-making body grants a variance, it shall consider the least deviation from the regulations that will afford relief.
7. *Review criteria for sign variances.*
   a. *Master sign plans.* An applicant seeking variances from chapter 15.06 (Signs) under section 15.06.080, "Master Sign Plans," shall satisfy the applicable criteria stated therein, and not the review criteria stated in subsection (F)(5) of this section.
   b. *Other sign variances.* If the application for a sign variance exceeds the limits stated in section 15.06.080, "Master Sign Plans," or is otherwise beyond the scope of section 15.06.080, such variance application shall be reviewed according to the criteria in subsection (F)(5) of this section and the review criteria for master sign plans stated in section 15.06.080(D).
8. *Conditions to approval authorized.* 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.
9. *Effect of approval/lapse.*
   a. *Variances approved by the BOA.* Unless otherwise provided by the BOA, the applicant must apply for any needed building permits within six months of the BOA's approval of the variance. 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 the six-month period.
   b. *Variances approved by the P/Z.* The approval period of any variance granted by the P/Z shall be the same as the BOA in subsection (E)(9)(a) of this section for variances approved, absent another development application, or the same as the approval period of the development application, and shall lapse with the approved development.
   c. *Approved variances and redevelopment of the property.* The variance approval shall automatically lapse and be of no further force and effect upon a substantial redevelopment of the subject property.

G. *Establishment of PUD zoning and preliminary PUD development plans.*

1. *General—Establishment of PUD zoning districts.* The permitted PUD zoning districts stated in section 15.03.060, "Planned Unit Development Districts," may be established through one of the following procedures:
   a. Initial zoning when petitioning for annexation;
   b. A rezoning to a PUD zoning district; or
   c. Except for a PUD-MU, approval of a permitted PUD district as an overlay to an existing residential, commercial, or industrial zoning district, as follows:
      i. PUD-R may be established as an overlay in the R1, R2, and R3 Zoning Districts;
      ii. PUD-C may be established as an overlay in the C, CR, and CBD Zoning Districts; and
      iii. PUD-I may be established as an overlay in the BLI, MI, and GI Zoning Districts.
2. *PUD Development plans required—Consolidation with subdivision approval.*
   a. *PUD Development plans required.* Approval of preliminary and final PUD development plan is required prior to any development in a PUD zone district. A preliminary PUD plan shall be submitted with all requests for approval of a PUD zoning district permitted as an overlay zone district. A preliminary PUD plan may be submitted concurrently with requests for PUD zoning when petitioning for annexation or concurrently with an application for rezoning to a base PUD zoning district. Preliminary PUD plans are reviewed and approved by the P/Z. Final PUD plans are reviewed according to the minor development application procedures stated in section 15.02.080(B) below.
   b. *Consolidation with subdivision approval.* Where applicable, the applicant shall consolidate an application for preliminary PUD plan approval with an application for preliminary subdivision plat approval.
3. *Review criteria.* All requests for the establishment of a permitted PUD zoning district, including those incorporating bonus density under section 15.03.060(E), "Standards of General Applicability," shall evidence compliance with the following general criteria:
   a. The PUD is generally consistent with the LACP, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a PUD that provides a public benefit even if the PUD is contrary to some of the goals, policies or strategies in the LACP;
   b. The PUD complies with all applicable district-specific standards and PUD development/design standards stated in section 15.03.060, "Planned Unit Development Districts";
   c. Except as provided in section 15.03.060, "Planned Unit Development Districts," the PUD shall comply with all standards, requirements, and specifications for provision of the following services: water; sewer; electricity; gas; public transit; trash collection and recycling; storm drainage; floodplain; telecommunications; streets/pedestrian system; fire protection; and cable television;
   d. The PUD shall be integrated and connected, where appropriate, with adjacent development through street connections, sidewalks, trails, and similar features including multi-modal transportation access;
   e. 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;
   f. The PUD avoids or substantially mitigates impacts from development in known areas of natural or geologic hazard, including unstable slopes, flood, high groundwater, or soil conditions unfavorable to urban development;
   g. The PUD is compatible with surrounding properties, neighborhoods and land uses or will substantially mitigate adverse impacts;
   h. The PUD shall be consistent with and implement the intent of the specific PUD zoning district and the proposed uses in the PUD are appropriate and compatible with the proposed design and location;
   i. As allowed in section 15.03.060(E)(19), certain standards, requirements, and specifications may be modified if the decision-making body finds that the proposed PUD incorporates creative site design such that it meets the purpose and intent of the standard being modified and represents an improvement in quality over what could have been accomplished through strict application of the standards, without detriment to surrounding properties or neighborhoods, existing or planned land uses, the environment or to the city's ability to provide services and maintain public facilities. Examples include, but are not limited to, enhancements in open space and pedestrian access; environmental protection; landscape design and tree/vegetation preservation; efficient provision of streets, multi-modal transportation facilities, and other utilities and services; or enhanced alternative living and housing opportunities;
   j. Except where modifications are allowed under subsection (G)(2)(h) of this section, the PUD complies with all applicable standards stated in chapters 15.03 (Zoning Districts), 15.04 (Use Regulations), 15.05 (Development Standards), 15.06 (Signs), and 15.07 (Subdivision and Improvements Standards);
   k. The proposed phasing plan for development of the PUD is rational in terms of available infrastructure capacity and adequate public facility standards; and
   l. Height exceptions granted as part of an application for PUD approval shall comply with the review criteria stated in section 15.02.060(J), "Height Exceptions," below.
4. *Supplemental review criteria for PUD-MU districts.* In addition to the general review criteria stated in subsection (G)(2) of this section, all PUD-MU Districts shall comply with the following criteria:
   a. The applicant shall establish that the addition of residential units to the planned commercial or industrial development benefits both the employers and residents of the PUD;
   b. The design and operations of the nonresidential land uses in the PUD will not result in adverse impacts on the residential uses in the PUD;
   c. While the absolute number of residential units built is flexible, there should be enough residential units to create a self-supporting neighborhood, and the design of the PUD-MU District will integrate the residential uses and provide adequate amenities for the residents, and will not result in the creation of isolated pockets of residential uses; and
   d. Retail uses proposed for mixed use PUDs will be consistent with the land use designation on the LACP or otherwise be consistent with the criteria for "Neighborhood Commercial Centers" or "Multi-Neighborhood Commercial Centers" as stated in the LACP.
5. *Review procedures and specific review criteria—PUD district establishment at time of annexation.* PUD districts established as the initial zoning at the time of annexation shall be reviewed and approved under the procedures applicable to annexations. See section 15.02.060(L), "Annexations." The request for initial PUD district zoning shall be reviewed and approved in compliance with all applicable review criteria for rezonings stated in section 15.02.060(C) above, and if a preliminary PUD development plan is submitted with the PUD zoning request, in compliance with the applicable PUD review criteria stated in subsections (G)(3) and (G)(4) above.
6. *Review procedures and specific review criteria—PUD district establishment through rezoning.* PUD districts established through an application for rezoning shall be reviewed and approved under the procedures and review criteria applicable to rezoning applications, as stated in section 15.02.060(C) above, and if a preliminary PUD development plan is submitted with the PUD zoning request, in compliance with the applicable PUD review criteria stated in subsections (G)(3) and (G)(4) above.

7. *Review procedures and review criteria—PUD district establishment as an overlay. establishment of a PUD district as an overlay requires approval of a preliminary PUD plan and a final PUD plan.* Preliminary PUD plans are reviewed and approved by the P/Z. Final PUD plans are reviewed according to the minor development application procedures stated in section 15.02.080(B) below.
   a. *Review procedure.* All applications for preliminary PUD plan approval shall follow the core procedure for review of major development applications, stated in section 15.02.050(B) above, except for the following modifications:
      i. *Step 7: P/Z action or recommendation.* The P/Z shall be the decision-making body on all applications for preliminary PUD plan approval, and shall approve, approve with conditions, or deny the application based on its compliance with the review criteria stated in this subsection. However, the P/Z may determine by majority vote of those seated that city council action on the application is necessary and, in such cases, shall make a recommendation on the proposal to the city council.

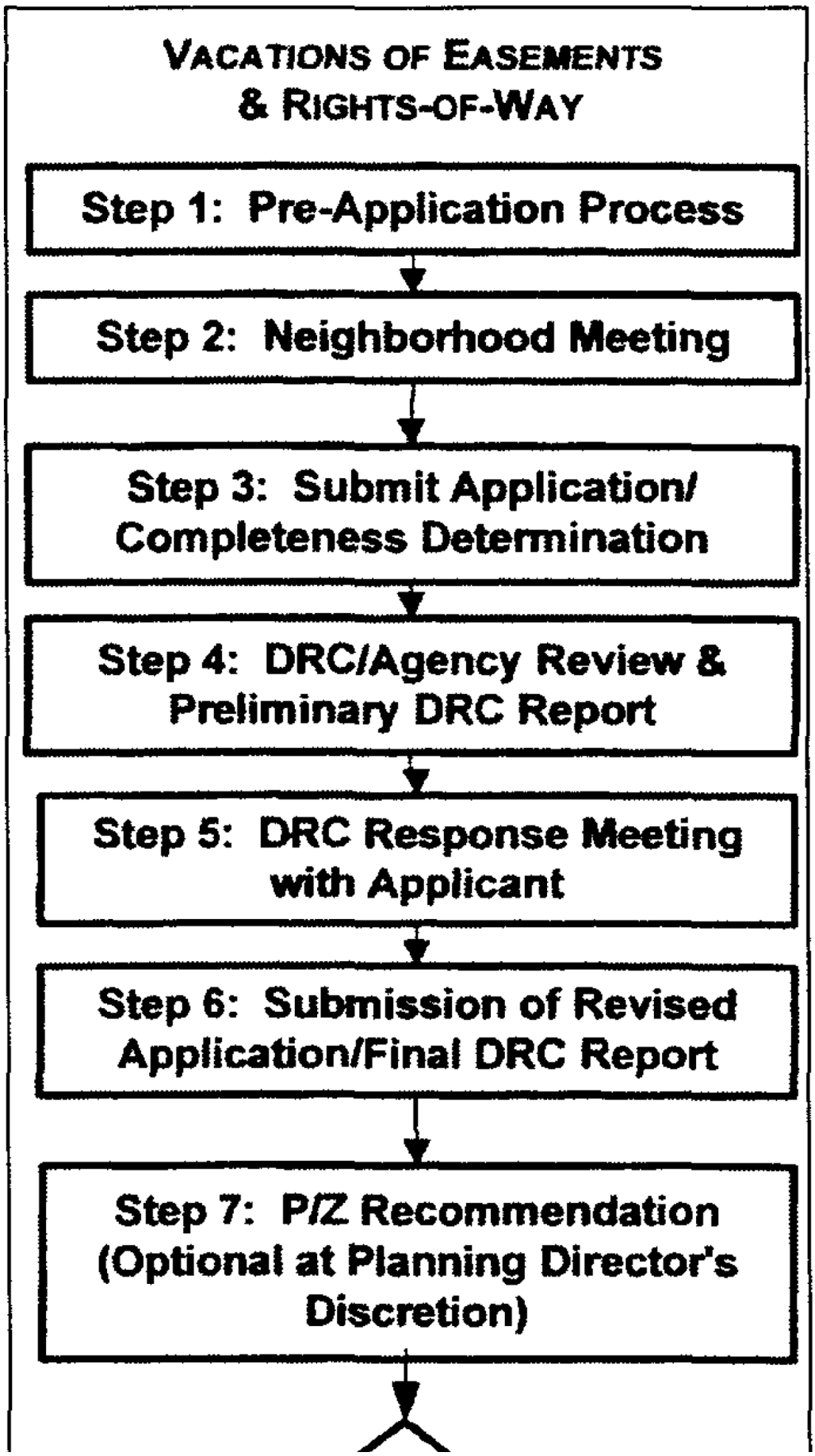




8. *Review criteria.* All applications for preliminary PUD plan approval shall demonstrate compliance with the PUD review criteria stated in subsections (G)(3) and (G)(4) above.
9. *Effect of approval of preliminary PUD plan.*
   a. An approved preliminary PUD plan shall lapse and be of no further force and effect if a complete final PUD plan application for the development or a phase of the development has not been submitted within any time frame established by P/Z or city council at the time of preliminary PUD plan approval, or, if no time frame was established, then within one year.
   b. In the case of partial final PUD plan submission, the approval of the remaining portion of the preliminary PUD plan shall automatically gain an extension of three years.
   c. If the applicant fails to submit a final PUD plan within any applicable time period, or is granted an extension, all proceedings concerning the PUD are terminated and a new preliminary PUD plan application is required prior to any development activity.

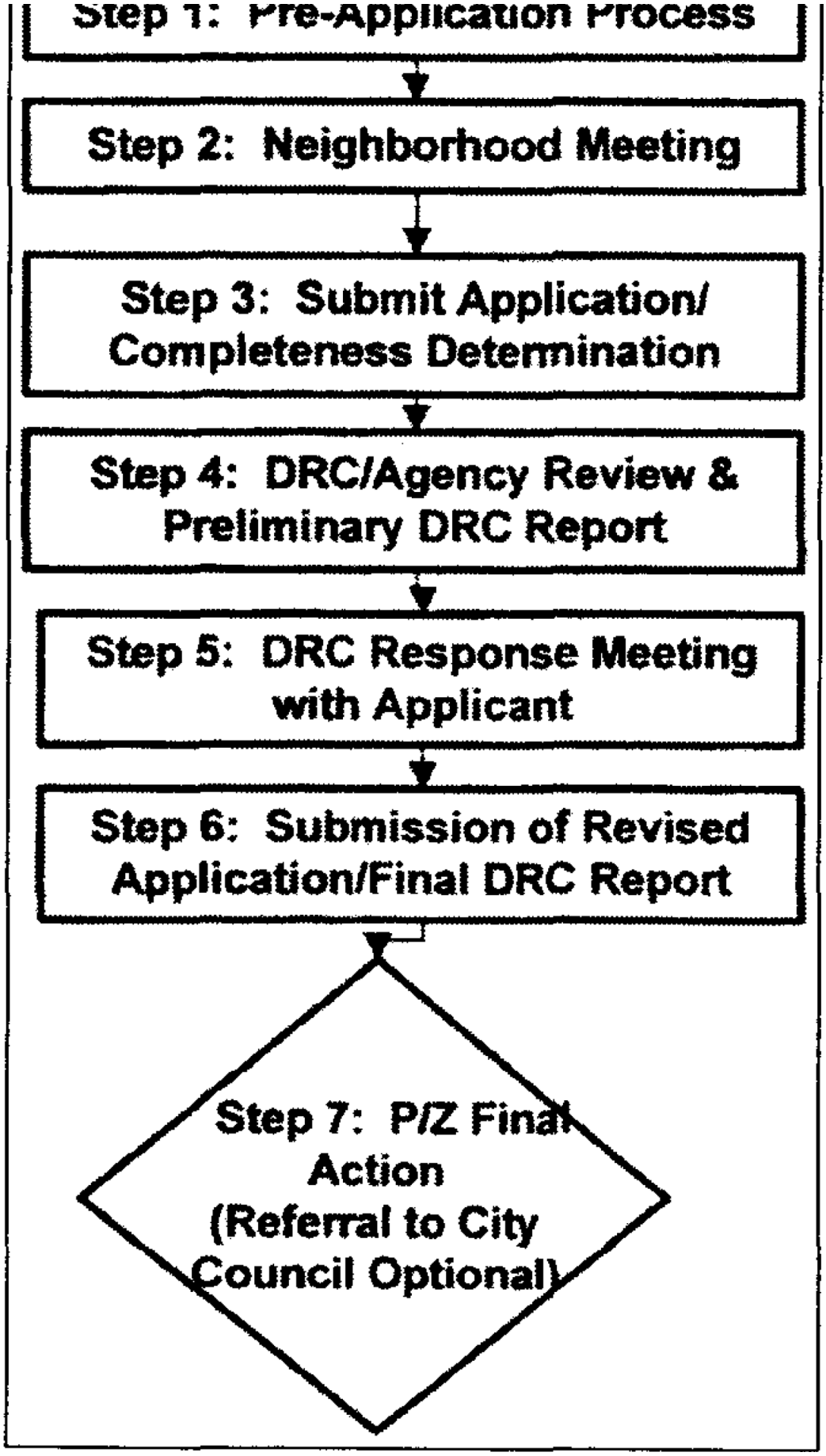
H. *Preliminary mobile home subdivision plats/development plans.*
1. *Applicability.* All new mobile home developments or expansion of existing mobile home developments shall be approved under the procedures stated in this subsection.
2. *Review procedure and review criteria.*
   a. *Mobile home subdivisions—Preliminary subdivision plats.* All applications for approval of a preliminary mobile home subdivision plat shall comply with the review procedure and provisions for preliminary subdivision plat applications stated in section 15.02.060(E) above.
   b. *Establishment of mobile home parks or expansions of existing mobile home developments.* All new mobile home parks and all expansions of existing mobile home developments shall comply with the review procedure and provisions for preliminary subdivision plat applications stated in section 15.02.060(E) above.
   c. *Review criteria.* All applications for preliminary mobile home subdivision plats, new mobile home parks, and expansions of existing mobile home parks shall comply with the following review criteria:
      i. The development is consistent with the LACP, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a development that provides a public benefit even if the development is contrary to some of the goals, policies or strategies in the LACP;
      ii. The development complies with all applicable provisions of this land development code, except to the extent modifications, variances, or waivers have been expressly allowed;
      iii. The mobile home subdivision complies with the review criteria for preliminary subdivision plats stated in section 15.02.060(E) above; and
      iv. The development complies with all applicable mobile home subdivision development and design standards stated in section 15.05.180, "Mobile Homes," of this development code.
   d. *Effect of approval.* An approved preliminary plat for a mobile home subdivision shall lapse and be of no further force and effect if a complete final subdivision plat and development site plan application for the subdivision or a phase of the subdivision has not been submitted within any time frame established by P/Z or city council at the time of preliminary subdivision plat and development site plan approval, or, if no time frame was established, then within one year.
      i. In the case of partial final subdivision plat and development site plan submission, the approval of the remaining portion of the preliminary subdivision plat and development site plan shall automatically gain an extension of three years.
      ii. If the applicant fails to submit a final subdivision plat and development site plan within any applicable time period, or is granted an extension, all proceedings concerning the subdivision are terminated and a new preliminary subdivision plat and development site plan application shall be required.

I. *Vacations.*
1. *Review procedure.* All applications for vacation of easements or rights-of-way shall follow the core procedure for review of major development applications, stated in section 15.02.050(B) above, except for the following modifications:
   a. *Step 6: Submission of revised application/final DRC report.* After preparation of the final DRC report, the planning director shall determine, with the concurrence of the DRC, whether consideration of the vacation request by the P/Z is necessary. If there are no unresolved issues regarding the vacation and the proposal has no material adverse impact on adjacent property owners, the planning director may waive P/Z review and recommendation (Step 7). If P/Z review is waived, the project planner shall schedule the application for city council consideration (Step 8) and the applicant shall submit those materials required in section 15.02.050(B) directly to the city council for its consideration.


VACATIONS OF EASEMENTS
& RIGHTS-OF-WAY
Step 1: Pre-Application Process
Step 2: Neighborhood Meeting
Step 3: Submit Application/
Completeness Determination
Step 4: DRC/Agency Review &
Preliminary DRC Report
Step 5: DRC Response Meeting
with Applicant
Step 6: Submission of Revised
Application/Final DRC Report
Step 7: P/Z Recommendation
(Optional at Planning Director's
Discretion)

2. *Review criteria.* Applications for vacation requests shall comply with the following review criteria, as applicable:
   a. The development is generally consistent with the LACP, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a vacation that provides a public benefit even if the vacation is contrary to some of the goals, policies or strategies in the LACP;
   b. The right-of-way or easement will not be utilized in the short or long term or the city receives conveyance or dedication of substituted easements or rights-of-way appropriate to satisfy the continuing municipal need;
   c. 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;
   d. The vacation serves the interest of the city by removing maintenance or liability risks;
   e. The public benefits and utility of the vacation request outweigh any adverse impacts of the vacation; and
   f. The applicant will relocate, if necessary, the public facilities located within the right-of-way or easement.
3. *Standards for compensation.* The following standards shall be applied to determine compensation to the city for 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;
   b. If the city must purchase additional right-of-way or easements to satisfy the continuing municipal need, all costs incurred in acquiring/developing an alternate easement or right-of-way shall be required as consideration;
   c. The willingness of the applicant to re-convey such easement/right-of-way to the public, if such need should occur;
   d. If the party requesting vacation dedicated the right-of-way or easement without cost to the city, no compensation will generally be required; and
   e. If the city incurred substantial costs in constructing/maintaining the easement or right-of-way, reimbursement for such costs may be required.
4. *Effect of approval.* The applicant shall satisfy the conditions of approval within the time frame specified in the ordinance codified in this chapter. If the conditions have not been satisfied within that time frame, the vacation approval shall become null and void and a new application must be approved, unless an extension is granted prior to expiration (see section 15.02.040(O), "Extension of Approval Periods").

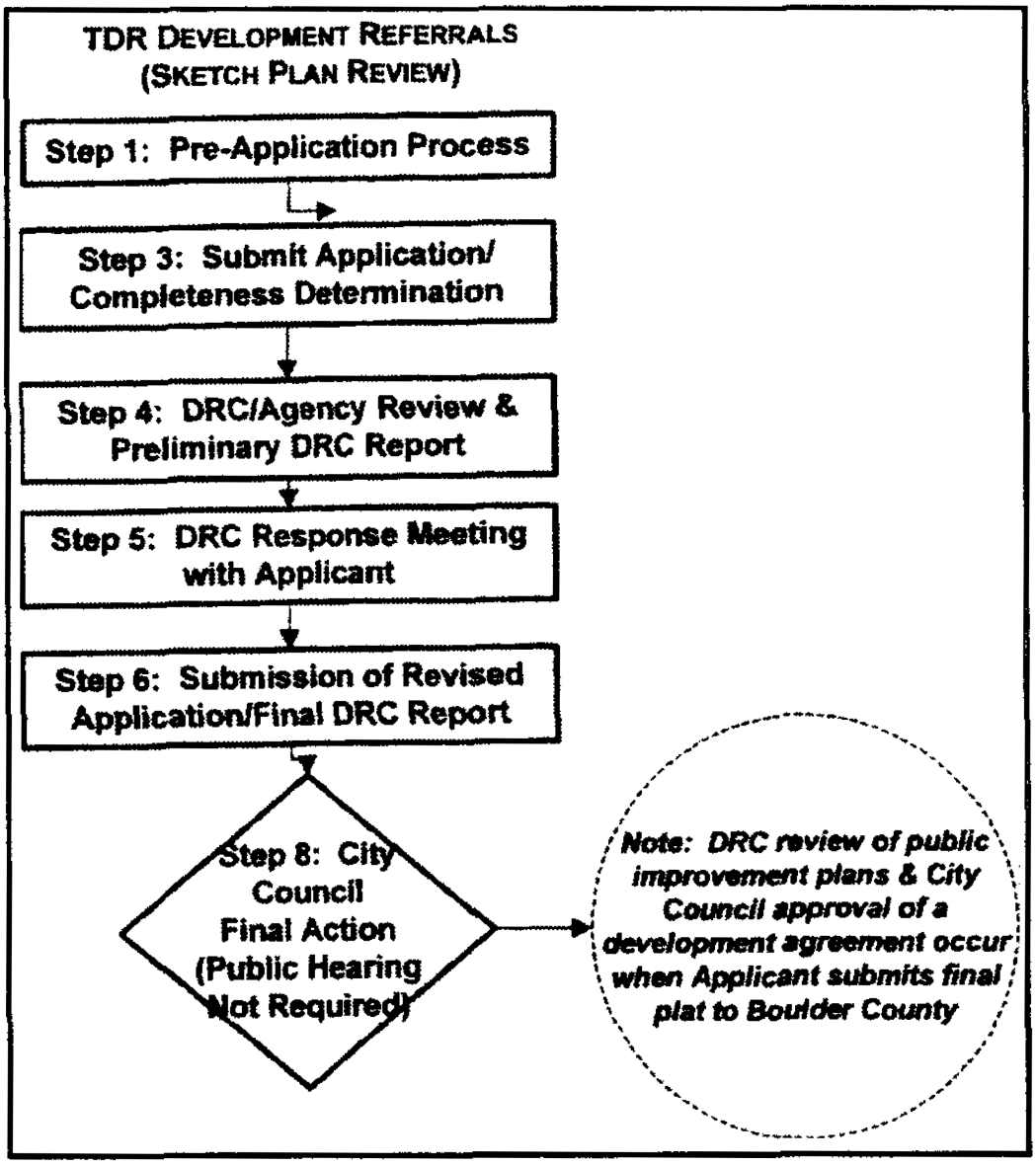
J. *Height exceptions.*
1. *Purpose and applicability.* Approval of a height exception is required for new structures or additions to structures that would exceed the structure height limitations stated in chapters 15.05 (Development Standards) of this development code.
2. *Review procedure.* All requests to exceed the height limitations of this development code shall follow the core procedure for review of major development applications, stated in section 15.02.050(B) above, except for the following modifications:
   a. *Step 7: P/Z action or recommendation.* The P/Z shall be the decision-making body on all applications for height exceptions, and shall take final action by approving, approving with conditions, or denying the application. The P/Z may determine, by majority vote of those seated, that city council action on the request is necessary and, in such cases, shall make a recommendation on the proposal to the city council.
3. *Review criteria.* All applications for height exceptions shall comply with the following criteria:
   a. The development is generally consistent with the LACP, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a height exception that provides a public benefit even if the exception is contrary to some of the goals, policies or strategies in the LACP;
   b. There would be demonstrated benefits to the city or neighborhood if the exception is granted;
   c. The development complies with all other applicable zoning and development regulations, including parking, screening, setbacks, bulk, and landscaping;
   d. The proposed structure has minimal effect upon surrounding properties and neighborhoods with respect to compatibility of use and design, solar access, visual access and rights of privacy, light and air;
   e. The exception would not interfere with delivery of public services to the site at existing levels of service, or at adequate levels required by city policies and regulations;
   f. The project complies with all fire and building code regulations and standards;
   g. The architecture and character of the proposed structure is compatible with existing development on surrounding properties and neighborhoods.


Step 1: Pre-Application Process
Step 2: Neighborhood Meeting
Step 3: Submit Application/ Completeness Determination
Step 4: DRC/Agency Review & Preliminary DRC Report
Step 5: DRC Response Meeting with Applicant
Step 6: Submission of Revised Application/Final DRC Report
Step 7: P/Z Final Action (Referral to City Council Optional)

4. *Effect of approval.* The applicant shall obtain a building permit and initiate substantial construction within one year from the date of approval, unless the decision-making body approves an alternative time frame for the related site plan or PUD plan. If construction has not timely commenced within one year, the height exception approval shall become null and void and a new application must be approved prior to construction, unless an extension is granted by the approving entity prior to expiration (see section 15.02.040(O), "Extension of Approval Periods"). Amendments to a related site plan or PUD plan do not affect the original approval period, unless otherwise provided.

K. *Transferred development rights (TDR) development referrals.*

1. *Purpose and applicability.*
   a. The following procedure implements the intergovernmental agreement between the City of Longmont and Boulder County concerning transferred development rights ("TDR Agreement") wherein the city and Boulder County agreed that the city will review and approve all development requests to Boulder County for the use of transferred development rights within or adjacent to the Longmont planning area. The Longmont planning area is depicted in the LACP, as amended from time to time. See section 15.02.150, "Intergovernmental Agreements," related to the city and Boulder County IGA concerning transferred development rights.
   b. The review procedures stated in this subsection apply to all development applications that Boulder County refers to the city for review and approval of the use of transferred development rights, as required by the TDR agreement ("TDR applications"), including but not limited to sketch plans and subdivision plats.
2. *Review procedure.* Referred TDR applications from Boulder County shall follow the core procedure for review of major development applications stated in section 15.02.050(B), except for the following modifications:
   a. *Step 2: Neighborhood meetings.* This step is not required.
   b. *Step 5: DRC response meeting.* The planning director may waive this step.
   c. *Step 6: Submission of revised application/final DRC report.* This step is not required if Step 5 is waived.
   d. *Step 7: P/Z action or recommendation.* After DRC and staff review (Step 4), referred TDR applications shall be scheduled directly for city council's consideration without P/Z review.
   e. *Step 8: City council action.*
      i. A public hearing is not required for city council action on the TDR application.
      ii. The city council shall take action on the referred TDR application by resolution, and either approve, approve with conditions, or deny the referred TDR application.



3. *Timing of city's review of public improvements.* The city's review of public improvement plans and city council approval of a development agreement typically occur when the applicant submits a final subdivision plat application to Boulder County, which is then referred to Longmont and reviewed according to this subsection.
4. *Review criteria.* The city council shall review referred TDR applications for compliance with the following criteria:
   a. The TDR application is generally consistent with the LACP and with the LACP land use designation for the property, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a TDR application that provides a public benefit even if the application is contrary to some of the goals, policies or strategies in the LACP;
   b. The TDR application, and specifically the TDR receiving sites and the TDR sending sites, comply with the terms of the TDR agreement;
   c. The TDR application, if approved, will result in the conservation of open lands, buffers, or areas that will benefit the city and implement the LACP;
   d. The proposed type and density of development is compatible with existing and planned development on surrounding properties and neighborhoods;
   e. The proposed development will not adversely impact surrounding properties, or such impacts will be substantially mitigated;
   f. There will be capacity (either by the city or other entity) to provide adequate services and facilities to accommodate the proposed development, including water and sanitary sewer services;
   g. The water and sanitary sewer service providers or wastewater treatment plan is appropriate given the proposed development's location, benefits or costs to the city, and the likely intensity of future development in the surrounding area;
   h. All streets and other public improvements will be designed and constructed to comply with city standards or with other city-adopted policies, standards, and specifications, including multi-modal transportation access, applicable to TDR developments in unincorporated parts of the Longmont planning area; and
   i. The developer will pay all applicable city development fees and charges.

L. *Annexations.*
1. *Procedures for review.* An application for annexation shall follow the core procedure for review of major development application, stated in section 15.02.050(B) above, except for the following modifications:

a. *After step 1 (pre-application conference): Petition for annexation and initial referral to city council.* Prior to submitting a formal annexation application package (step 2), the applicant shall submit an annexation referral package (see Appendix B), together with a petition for annexation or annexation election, to the planning and development services division.
   i. The planning director shall refer the annexation referral package to the DRC for an informal review.
   ii. The planning director shall refer the petition and annexation referral package to the city council as a communication for the council's consideration.
   iii. At its meeting, the city council shall first review the annexation referral package and take one of the following actions:
      (A) Determine that the public interest is served by considering the annexation request further and refer the annexation application through the full review process as described in this section. Such referral shall be made by motion.
      (B) Determine that the public interest is not served by considering the annexation request further, in which case no further consideration of the annexation referral shall occur other than statutory compliance, unless the applicant withdraws the petition.
   iv. The planning director shall assess whether the petition for annexation or annexation election substantially complies with C.R.S. § 31-12-107. The planning director shall prepare a written report for the city council so that the city council may make a determination of compliance as required by C.R.S. § 31-12-107(f)—(g).
      (A) For annexations that the city council has referred for full review under this section, the planning director shall provide the planning director's assessment to the city council at its review (step 8).
      (B) For annexations that the city council has rejected full review, the planning director shall complete the planning director's assessment, unless the applicant withdraws the petition.

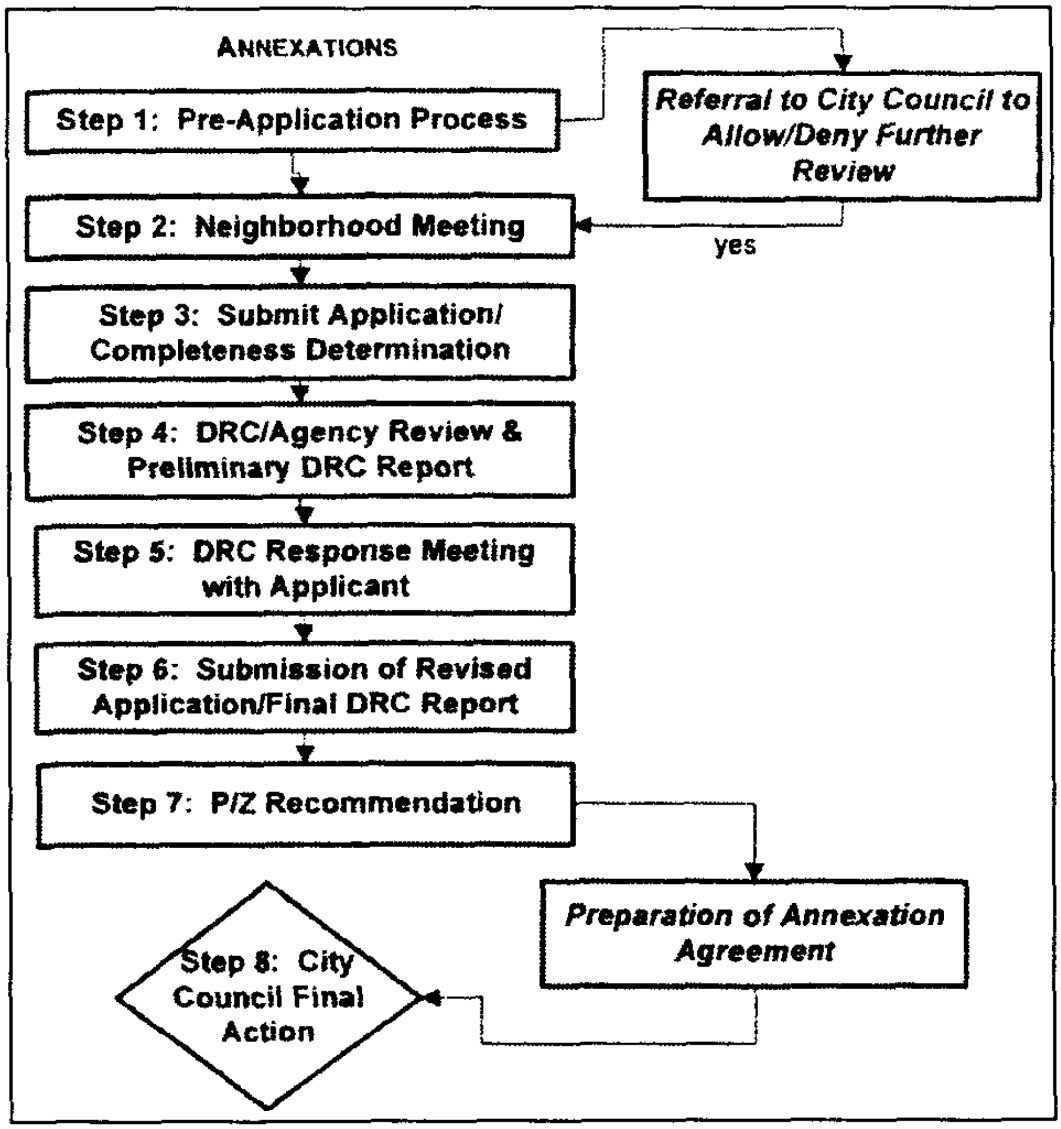
b. *Step 4 (DRC/Agency review and preliminary DRC report): Scheduling for water board review and water board action.* When water resources staff determines that all required raw water submittals are complete, the annexation shall be scheduled for the next available regular water board meeting. The contact person will be notified as to when the board will consider the item. Attendance by the applicant at this meeting is optional. At its meeting, the water board shall consider the annexation request, recommend the requirements of the raw water requirement policy, and forward its recommendation to the city council.

c. *After step 7: (P/Z action or recommendation): Annexation agreement.*
   i. Except for city-owned property, property the city is purchasing under a lease-purchase agreement, city-initiated annexation of enclaves, or when waived by the city council, an annexation agreement is required before the annexation may be approved. The annexation agreement shall contain inducements by the applicant for favorable consideration of the annexation, and shall identify the mutual understanding of the commitments and responsibilities of both the city and the property owner(s) about the annexation. Such agreement shall address the issues listed in subsection (L)(3) below and shall be specifically enforceable by the city.
   ii. The planning director shall coordinate all annexation agreement negotiations. The planning director shall prepare the first draft of the agreement in a form approved by the city attorney and present such to the applicant. The property owners may either sign the agreement or present an alternative agreement to the planning director for consideration.
      (A) If the applicant accepts the agreement as drafted by the city, the applicant shall submit to the planning director the annexation agreement, signed and acknowledged by all owners, at least seven days before the city council meeting at which the first reading of the annexation ordinance will be considered.
      (B) If the applicant presents an alternative agreement to the city for consideration, the applicant shall submit to the planning director the annexation agreement, signed and acknowledged by all owners, at least 14 days before the city council meeting at which the first reading of the annexation ordinance will be considered. If the applicant's alternative agreement differs substantially from the city-prepared agreement, the city may delay scheduling the annexation for city council consideration in order to review the alternative agreement.

d. *Step 8: City council action.*
   i. *Application response to PIZ and water board recommendations.* In addition to the signed annexation agreement, the applicant shall address all conditions of the PIZ and the water board, through plan revisions or in writing, at least 14 days before the first reading of the annexation ordinance.
   ii. *Resolutions regarding statutory compliance.* The planning director shall report to the city council the planning director's assessment whether the petition for annexation or annexation election substantially complies with C.R.S. § 31-12-107. The city council shall review the petition and the planning director's report and shall, by resolution, make a finding that the petition is or is not in substantial compliance with C.R.S. § 31-12-107.
      (A) If the petition is found to be in substantial compliance with C.R.S. § 31-12-107, the procedure outlined in C.R.S. §§ 31-12-108—31-12-110 shall be followed.
      (B) If the city council finds that the petition is not in substantial compliance with C.R.S. § 31-12-107, then no further action shall be taken on the application for annexation.
   iii. *Conditions of approval.* Any terms or conditions of city council approval shall be contained in the annexation ordinance or an annexation agreement.

e. *Annexation ordinance.*
   i. *Required.* After completing a public hearing under C.R.S. § 31-12-109 and adopting an appropriate resolution under C.R.S. § 31-12-110, the city council may annex the petitioned area by adopting, with or without conditions, an annexation ordinance.
   ii. *Timing of ordinance adoption.* After the PIZ recommendation (Step 7), an annexation ordinance may be introduced on first reading. Second reading of the ordinance may be held on the date set for the public hearing under C.R.S. § 31-12-108. When the annexation ordinance is considered on second reading, the city council shall also consider the concept plan and any applicable LACP amendment(s). Except as otherwise provided in this chapter, no annexation ordinance shall be adopted on second reading until an annexation agreement has been signed by the property owner(s) and approved by the city council.

f. *Annexation not final until satisfaction of all requirements.*
   i. City action on the annexation application shall not become final unless all requirements of the annexation ordinance and state statutes have been satisfied, as certified by the planning 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.
   ii. If the requirements of the annexation ordinance and state statutes are not satisfied within the applicable time period, the annexation approval shall lapse and be of no further force and effect.
   iii. 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.



2. *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 7 of the core procedure for review of major development applications stated in section 15.02.050.B. above. City-initiated annexations will first be referred to the city council for its determination that the annexation serves the public interest, before introduction of an annexation ordinance. 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. *Review criteria.* All annexations shall be reviewed for compliance with the following 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 is in compliance with the Municipal Annexation Act of 1965 (C.R.S. § 31-12-101 et seq.).
   b. The annexation is consistent with the LACP and complies with all applicable criteria governing annexations stated in the LACP.
   c. The property is within the municipal service area (MSA) or the Longmont planning area (LPA) as stated in the LACP. No property outside of the MSA or LPA shall be considered for annexation unless the city council finds that, consistent with the LACP, the best interests of the city would be served by annexation of such property and provided a land use plan for the area proposed to be annexed is submitted together with the annexation application.
   d. The property is capable of being integrated into the city in compliance with all applicable provisions of the Longmont Municipal Code.
   e. At the time any development of the area proposed to be annexed is completed, there is a reasonable likelihood that capacity will exist to adequately serve residents or users of such area with all necessary utilities and facilities and appropriate urban level services.
   f. The proposed zoning is appropriate, based upon consideration of the following factors:
      i. The proposed zoning is consistent with the LACP designation of the property;
      ii. The proposed land uses are consistent with the purpose and intent of the proposed zoning district; and
      iii. The proposed zoning is not improper spot zoning, such as a relatively small island of land that is afforded privileges not afforded surrounding properties.
   g. The concept plan shows the following:
      i. Appropriate land use, utility, and transportation design, including multi-modal transportation access, given the existing and planned capacities of those systems;
      ii. Mitigation of potential adverse impacts on surrounding properties and neighborhoods; and

iii. Mitigation of potential adverse impacts on the environment.

h. The annexation boundaries are configured such that:

i. The property can be efficiently served by utilities, facilities, and services; and

ii. 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.

4. *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.

a. *Contents of concept plan.* At a minimum, a concept plan shall include the following general information:

i. Uses proposed, in general categories;

ii. Intensity or density of uses proposed;

iii. Location of open space;

iv. Location of existing buildings and proposed development areas on the site with a conceptual layout of lots (for all developments) and buildings (for multifamily residential, mixed use, and nonresidential development), unless waived by the planning director;

v. Road, street, and pedestrian networks proposed;

vi. Existing or proposed utilities and public services for the development;

vii. For mixed use (MU) districts, a regulating plan that includes the information identified in appendix B of this development code; and

viii. All other applicable submittal requirements stated in appendix B to this development code.

5. *Annexation agreements.* 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 the affordable housing requirements in section 15.04.020.B.3., "Affordable Housing Standards," as applicable;

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 development code.

(Code 1993, § 15.02.060; Ord. No. O-2001-78, § 1; Ord. No. O-2003-75, § 1; Ord. No. O-2004-86, §§ 5—6; Ord. No. O-2006-67, § 7; Ord. No. O-2009-21, § 3, 6-9-2009; Ord. No. O-2014-17, § 2, 4-22-2014)

15.02.070. - Development agreements.

A. *Purpose.* Development agreements are voluntary contracts between an applicant and the City of Longmont that extend beyond the ordinary terms of a public improvements agreement required in section 15.02.120, "Public improvement review, construction, and acceptance," below and/or that extend the duration of a vested property right beyond three years.

B. *Contents.* Development agreements may contain the following:

1. Descriptions of the acceptable and prohibited uses on the property;
2. The density of proposed uses, including maximum floor area and height of buildings;
3. Provisions for the reservation or dedication of land for public purposes;
4. Provisions for the timing, location, and maintenance of private on-site improvements, including landscaping and common open space;
5. Proposed timing and phasing of the development project;
6. Provisions to mitigate the impacts of proposed development on the general public, including the protection of wildlife habitat and other environmentally sensitive lands;
7. Provisions for public benefits or improvements in excess of what is required by current city policy or law;
8. Terms for subsequent discretionary actions, provided such terms shall not prevent the development of the property for the uses set forth in the agreement;
9. A provision that construction shall begin by a specified date or that certain phases shall be completed within a specified time;
10. Provisions for the vesting of property rights for periods of between three and ten years;
11. Termination date for the development agreement; and
12. Any other provisions appropriate to guide the completion of the development as proposed.

C. *Procedure and review criteria.*
1. *Decision-making body.* The city council shall be the decision-making body on all development agreements, and shall approve a development agreement by ordinance after notice and public hearing.
2. *Procedure for review.* A proposed development agreement shall be reviewed by the applicable review- and decision-making bodies at the same time that the related development application is reviewed. Review bodies shall have the same power to make recommendations regarding the proposed development agreement as they do for the related development approval. Procedures for review and approval of development agreements shall be the same as for the related development approval.
3. *Review criteria.* In reviewing and acting upon proposed development agreements, review and decision-making bodies shall consider the review criteria for the development application and the following additional review criteria:
   a. Whether the benefit of the development agreement to the city outweighs its costs;
   b. Whether the development agreement is required to mitigate impacts that would otherwise make the proposed development unacceptable; and
   c. 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-year vesting period set forth in C.R.S. title 24. art. 68 (C.R.S. § 24-68-101 et seq.).

D. *Effect of approval—Vesting of rights.* When a development agreement provides for the vesting of rights for longer than the three-year vesting period set forth in C.R.S. title 24, art. 68 (C.R.S. § 24-68-101 et seq.). (see section 15.02.100, "Vested Rights," below), the following provisions shall govern:
1. *Rules prevailing at the time of execution.* Unless otherwise provided by the development agreement, the ordinances, rules, regulations, and official policies applicable to development of the subject property and governing the following areas:
   a. Approved uses;
   b. Density or intensity of development; and
   c. 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.
2. *Subsequently enacted regulations—General rule and exceptions.*
   a. *General rule.* Ordinances, rules, regulations, and official policies that govern approved uses, and density or intensity of development, and design, improvement, and construction standards and specifications, and that are enacted subsequent to execution of the development agreement, shall not be enforced against the subject property.
   b. *Exceptions.* Notwithstanding subsection D(2)a. of this section, a development agreement shall not prevent the city, in subsequent actions, from applying any of the following to the subject property:
      i. New ordinances, rules, regulations, and policies that do not conflict with those rules, regulations, and policies applicable to the subject property as set forth in the development agreement;
      ii. New ordinances, rules, regulations, and policies that are specifically anticipated and provided for in the development agreement;
      iii. New ordinances, rules, regulations, and policies that are necessary for the immediate preservation of the public health and safety; or
      iv. New ordinances, rules, regulations, and policies when the city finds that the development agreement is based on substantially inaccurate information supplied by the applicant.

E. *Lapse; modification and termination.*
1. *Lapse.* A development agreement shall automatically lapse and be null and void if the underlying land use approval lapses according to the provisions of this chapter.
2. *Modification and termination.*
   a. *Mutual consent.* A development agreement may be canceled or modified by the mutual consent of the developer and the city acting through the city council.
   b. *Noncompliance by developer.* The city council may terminate or modify a development agreement based upon evidence that the developer, or successor in interest thereto, has not complied with the terms or conditions of the agreement.
   c. *Chance in applicable state or federal law.* In the event that state or federal laws or regulations are enacted after execution of the development agreement and prevent or preclude compliance with one or more provisions of the development agreement, such provisions of the agreement shall be modified or suspended to the extent necessary to comply with such state or federal laws or regulations.
3. *Procedure.* The city council may modify or terminate a development agreement using the same procedures used for the approval of the development agreement.

F. *Enforcement.* Unless amended or terminated pursuant to this section, a development agreement shall be enforceable by any party thereto.

(Code 1993, § 15.02.070; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 8)

15.02.080. - Review procedures for minor development applications.

A. *"Minor development applications" defined.* The review procedures stated in this section shall apply to all minor development applications. For purposes of this development code, "minor development application" is defined to include the following procedures or types of development applications:
1. Minor subdivision plat (including conveyance plat and property line adjustment);

2. Final subdivision plat;
3. Final PUD development plan;
4. Final mobile home subdivision plat/development site plan;
5. Limited use;
6. Site plan;
7. Temporary use;
8. Minor modification;
9. Exceptions/variances to road/street and access standards.

B. *Core development review procedure for minor development applications.* The following core development review procedure shall apply to all minor development applications, unless variations or exceptions to the core procedure are expressly allowed in the particular development application requirements stated in section 15.02.090

15.02.080-015.png

1. *Step 1: Pre-application conference.*
   a. *Applicability.* A pre-application conference is mandatory for all minor development applications. The planning director may grant a waiver from this requirement upon a finding that the on-site and off-site impacts of the proposed development are likely to be minimal.
   b. *Applicable requirements.* See section 15.02.050(B)(1) for applicable requirements for the pre-application conference, including attendance, scheduling, planning director review and recommendations, and effect of pre-application conference.

2. *Step 2: Neighborhood meetings.*
   a. *Applicability.* A neighborhood meeting is required only for minor development applications that the planning director determines may have adverse neighborhood impacts, including but not limited to traffic, noise, visual, or environmental impacts. The planning director shall determine the applicability of this subsection at the pre-application conference (Step 1) or immediately after certification of a complete application (Step 3 below), whichever comes first.
   b. *Applicable requirements.* See section 15.02.050(B)(2) for applicable requirements for a neighborhood meeting, including timing and number, notice, attendance, and applicant's written summary.
3. *Step 3: Submission of application/completeness determination.*
   a. The applicant shall submit an application and all applicable submittal material, including the written summary of the neighborhood meeting, as applicable, in one package to the planning and development services division. The planning director shall review the application for completeness under section 15.02.040(C), "Complete Applications Required," above.
   b. After the planning director determines an application is complete, the applicant shall not make any changes to the development application or any accompanying plans or information, except for changes or additional information requested by the planning director, DRC, or other city agency during their preliminary review, or as otherwise agreed to by the city. Alternatively, the applicant may withdraw the application under section 15.02.040(K) above.
   c. After certification of a complete application, the planning director shall send written (mailed) notice of receipt of a complete application to the parties-in-interest required in section 15.02.040(H)(2)(b), "Written Notice—Exceptions for Select Minor Development Applications." The planning director may also send notice to other interested parties, and such notice may be written, electronic, or sent by other means. The notice shall state that the planning director will receive comments on the minor development application for a specified time frame, which shall coincide with the completion of Step 4 below. If such notice is sent, the planning director shall inform the applicant of the anticipated time frame for receipt of comments.
4. *Step 4: Planning director preliminary review and final action or referral to DRC.*
   a. *Step 4-A: Planning director preliminary review.* The planning director may seek the review and recommendation, including any necessary departmental approvals, of all departments and agencies, including outside agencies, whose services or facilities may be affected by the proposed development. Unless DRC review is required or requested (see Step 4-C below), the planning director shall compile all department/agency comments, and any outside public comments received under Step 3 above, into a written summary that shall be made available to the applicant at the time the planning director notifies the applicant of the planning director's final action.
   b. *Step 4-B: Planning director final action.* Unless the application is referred to the DRC for further review (Step 4-C below), the planning director shall take final action and either approve, approve with conditions, or deny the application. The planning director shall notify the applicant of the final action and advise the applicant, as applicable, that the applicant must satisfy or accept all conditions of approval prior to issuance of a building permit.
   c. *Step 4-C: DRC Review and optional response meeting.*
      i. *Applicability.* The planning director shall refer the following minor development applications to the DRC for review and recommendation prior to taking final action on the application:
         (A) Minor subdivision plats;
         (B) Final subdivision plats;
         (C) Final PUD development plans; and
         (D) Final mobile home subdivision plats or development site plans.
         For other minor development applications, the planning director may refer the application to the DRC for further review and recommendation.
      ii. *DRC review.* The DRC shall review the complete application for technical accuracy and compliance with adopted review criteria, this development code, and other relevant city regulations. The DRC shall provide their comments and preliminary recommendation on the specific minor development application in writing to the planning director.
      iii. *DRC report.* The planning director shall compile all DRC comments, any other agency/department comments, and public comments received under Step 2 above, into a written DRC report. The DRC report may report whether the minor development application complies with all applicable standards and shall specify any areas of noncompliance. The DRC report shall also identify any need for additional information or technical reports to supplement the mandatory submittal requirements. Conditions for approvals may be recommended to eliminate any areas of noncompliance or to mitigate any adverse effects of the development proposal. The preliminary DRC report should be made available to the applicant at least five days prior to the scheduled response meeting (see below).
      iv. *Optional DRC response meeting.* The planning director should schedule a DRC response meeting for as soon after completion of the DRC report as practicable. The applicant shall have the option to attend the response meeting to discuss the DRC's recommendation. The meeting is intended to provide the applicant an opportunity to resolve any outstanding issues relevant to the application, resolve any conflicts over the application that have emerged between city departments and other reviewing agencies, and to ask any questions that would assist in the completion/revision of the application.
5. *Step 5: Submission of revised application.* If DRC review occurs under Step 4 above, the applicant shall submit a final, revised application to the planning director within 120 days of the date of the scheduled response meeting, unless the planning director agrees to the applicant's written request for an extension of time. If the applicant does not submit a revised application within this time frame, the planning director may notify the applicant that the application will be considered withdrawn unless the revised application is submitted within 60 days. No further processing of such application shall occur until the revised application is submitted. If the applicant does not submit the revised application within 60 days, and has not been granted an extension by the planning director, the application shall be considered withdrawn. Any resubmittal of the application by the applicant will be treated as a new application for purposes of review, scheduling, and payment of application fees.
6. *Step 6: Planning director's final decision on application.*
   a. *Generally.* Upon receipt of a revised application (Step 5 above), the planning director shall circulate the application to the DRC members and other agencies that commented on the original application for review and final recommendation. After receipt of the DRC/agency review comments and final recommendation, the planning director shall consider the revised application and any other relevant material, and review the application for compliance with the adopted review criteria, this development code, and other relevant city regulations. The planning director shall thereafter take final action to approve, approve with conditions, or deny the application. The planning director shall notify the applicant of the final action and time frames and procedures for appeals, and shall advise the applicant, as applicable, that the applicant must satisfy or accept all conditions of approval prior to issuance of a building permit.
   b. *Authority to refer to P/Z or BOA for public hearing.* At the planning 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 planning director may refer the minor development application to the P/Z (or BOA for minor modifications of dimensional standards for one-family dwellings, additions to residential dwellings not requiring site plan review, or sign standards) for

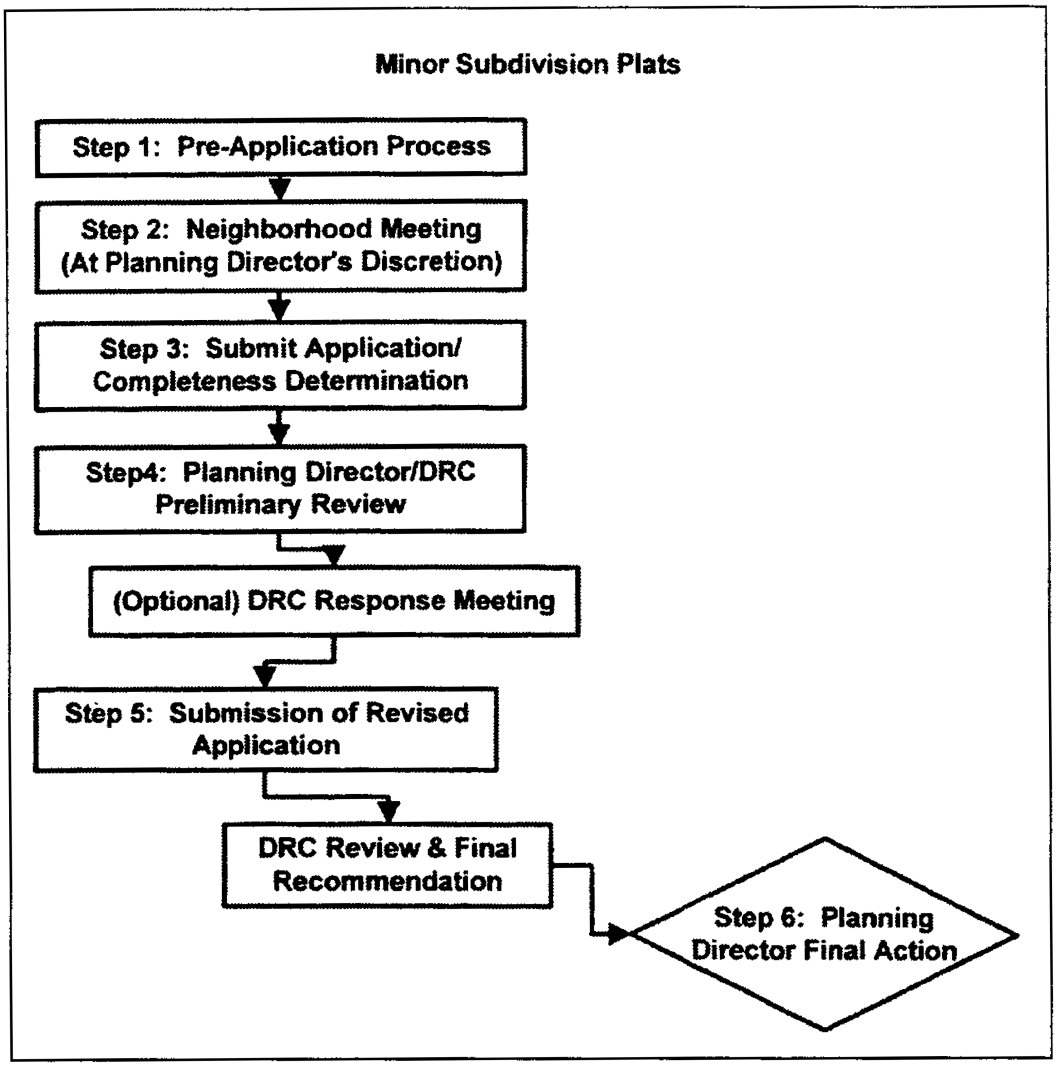
public hearing and final action. The application should be scheduled for hearing at the next regular meeting before the decision-making body, or as soon thereafter as meeting agendas allow. The procedure for decision-making body final action on the minor development application shall follow the provisions stated for decision-making body final action on major development applications in section 15.02.050(B)(7) (Step 7 or 8).

(Code 1993, § 15.02.080; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 9)

15.02.090. - Specific requirements and review standards for minor development applications.

A. *Minor subdivision plats.*

1. *Generally.* The minor subdivision plat process may be used in lieu of the preliminary and final plat process (see subsection 15.02.060.E above and subsection 15.02.090.B below) if the following conditions apply and the planning director determines that the subdivision is compatible with and will not have adverse impacts on surrounding properties:
   a. Three or fewer new lots or blocks are created.
   b. Variances or subdivision exceptions are not required or requested;
   c. Significant changes in street alignment are not required or requested; and
   d. The property for which the minor subdivision is requested was not the subject of a minor subdivision plat approval during the prior one year.
2. *Types of minor subdivision plats.* Minor subdivision plats include boundary/lot line adjustments and conveyance plats, as those terms are defined in chapter 15.10 (Definitions).
3. *Review procedure.* All applications for minor subdivision plats shall follow the core procedure for review of minor development application, stated in subsection 15.02.080.B above.



4. *Review criteria.*
   a. *All minor subdivision plats except boundary/lot line adjustments and conveyance plats.* The minor subdivision plat application shall comply with the review criteria applicable to preliminary subdivision plats stated in subsection 15.02.060.E of this chapter.
   b. *Boundary/lot line adjustments.* The boundary/lot line adjustment application must comply with following review criteria:
      i. The adjustment does not increase the number of lots or parcels or create new lots or parcels.
      ii. The adjustment affects only two adjacent lots.
      iii. The adjustment does not affect a recorded easement without the prior approval of the easement holder.

iv. The adjustment is no greater than ten feet from the platted boundary or lot line, unless the development review committee determines that a greater distance does not adversely impact the potential to develop the property, to provide city services or maintain city facilities, consistent with city standards.

v. Street locations will not be changed.

vi. The adjustment will not create any nonconformities, or increase the degree of nonconformity of any existing structure or use.

vii. The adjustment complies with all other applicable requirements of this development code and all other applicable regulations and requirements.

viii. No more than one boundary/lot line adjustment is allowed within any one-year time period for the same properties.

ix. The adjustment is referenced to the platted lot line in the newly written deeds for both lots (submitted with the application).

x. All affected property owners agree to the adjustment in writing.

xi. After the adjustment, both lots and the improvements thereon satisfy all applicable provisions of this development code and applicable building or fire codes, including but not limited to lot size and width, setbacks, and fire separation, unless otherwise waived, modified, or varied under the provision of this development code.

c. *Conveyance plats.* The conveyance plat application shall comply with the following review criteria:

i. The conveyance plat is consistent with previously approved concept plans or preliminary plats covering the subject property;

ii. The conveyance plat complies with Municipal Code requirements and standards including the raw water requirements in subsection 14.05.040.C.4;

iii. The conveyance plat does not create new lots of record for the purposes of development and is intended only to facilitate conveyance or sale of the subject property; and

iv. Each lot or block shall be a minimum of ten acres, unless the development review committee determines that a lot or block of less than ten acres does not adversely affect the potential of the property to develop, nor for the city to provide services or maintain city facilities consistent with city standards.

5. *Recording; Effect of approval; lapse.*

a. *Recording.* The applicant shall be responsible for recording the approved minor subdivision plat in the office of the county clerk and recorder.

b. *Record of boundary/lot line adjustments.* The planning director shall place a copy of the written approval in the building inspection division and planning and development services division files for each affected lot or parcel.

c. *Effect of approval—Conveyance plats.* Approval of a conveyance plat does not entitle the subject property to any development entitlements and subsequent development of the subject property will require city approval of a preliminary and final plat, preliminary and final PUD development plan, and/or site plan under this development code.

d. *Lapse of approval.* The applicant shall record the approved and signed minor subdivision plat with the county clerk and recorder within 90 days of the planning director's approval, or within any longer period approved in advance in writing by the planning director. Failure to take this action during this period shall make the approval null and void and the approval shall automatically lapse.

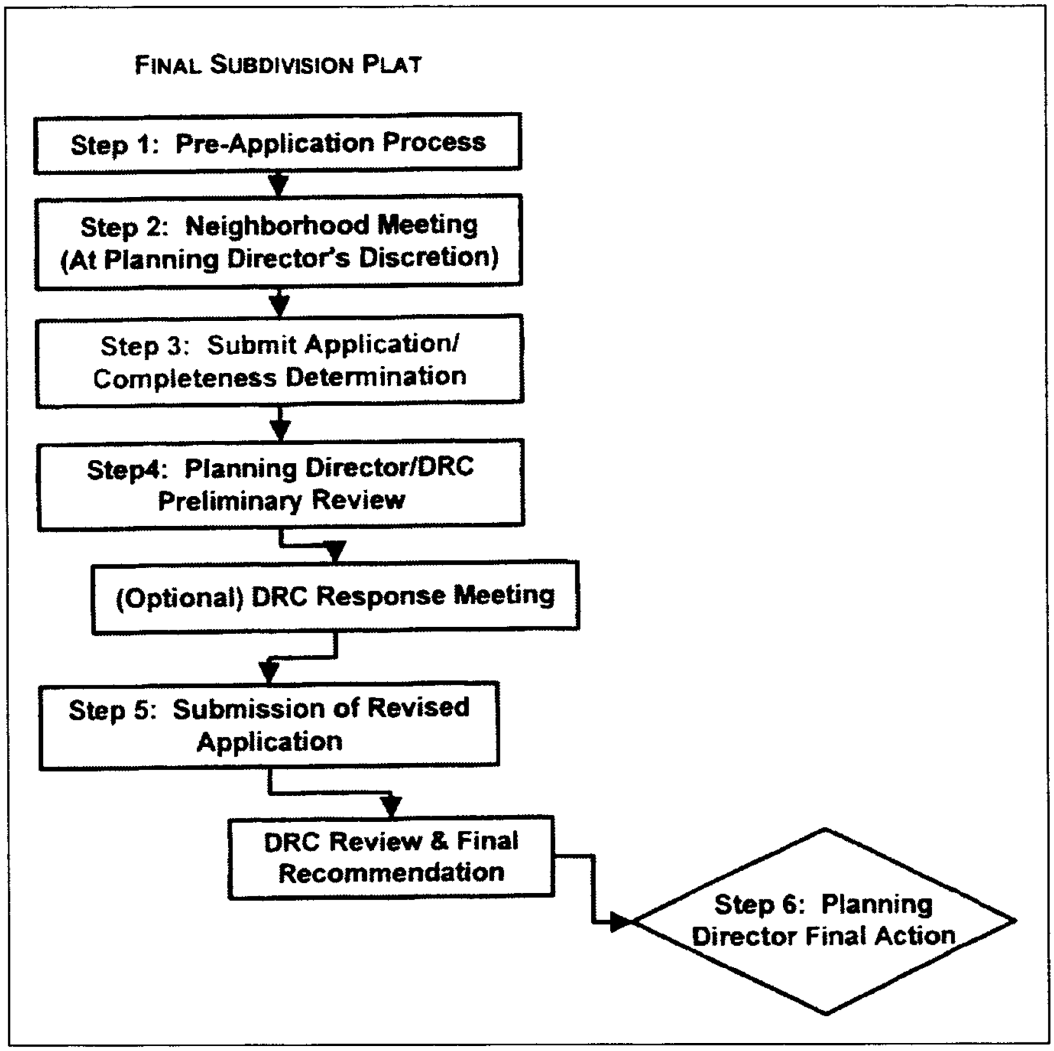
B. *Final subdivision plat.*

1. *Generally.*

a. Final subdivision plat approval may be sought for all or a portion of the land area included in an approved preliminary subdivision plat.

b. See subsection 15.02.040.E above, which allows concurrent review of final subdivision plats with an application for preliminary plat approval, with the prior approval of the planning director.

2. *Review procedure.* If concurrent review is not obtained or allowed, all applications for final subdivision plats shall follow the core procedure for review of minor development application, stated in subsection 15.02.080.B above.

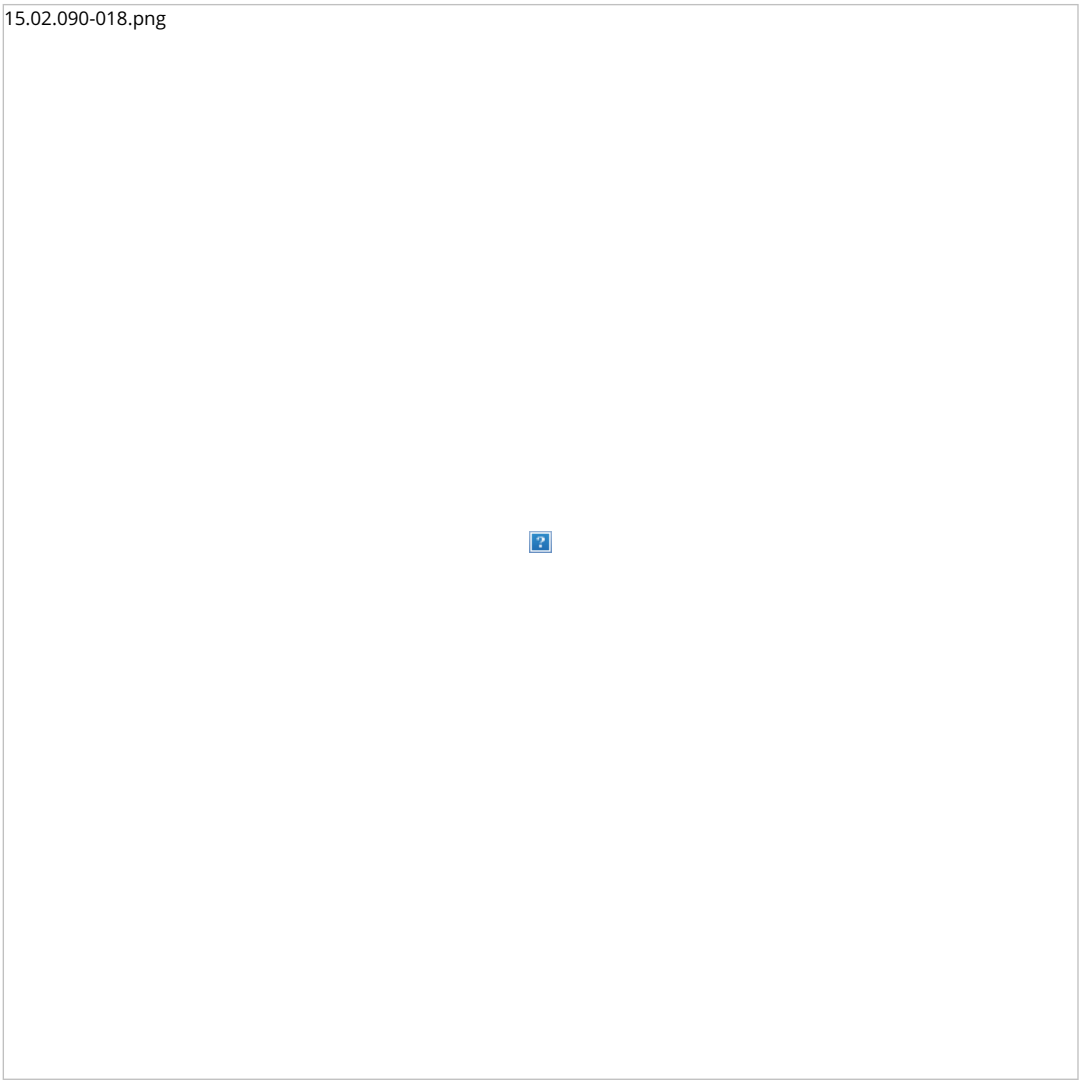


3. *Review criteria.* All applications for final subdivision plat shall demonstrate compliance with the following review criteria:
   a. The final subdivision plat conforms with the approved preliminary plat and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plat.
   b. The subdivision is compatible with surrounding properties, neighborhoods and land uses or will substantially mitigate adverse impacts.
   c. Plans and specifications for improvements connected with development of the subdivision comply with the subdivision development and design standards as stated in chapter 15.07 of this development code, and any other relevant city, county, state, or federal regulations, except to the extent modifications, variances, or exceptions have been expressly allowed.
   d. As applicable, the applicant has executed a public improvement agreement under section 15.02.120 below and posted required financial security.
   e. 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.
   f. The applicant has paid all required fees, unless the applicant has had other arrangements approved by the city.
4. *Recording—Effect of approval.*
   a. *Recording.* Following the approval or conditional approval of a final subdivision plat, the applicant shall record the final subdivision plat and any signed public improvements agreement in the office of the county clerk and recorder and pay all required recording fees.
   b. *Lapse of approval.* The applicant shall record the approved and signed final subdivision plat with the county clerk and recorder within 90 days of the date of approval of the final subdivision plat, or within any longer period approved in advance by the planning director. Failure to take this action within this time period shall make the approval null and void and the approval shall automatically lapse. Amendments to the final subdivision plat do not affect the original approval period, unless otherwise provided.

C. *Final PUD development plan.*
1. *Generally.*
   a. The applicant may seek final PUD development plan approval for all or a portion of the land area included in the approved preliminary PUD development plan.
   b. The applicant must process a final subdivision plat application concurrently with the final PUD development plan if the PUD development involves subdivision. See subsection 15.02.090.B for procedures applicable to final subdivision plats.
   c. See subsection 15.02.040.E above that allows concurrent review of a final PUD development plan with an application for preliminary PUD development plan, with the prior approval of the planning director.

2. *Review procedure.* If concurrent review is not obtained or allowed, all applications for final PUD development plans shall follow the core procedure for review of minor development application, stated in subsection 15.02.080.B above.

15.02.090-018.png

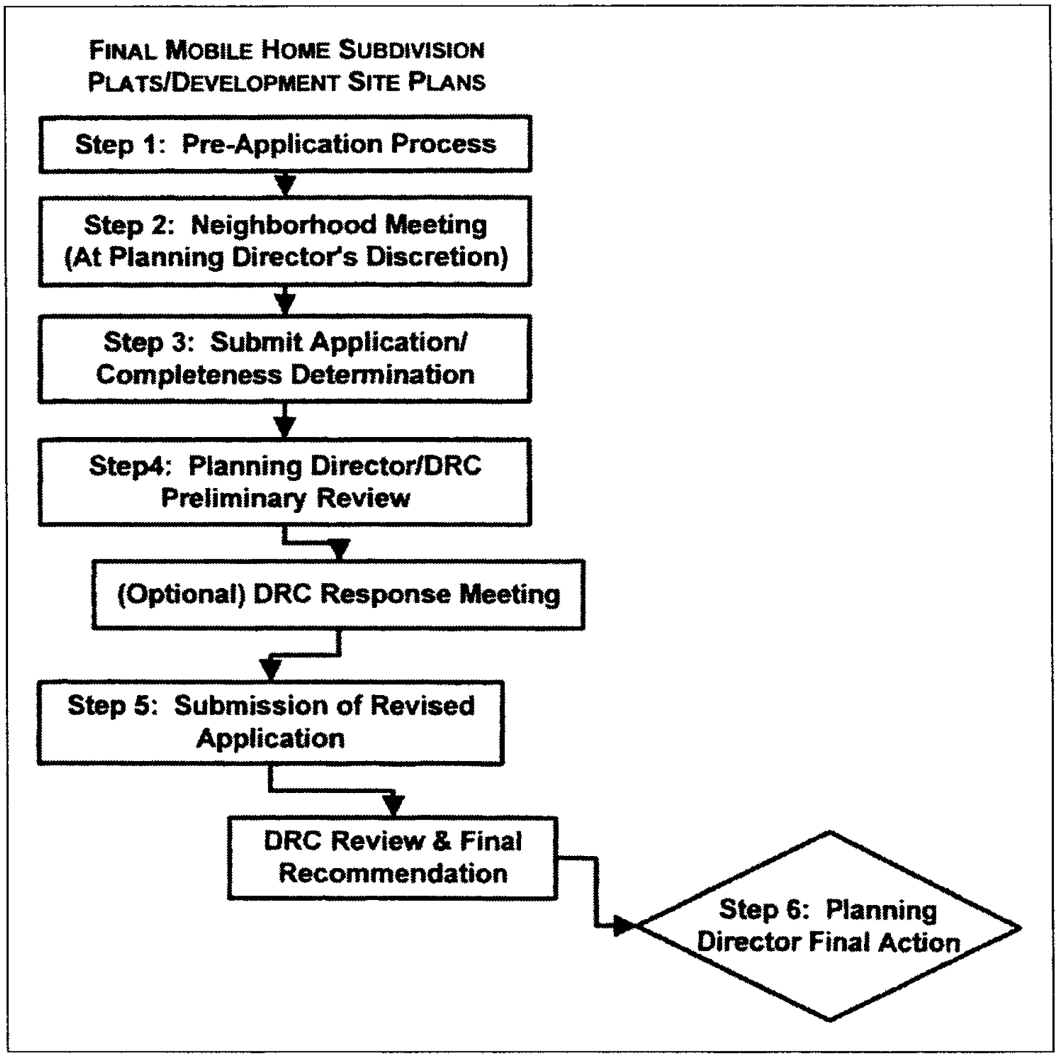


3. *Review criteria.* All applications for final PUD development plans shall demonstrate compliance with the following review criteria:
   a. The final PUD development plan meets the review criteria applicable to final subdivision plats stated in subsection 15.02.090.B above;
   b. The final PUD development plan conforms with the approved preliminary PUD plan and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plan; and
   c. The PUD is compatible with surrounding properties, neighborhoods and land uses or will substantially mitigate adverse impacts.
4. *Recording—Effect of approval.*
   a. The applicant shall record notice of the approved final PUD development plan with the final subdivision plat (as applicable) within 90 days of approval, or within any longer period approved in advance by the planning director.
   b. A final PUD development plan shall be valid for a period of one year from the date of the plan's approval, unless the decision-making body establishes an alternative time period. During this one-year period, the applicant shall also apply for a building permit for at least the first phase of the PUD development.
   c. If these actions are not completed within the one-year time period, the final PUD development plan shall automatically lapse and become null and void, unless an extension is granted by the approving entity prior to expiration. See section 15.02.040(O), "Extension of Approval Periods," above. Amendments to the final PUD plan do not affect the original approval period, unless otherwise provided.
   d. If any partially completed final PUD development plan has been inactive for a period of three years or more, that portion of the PUD shall automatically lapse and become null and void, unless an extension is granted by the approving entity prior to expiration or the original PUD received a longer approval period.
   e. If a final PUD development plan lapses, then no further development or any other land disturbing activity shall occur within the subject PUD zone district until a new PUD development plan application is submitted, reviewed, and approved according to subsection 15.02.060.G.
   f. When a PUD district is approved as an overlay, all of the area included in the lapsed final PUD development plan shall be subject to the zoning and subdivision regulations applicable in the underlying zone district.

D. *Final mobile home subdivision plat/development site plan.*
1. *Generally.*
   a. Final mobile home subdivision plat or development site plan approval may be sought for all or a portion of the land area included in the approved preliminary subdivision plat or site plan.

b. See subsection 15.02.040.E above that allows concurrent review of a final subdivision plat or plan with an application for preliminary subdivision plat or plan approval, with the prior approval of the planning director.

2. *Review procedure.* If concurrent review is not obtained or allowed, all applications for final mobile home subdivision plats or development site plans shall follow the core procedure for review of minor development application, stated in subsection 15.02.080.B above.



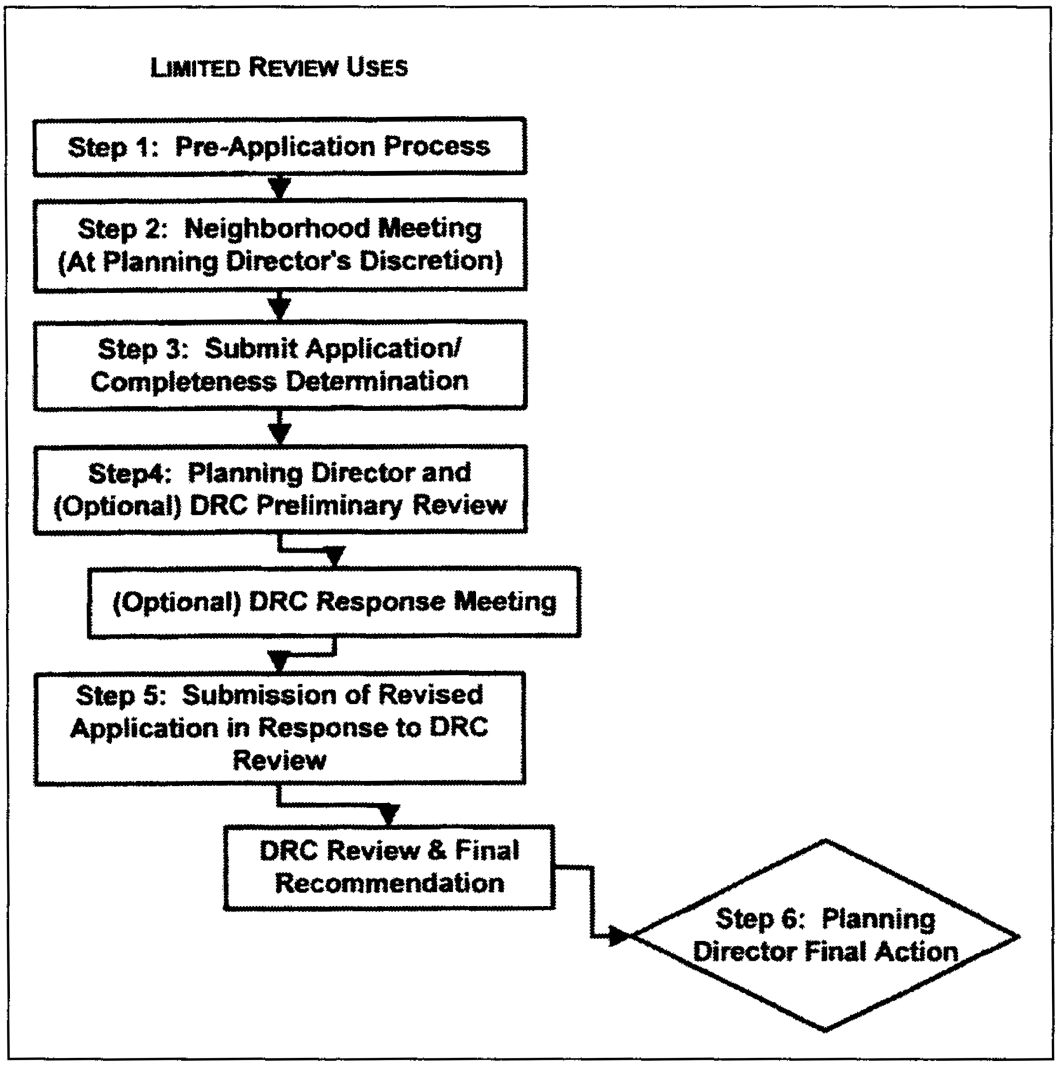
3. *Review criteria.* All applications for final mobile home subdivision plats or development site plans shall demonstrate compliance with the following review criteria:
   a. The final plat or plan meets the review criteria applicable to final subdivision plats stated in subsection 15.02.090.B above;
   b. The final plat or plan conforms with the approved preliminary plat or plan and incorporates all recommended changes, modifications, and conditions attached to approval of the preliminary plat or plan; and
   c. The final plat or plan is compatible with surrounding properties, neighborhoods and land uses or will substantially mitigate adverse impacts.
4. *Effect of approval.*
   a. The applicant shall record the approved and signed final mobile home subdivision plat or the notice of approval of the development site plan with the county clerk and recorder within 90 days of the date of approval, or within any longer period approved in advance by the planning director.
   b. Failure to take this action within this time period shall make the approval null and void and the approval shall automatically lapse. Amendments to the final subdivision plat or development site plan do not affect the original approval period, unless otherwise provided.
   c. A final development site plan shall be valid for a period of one year from the date of the plan's approval, unless the decision-making body establishes an alternative time period. During this one-year period, the applicant shall also apply for a building permit for at least the first phase of the development.
   d. If these actions are not completed within the one-year time period, the final development site plan shall automatically lapse and become null and void, unless an extension is granted by the approving entity prior to expiration. See subsection 15.02.040.O, "Extension of Approval Periods," above.
   e. If any partially completed final development site plan has been inactive for a period of three years or more, that portion of the plan shall automatically lapse and become null and void, unless an extension is granted by the approving entity prior to expiration or the original plan received a longer approval period.

E. *Limited use.*

1. *Generally.* Limited use review is required for specified principal uses that, while generally appropriate in the zoning district, may have the potential for impacts on surrounding properties or on the character of the district. Accordingly, limited use review is intended as an administrative review that grants the planning director authority to impose conditions on the specified use to mitigate any potential adverse impacts. See Table 15.04-A in chapter 15.04 (Use Regulations) for uses that

require limited use review under this subsection (such uses are noted as "L" in the applicable table cells). Limited uses may also be eligible for waiver from review, subject to the request complying with the criteria as indicated in subsection 15.02.090.F.2.b.

2. *Review procedure.* All applications for limited uses shall follow the core procedure for review of minor development application, stated in subsection 15.02.080.B above. Applications for a limited use shall be processed concurrently with an application for site plan review, as applicable, as indicated in section 15.02.090.F.



3. *Review criteria.* All applications for limited uses shall demonstrate compliance with the following criteria, as well as criteria for a site plan, stated in subsection 15.02.090.F.5, when the limited use is combined with a site plan:
   a. Compliance with any special conditions and standards listed in chapter 15.04, "Use regulations," of this development code and/or Table 15.04-A (Table of Permitted Principal Uses by Zone District);
   b. The use is compatible with the surrounding neighborhood and surrounding existing uses. Conditions may be imposed on a proposed limited review use to ensure that potential adverse impacts on surrounding uses and properties will be substantially mitigated, including but not limited to conditions or measures addressing:
      i. Location on a site of activities that generate potential adverse impacts such as noise, dust, odor, and glare;
      ii. Location on a site of buildings or structures or signs that may be incompatible with existing development on surrounding properties;
      iii. Location of outdoor activity or storage areas;
      iv. Hours of operation and deliveries;
      v. Location of loading and delivery zones;
      vi. Light intensity and hours of full illumination;
      vii. Placement and illumination of outdoor vending machines, signs or other similar devices;
      viii. Loitering;
      ix. Litter control;
      x. Placement of trash and recycling receptacles;
      xi. On-site parking configuration and facilities;
      xii. On-site circulation; or
      xiii. Privacy concerns of adjacent uses;
   c.

On-site and off-site traffic circulation patterns related to the use shall not adversely affect adjacent uses or result in hazardous conditions for pedestrians or vehicles in or adjacent to the site;

d. The use will be adequately served by public facilities and services. Public facilities and services that may be considered in light of this standard include, but are not limited to, water, sewer, electric, schools, streets, fire and police protection, storm drainage, public transit and other multi-modal transportation access, and public parks/trails;

e. The application for the proposed use mitigates, to the maximum extent feasible, potential adverse impacts on surrounding properties, land uses, public facilities and services, and the environment.

4. *Commitment to conditions of approval.* Upon approval or conditional approval of the limited use, all applicable terms and conditions of approval shall be placed directly on the approved site plan, and the applicant shall record a notice of the approved site plan in the county clerk and recorder's office. Such terms and conditions shall be binding on the applicant, the applicant's successors, personal representatives, heirs and assigns, and shall be deemed to run with the land, subject however to the continuing police powers of the city.

5. *Effect of approval/lapse.*

a. *Lapse.* Failure of an applicant to apply for a building permit and commence construction or operation with regard to the limited use approval within one year of receiving approval, or within a longer time period approved by the planning director, shall automatically render the final decision null and void.

b. *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.

F. *Site plan.*

1. *Purpose.* The purpose of the site plan review process is to ensure compliance with the standards and provisions of this development code, while encouraging quality development in the city reflective of the goals, policies, and strategies found in the LACP.

2. *Applicability—Waiver.*

a. *General rule of applicability/exemptions.*

i. All new development, additions, site changes, or changes in use shall be subject to the site plan review (including limited uses and conditional uses) procedures stated in this subsection, except for the following:

(A) Development of one-family detached dwelling units and their accessory structures (excluding accessory dwelling units) on individual lots; and

(B) Development included within an approved final PUD development plan.

ii. In addition, all development subject to the AIZ special regulations, as stated in section 15.03.120(B), "Application of Special AIZ Regulations," is subject to the site plan review procedures stated in this subsection.

b. *Waiver by planning director.* The applicant may request a waiver of site plan review (including limited uses and amendments to previously approved conditional uses) by submitting a written request to the planning director. The planning director may waive site plan review for construction where the additional building area does not exceed ten percent of the existing building area on the property, or for changes in use, when the applicant demonstrates that such construction, site change, or change in use is found to meet the following criteria:

i. The construction, site change, or change in use does not affect on- and off-site traffic circulation or parking areas;

ii. The construction, site change, or change in use does not affect public utilities or services (including fire suppression/flow requirements), or affect the on-site drainage system;

iii. The construction, site change, or change in use does not significantly alter the use of the property or cause adverse impacts on surrounding properties, neighborhoods or the environment without mitigating those impacts;

iv. The construction, site change, or change in use does not result in any safety problems or hazards; and

v. The construction, site change, or change in use complies with the review criteria stated in subsection (F)(5) of this section.

c. *Site plan required prior to land-disturbing activity.* No development or construction activity, including tree/vegetation removal or grading, shall occur on property subject to this subsection until a site plan has been approved. An approved site plan shall be required prior to issuance of a building or grading permit for any development subject to these provisions.

3. *Coordination with other approvals.*

a. *Coordination with use approvals.* Applications for approval of a conditional or limited use may be processed concurrently with an application for site plan approval.

b. *Coordination with building permit approval.* An application for site plan approval may be submitted concurrently with a building permit application at the applicant's risk. Site plan revisions required during the review process may require building plan revisions. If submitted for concurrent review, the applicant must coordinate plan revisions, ensuring that site plan and building plans are consistent at all stages of review.

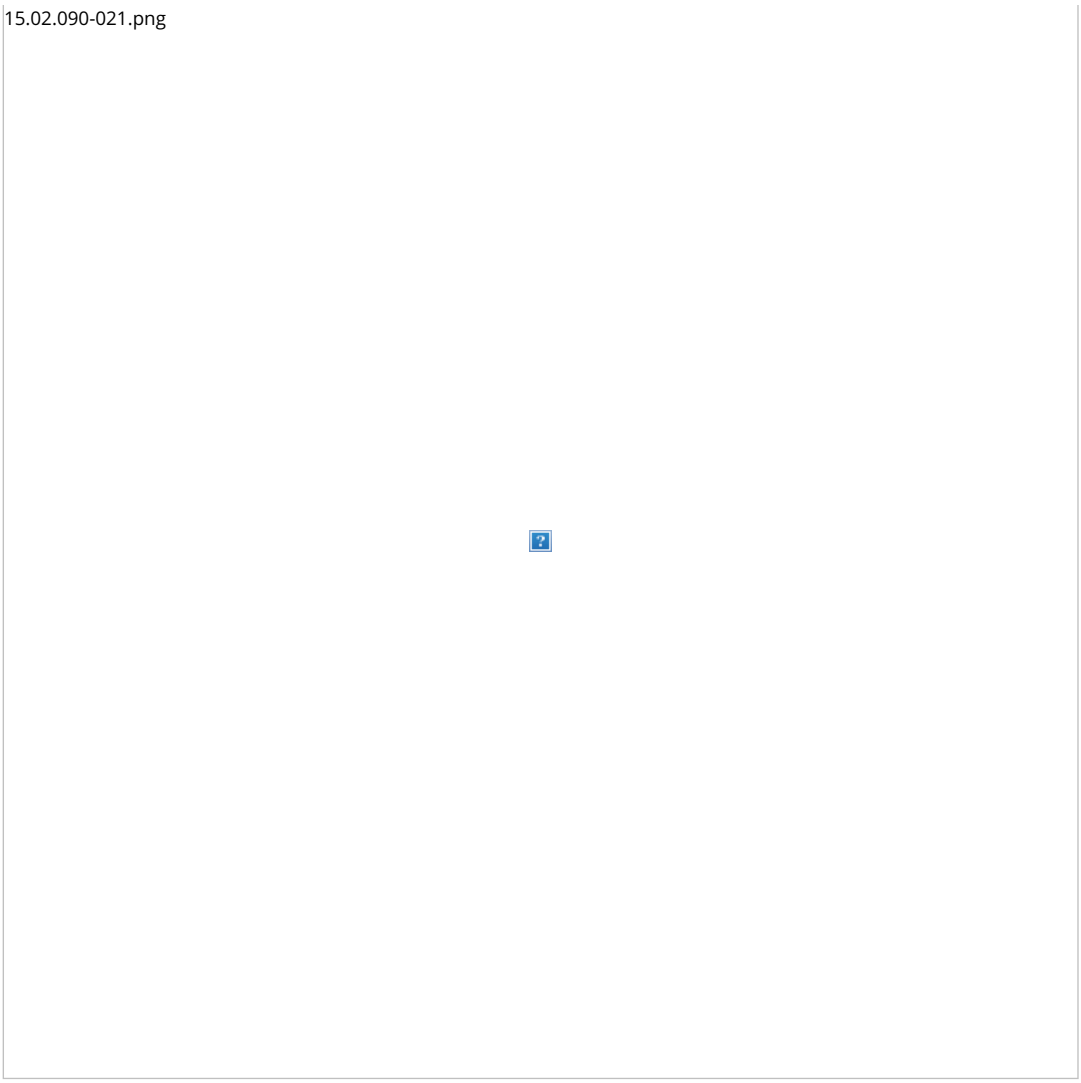
c. *Coordination with variance/minor modification approval.*

i. *Variances.* Submitted site plans that do not comply with applicable development code requirements will not be approved until the appropriate application for a variance has been considered and approved by the appropriate decision-making body. See section 15.02.060(F), "Variances."

ii. *Minor modifications.* A site plan application may be submitted concurrently with an application for approval of minor modifications (see section 15.02.090(H), "Minor Modification," below).

4. *Review procedure.* All applications for site plans shall follow the core procedure for review of minor development application, stated in section 15.02.080(B) above.

15.02.090-021.png



5. *Review criteria.* All site plan applications shall comply with the following criteria:
   a. The development is consistent with the LACP, as amended. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a PUD that provides a public benefit even if the PUD is contrary to some of the goals, policies or strategies in the LACP;
   b. The site plan complies with all precedent approvals and conditions of approval, including but not limited to preceding rezoning/concept plan and final subdivision plat approvals;
   c. The development complies with all applicable provisions of this land development code, except to the extent modifications, variances, or waivers have been expressly allowed;
   d. The development includes an appropriate transportation plan, including multi-modal transportation access;
   e. The development is compatible with surrounding properties, neighborhoods and land uses or will substantially mitigate adverse impacts; and
   f. In addition to the provisions of this code, the development complies with all other applicable local, state, and federal regulations, standards, requirements, or plans related to land development, including but not limited to preservation of historic/cultural resources, threatened/endangered species, wetlands, water quality, and wastewater regulations.
6. *Effect of approval.*
   a. The applicant shall develop the subject property in strict compliance with the approved site plan.
   b. A site plan shall be valid for one year from the date of final approval, unless the planning director expressly approves another time frame. During the approval period, the applicant shall apply for a building permit. If a building permit application is not made within the approved time frame, the site plan shall become null and void and a new application and site plan must be approved prior to construction. Amendments to the site plan do not affect the original approval period, unless otherwise provided.
   c. If any partially completed site plan has been inactive for a period of three years or more, that portion of the site plan shall automatically lapse and become null and void, unless an extension is granted by the approving entity prior to expiration or the original site plan received a longer approval period.

G. *Temporary use.*
1. *General.* Operation or establishment of a temporary use or structure shall be conditioned upon full prior compliance with the provisions stated in this subsection and section 15.04.040, "Temporary Uses and Structures."
2. *Review procedure.* All applications for temporary use shall follow the core procedure for review of minor development application, stated in section 15.02.080(B) above, except for the following modifications:

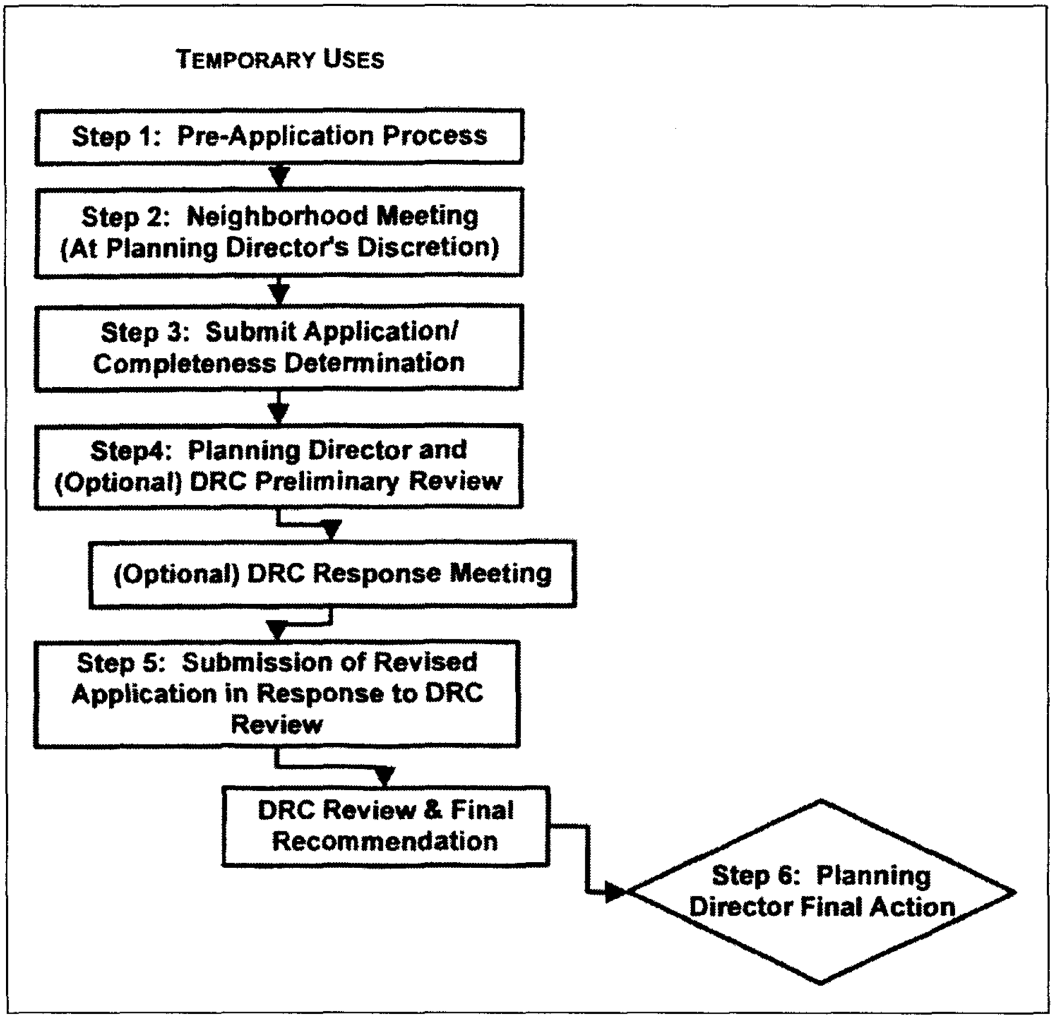
a. *Permit required.* An approved temporary use shall be issued a temporary use permit that shall include the duration of the approval and shall include or reference all conditions of approval.

b. *Conditions of approval.* In approving a temporary use, the planning director may 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, provided such conditions are reasonably necessary to:

i. Satisfy the review criteria of this subsection and the specific purposes of the zoning district in which the temporary use will be located, or to be consistent with the LACP;

ii. Protect the public health, safety and general welfare; or

iii. Ensure operation and maintenance of the temporary use in a manner compatible with existing uses on adjoining properties and in the surrounding area.



3. *Review criteria.* An application for a temporary use or structure shall demonstrate compliance with the general standards and applicable specific use standards stated in section 15.04.040, "Temporary Uses and Structures," and in addition all of the following criteria:

a. The proposed site for the temporary use or structure is adequate in size and shape to accommodate the temporary use.

b. The proposed temporary use will be located, operated, and maintained in a manner consistent with the LACP and the provisions of this development code.

c. The operation of the requested use at the location proposed and within the time period specified will not create adverse impacts on surrounding properties or neighborhoods unless those impacts are adequately mitigated.

d. To the maximum extent feasible, site design, including, but not limited to, siting of parking, structures, and lighting, shall assure compatibility with surrounding uses.

e. Temporary uses shall not violate any applicable conditions of approval that apply to the principal use on the site.

f. The applicant or operator shall be responsible for obtaining any other required permits, such as health department permits.

g. Permanent alterations to the site are prohibited.

4. *Time limits on permits.* Temporary use permits shall be valid for a specified period of time, unless otherwise expressly provided for in section 15.04.040, "Temporary Uses and Structures," of this development code or in the temporary use permit.

5. *Building code and other compliance—Certificate of occupancy.* All temporary uses shall be required to comply with all applicable provisions of this development code and the building, fire, and other codes adopted by the city, and shall obtain a certificate of occupancy, as applicable, prior to initiation of any temporary use.

6. *Extensions beyond time limit.*

a.

Procedure. The applicant shall initiate a request for extension of an approved temporary use permit's time limit prior to the expiration of the time limit. The request for an extension shall be scheduled for review in the same fashion as the original application, as specified in this subsection.

b. *Review criteria.* The following review criteria shall be used to evaluate requests for extensions of approved temporary uses:
   i. The applicant, owner, and operator have complied with the conditions of the original approval and permit;
   ii. The temporary use has operated and will continue to operate in a way that satisfies all the review criteria stated in subsection (G)(2) above; and
   iii. The applicant demonstrates a need for the requested extension.

c. *Conditions to approval of an extension of time.* The extension may be conditioned upon design or physical alterations to the temporary use that the planning director determines are necessary to achieve a greater degree of compatibility with surrounding uses and properties.

H. *Minor modifications.*

1. *Applicability.* The planning director may grant minor modifications to approved site plans, site-specific development plans, final PUD development plans, and final subdivision plats, and from specified development standards as stated in this subsection. See, however, section 15.02.090(I) below, where the public works and water utilities director may grant exceptions to street/road and access standards.
2. *Review procedures.*
   a. *Concurrent review for minor modifications from development standards.* Requests for minor modifications from specified development standards may be submitted concurrently with any other required development application, such as applications for subdivision plat, PUD, conditional or limited uses, or site plans. In such cases, the planning director shall review and take action on the minor modification during the review of the primary development action.
   b. *All other requests for minor modifications.* All other requests for minor modifications shall follow the core procedure for review of minor development application, stated in section 15.02.080(B).

15.02.090-023.png

3. *Limitations on authority.*
   a. *Minor modifications to approved site plans, PUD development plans, plats, and other approved plans.* The planning director may grant minor modifications to approved site or PUD development plans and subdivision plats. The planning director, however, shall not approve a plan or plat modification that results in:
      i. An increase in the floor area by greater than ten percent of the total development floor area; or
      ii. A change in allowed uses or mix of uses if the proposed uses are more intensive than the approved uses; or
      iii. An increase in overall project density by more than five percent.
   b.

Minor modifications from development standards. The planning director may grant minor modifications up to a maximum of 20 percent from the following development standards:

i. Minimum lot area requirements;
ii. Building setback requirements;
iii. Driveway access standards;
iv. Building/structure height;
v. River/stream corridor, riparian area, or wetland setback requirements;
vi. Landscaping/buffer yard standards;
vii. Amount of off-street parking space requirements;
viii. 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 building height standards.

c. *Minor modifications for alternative compliance.* The planning director shall have the authority to grant minor modifications to any design standard stated in chapter 15.04 (Use Regulations) or chapter 15.05 (Development Standards) of this development code in order to encourage the implementation of alternative or innovative practices that provide equivalent benefits to the public.

d. *Minor modifications to ensure compliance with RLUIPA.*

i. *Generally.* The planning director shall have the authority to grant minor modifications to any use or development standard stated in chapter 15.04 (Use Regulations) or chapter 15.05 (Development Standards) of this development code in order to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000, as amended.

ii. *Limitations.* The planning 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.

e. *Conditions of approval.* In granting a minor modification, the planning director may require conditions that will secure substantially 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.

4. *Review criteria.* The planning director may approve minor modifications only upon finding that:

a. The modification is necessary to satisfy the federal requirements for reasonable accommodation of housing for protected groups under the federal Fair Housing Amendments Act; or

b. The modification is necessary to eliminate a substantial burden on religious exercise as guaranteed by the federal Religious Land Use and Institutionalized Persons Act of 2000; or

c. All of the following criteria have been met:

i. The requested modification is generally consistent with the LACP and is consistent with the stated purposes of this development code. The decision-making body shall weigh competing LACP goals, policies, and strategies and may approve a modification even if the modification is contrary to some of the goals, policies or strategies in the LACP;

ii. The requested modification is consistent with the approved subdivision plat, development plan or site plan, and development code requirements, with the exception of the modification being requested;

iii. The requested minor modification is either:

(A) Of a technical nature and is required to compensate for some practical difficulty or unusual aspect of the site or the proposed development; or

(B) The result of a design that meets the purpose and intent of the standard, plat, or plan being modified and represents an improvement in quality without detriment to surrounding properties or neighborhoods, the natural environment or to the city's ability to provide services and maintain public facilities.

Examples include but are not limited to enhancements in open space and pedestrian access; environmental protection; landscape design and tree/vegetation preservation; efficient provision of streets, multi-modal transportation facilities, and other utilities and services; or enhanced alternative living and housing opportunities;

iv. The requested modification will not result in significant adverse impacts to surrounding properties or neighborhoods, or the natural environment;

v. Any adverse impacts resulting from the minor modification will be mitigated to the maximum extent practical;

vi. The requested modification shall not create a safety hazard; and

vii. The modification provides the least deviation from the regulations that will afford relief;

viii. For minor modifications related to building or structure height, the requested modification shall also comply with the review criteria for a height exception in section 15.02.060(J)(3);

d. Practical difficulties. In determining "practical difficulty," the planning director shall consider and apply the factors stated in section 15.02.060(F)(5) of this development code (review criteria for variances).

5. *Effect of approval.*

a. *Minor modifications to approved plans/plats.* Modifications to an approved site plan, site-specific development plan, final PUD development plan, or final subdivision plat shall be noted on a revised plat or plan, which shall be plainly marked as "Amended," and submitted to the planning director. The planning director shall note the terms of the approved minor modification directly on the amended plat or plan and affix the planning director's signature and the date of approval. Such amended plan/plat shall be recorded within 90 days of the planning director's approval of the modification.

b. *Noted on pending application.* The planning director shall specify any approved minor modifications from general development or zoning district standards and the justifications for such modification on the pending development application for which the modifications were sought. Alternately, the planning director may include such final determination, in writing, as part of any required DRC report.

6. *Approval lapse.*

a. As applicable, an approved minor modification shall be valid for the same time frame as the development approval with which it was joined or for the same time frame as the originally approved final plat or plan.

b. In all other cases, an approved minor modification shall be valid for one year, during which time the applicant shall commence substantial construction. If these actions are not taken within the one-year time period, the minor modification approval shall automatically lapse and be null and void.

l. *Exceptions to street/road and access standards.*

1. *Applicability.* All requests for exceptions or variances from the city's adopted street/road and access design standards stated in the city standards or in chapters 15.05 (Development Standards) or 15.07 (Subdivision and Improvements Standards) of this development code shall be reviewed by the director of public works and water utilities or the P/Z under this subsection.
2. *Review procedure.*
   a. *Director of public works and water utilities as decision-making body.*
      i. The director of public works and water utilities shall be the decision-making body on all requests for exceptions or variances from city-adopted road/street and access design standards.
      ii. To the maximum extent practicable, all such requests for exceptions from city-adopted road/street and access design standards shall be submitted concurrently with an application for preliminary subdivision plat approval. In such cases, the public works and water utilities director shall review and take final action on an exception request prior to Step 5, "DRC response meeting," of the procedure for major development applications.

15.02.090-024.png

      iii. The director of public works and water utilities shall review all other requests for exceptions from the city-adopted road/street and access design standards according to the core procedure for review of minor development applications, stated in subsection 15.02.080.B above.
   b. *P/Z as decision-making body.* The P/Z shall be the decision-making body on exceptions or variances from the city-adopted road/street and access design standards that the director of public works and water utilities has forwarded to the P/Z for consideration based on issues associated with the proposal, or where the applicant has appealed the decision of the director.
3. *Review criteria.* All requests for exceptions or variances from the city-adopted road/street and access design standards shall demonstrate compliance with the following criteria:
   a. The review criteria for variances, as stated in subsection 15.02.060.F. above; or
   b. The exception will result in an alternative design that meets the purpose and intent of the city road/street and access design standards by providing for the orderly subdivision of land without detriment to surrounding property owners or to the city's ability to provide services and maintain public facilities; and
   c. The exception will not be in conflict with the LACP or other applicable zoning or development standards of this development code; and
   d. The exception will not impair access for police and fire department and service vehicles or otherwise endanger public health or safety; and
   e. With the exception, the development will have adequate parking.

(Code 1993, § 15.02.090; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 10; Ord. No. O-2007-25, § 3; Ord. No. O-2012-41, § 2, 7-10-2012)

15.02.100. - Vested property rights.

A. *Purpose.* The purpose of this section is to provide the procedures necessary to implement the provisions of article 68 of title 24, Colorado Revised Statutes, which establish a vested property right to undertake and complete development and use of real property under the terms and conditions of an approved site-specific development plan, and which further establish the applicable rules and regulations governing applications for a site-specific development plan.

B.

Applicability. A vested property right shall attach only to an approved site-specific development plan. A "site-specific development plan" shall mean final approval, including the applicant's acceptance of any terms and conditions of approval, of any of the following types of applications where the applicant has expressly requested a vested right:

1. Final PUD development plans;
2. Final subdivision plats; and
3. Site plans (including conditional use site plans, limited use site plans, and site plans for mobile home developments).

C. *Application.* A request for a vested property right shall be made in writing as part of an application for the applicable final plan, final plat, or site plan. A request for a vested property right shall comply with all other submittal requirements, as applicable, including any required fees. A site-specific development plan shall describe, with reasonable certainty, the type and intensity of proposed development. Therefore, none of the submittal requirements that may affect the type and intensity of use may be waived for a development application designated as a site-specific development plan. Any additional information deemed necessary by the planning director regarding items which may directly or indirectly affect the type or intensity of development may be required during the applicable review process.

D. *Approval by ordinance and notice and hearing required.* All requests for vested property rights shall require approval of an ordinance by city council. The written and posted notice and the public hearing regarding the ordinance shall satisfy the notice and public hearing requirements of C.R.S. § 24-68-103(b). The public hearing with city council on the vested property rights ordinance is in addition to any other public hearings that may be required for the particular application that is being vested as a site-specific development plan.

E. *Review criteria.* In addition to the review criteria for the particular type of development application designated as the site-specific development plan, an application for approval of a site-specific development plan shall evidence compliance with the following criteria:

1. The site-specific development plan 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.
2. 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.
3. 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.

F. *Effective date of approval.* The effective date of a site-specific development plan approval shall be the date of publication, in a newspaper of general circulation within the City of Longmont, of a notice advising the general public of the site-specific development plan approval and creation of a vested property right pursuant to this section and Colorado law. Such publication shall occur no later than 14 days following the city council's approval of an ordinance granting a vested property right.

G. *Effect of approval/duration.*

1. 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.
2. The grant of a vested right in an approved site-specific development plan shall not prevent the city, in subsequent actions, from applying any of the following to the subject property:
   a. New ordinances, rules, regulations, and policies that do not conflict with those rules, regulations, and policies in effect as of the site-specific development plan's effective date of approval;
   b. New ordinances, rules, regulations, and policies that are specifically anticipated and provided for in the terms or conditions of the approved site-specific development plan;
   c. New ordinances, rules, regulations, and policies that are necessary for the immediate preservation of the public health and safety; or
   d. New ordinances, rules, regulations, and policies when the city finds that the site-specific development plan is based on substantially inaccurate information supplied by the applicant.
3. 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 15.02.070 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 P/Z.

H. *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]."

I. *Pending applications for a site-specific development plan—Applicable rules and regulations.*

1. *General rule.* pursuant to C.R.S. § 4-68-102.5, 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.
2. *Exception.* Notwithstanding the limitations contained in subsection (I)(1) 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.
3. *Definition of "complete application for a site-specific development plan."*
   a. For purposes of this subsection, a "complete application for a site-specific development plan" shall be defined as set forth in chapter 15.10 of this development code and shall refer only to a complete application for approval of a final PUD development plan (section 15.02.090(C)), final plat (section 15.02.090(B)), or site plan (section 15.02.090(F)) and site plans submitted for conditional uses (section 15.02.060(D)) and limited uses (section 15.02.090(E)).
   b. For purposes of this subsection, each separately lettered subsection (A through L) of section 15.02.060, "Specific Requirements and Review Standards for Major Development Applications," and each separately lettered subsection (A through J) of section 15.02.090, "Specific Requirements and Review Standards for Minor Development Applications," sets forth a completely separate approval process for a particular development application. None of the procedures contained in any lettered subsection of section 15.02.060 (such as rezoning review) shall be interpreted to be the first stage of any other procedure in any other numbered section (such as a preliminary subdivision plat review).

J. *Waiver.* A landowner may waive a vested property right by separate agreement, which shall be recorded in the county where the property is located. Unless otherwise agreed to by the city, any landowner requesting annexation to the city shall waive in writing any preexisting vested property rights as a condition of such annexation.

K. *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.

(Code 1993, § 15.02.100; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 11)

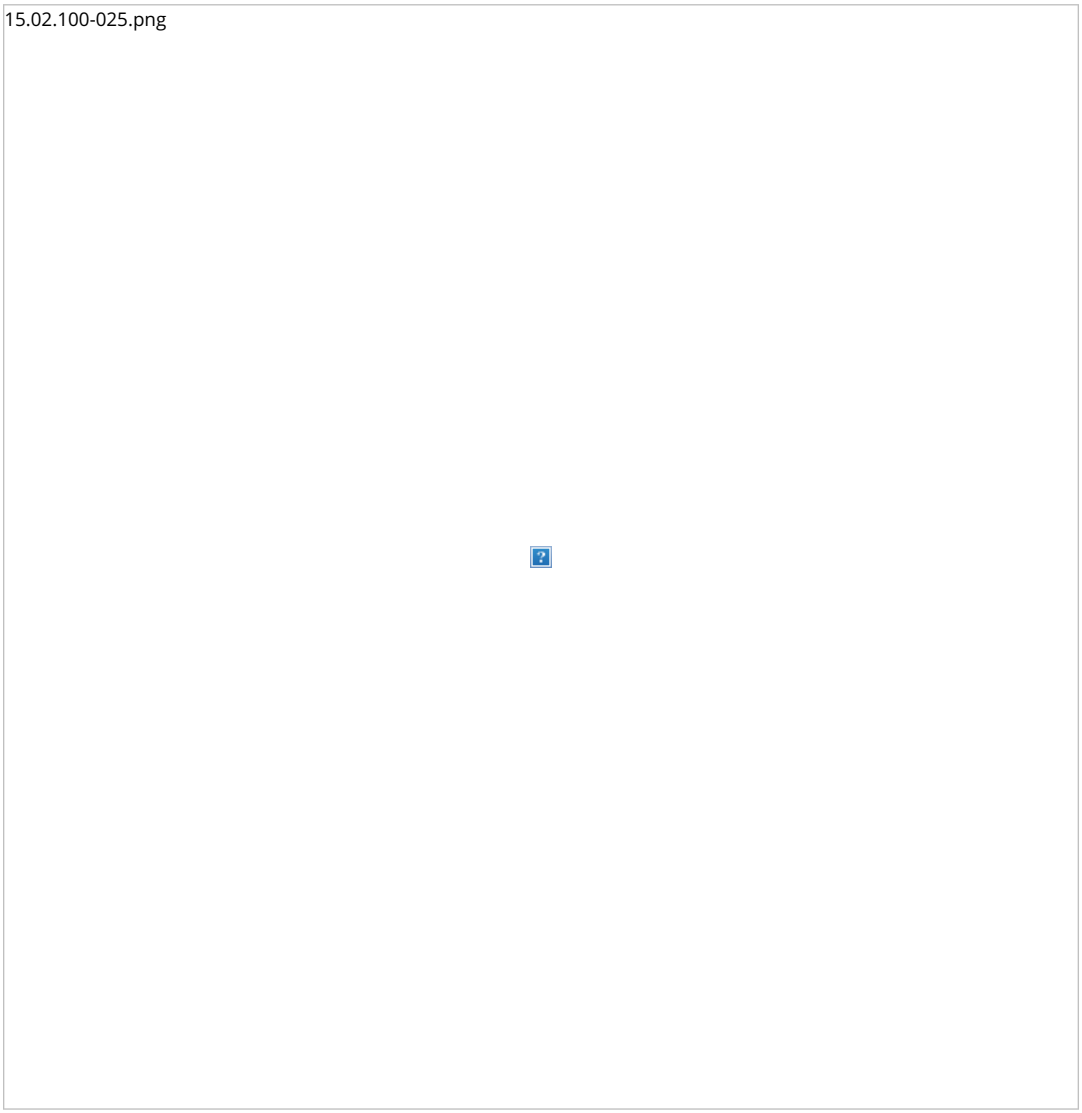
15.02.110. - Written code interpretations.

A. *Purpose and applicability.*

1. This section establishes a procedure whereby development code users 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 shall not apply to permit any specific use that is expressly prohibited in a zoning district. If, under this section, a specific use cannot clearly be determined to be in a use classification permitted in a particular zoning district, such use may be incorporated into the zoning regulations by a code (text) amendment, as provided in section 15.02.060(B) above.

B. *Application filing.* Applications for written interpretations of this development code shall be submitted to the planning director.

15.02.100-025.png



C. *Planning director's review and decision.* After receipt of a complete application for a written interpretation, the planning director shall:

1. Review and evaluate the application in light of this development code, the LACP, and any other relevant documents;
2. Consult with the city attorney and other staff, as necessary; and
3. Render a written interpretation.

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 planning director and shall be available for public review in the planning and development services division during normal business hours.

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

(Code 1993, § 15.02.110; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 12)

15.02.120. - 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 minor development application includes public improvements, approval shall be conditioned on execution of the applicable public improvement agreement or minor improvement security agreement, payment of any financial securities, participation costs and other fees as outlined in the agreement, satisfaction of any water deficits, and approval of the public improvement plans.

2. *DRC scope of authority.* The development review committee shall review and approve all public improvement plans and related reports for all public improvements, including quantity and cost estimates for those public improvements.

B. *Approval of public improvements plans as one package; phasing.*

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

2. Any subdivision plan, PUD development plan, or site plan requiring substantial 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 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 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 appendix B of this development code and city standards for specific submittal requirements.

D. *Performance guarantees.*

1. General. The city requires adequate financial assurance, in a form and manner that it approves, that the public improvements and common open space, on-site private improvements, such as landscaping, irrigation, and paved parking and amenities, shown in the final development plan, subdivision plat, or site plan shall be provided and fully developed.

2. Form—Generally. The subdivider or applicant shall furnish a performance guarantee 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 Colorado banking institution in a form acceptable to the city attorney; or

c. Any other financial security determined to be acceptable by the city attorney.

3. Performance guarantee 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 street, railroad or river crossings) and local streets which provide system-wide benefits to the city;

ii. Primary greenway landscaping and concrete paths;

iii. Collector, arterial, and highway landscaping and concrete paths;

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 sewer facilities that are an extension of the city system, or which provide system-wide benefits to the city; and

viii. Subsurface electric 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 director of public works and natural resources.

d. All performance guarantees shall also include the following amounts, as determined by the public works and natural resources director:

i. The costs of engineering fee or fees for the work to be performed;

ii. The cost of city inspection fee or fees; and

iii. The cost of managing and recording all record drawings.

e. Whenever guarantees are renewed or when installation of the public improvements is delayed, the city may require that the guarantee be updated based on a standard engineering cost index to reflect increases in construction costs over time.

4. Performance guarantee amounts for common and private on-site improvements that will not be maintained by the city.

a. One hundred percent of the costs of materials and labor and inspection fees for common and private on-site improvements shall be required prior to recording the final plat for the subdivision, unless deferred pursuant to subsection D.4.b. herein.

b. Improvements not installed prior to occupancy. To obtain a certificate of occupancy when weather or other unforeseen circumstances prevent the installation of common or private improvements, such as landscaping and pavement, the applicant shall submit 150 percent of the estimated costs of the improvements, provided the development services manager determines the following:

i. The applicant demonstrates that contracts have been executed for the work and such work shall be timely completed on or before a date certain; and

ii. That without the subject improvements, the site shall function without creating a threat to health, safety, and welfare, and without detrimental impacts to the surrounding properties and to the provision of city service in the area.

5. Submittal of financial security.

a. *Public improvements.* All financial assurances and participation costs required by this section shall be submitted to the public works and natural resources director or designee.

b. *Common or private improvements.* All financial assurances and participation costs required by this section shall be submitted to the development services manager or designee.

E. *Improvement installations and cost participation.*

1. *Intent.* To the maximum extent practicable, costs of water and sewer lines, stormwater 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 will 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:

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

      iii. The city shall 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 be required to provide 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 in place binding agreements for discharge at other quantities, rates or locations.
      ii. The city will 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. 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 subdivision.
3. *Arterial streets.* The applicant shall be responsible for the cost of one-half of a collector street for each portion of the development fronting on the arterial street. See LMC subsection 14.28.020.D regarding transportation investment 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 subsurface 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 subsurface infrastructure in the PIA.
      i. The applicant is required to install the subsurface 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 assurances or guarantees shall include financial participation in existing public improvements constructed by the city or others in and adjacent to the subject site based on the following criteria:
   1. The proposed development shall utilize and be directly benefited by the existing facility;
   2. All land that is the subject of the development application is proximate to the public improvement, even if individual blocks, phases, or filings to be developed first are not contiguous to the public improvement; and
   3. Participation costs shall not generally be required in conjunction with building permits, unless otherwise specified in a previously executed agreement.

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. Except for one- and two-family residential developments, issuance of a certificate of occupancy for any portion of the development;
   2. The city's final acceptance of public improvements for each development phase; or
   3. Transfer of common open space areas to a property owners' association for maintenance.

H. *Preparation of the public improvement agreement.*
   1. 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.
   2. The director of public works and natural resources in conjunction with other applicable city departments shall prepare the public improvement agreement and then present it to the applicant.
   3. The applicant shall submit the signed and acknowledged public improvement agreement, along with the financial security for consideration and execution by the city.
   4. Final review and approval.
      a.

The directors of economic development and public works and natural resources departments shall review the agreement for conformance to this Code, and if in conformance forward the agreement to the mayor for execution.

b. If the agreement is rejected by the directors, 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 directors 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.

5. 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.
6. Minor improvement security agreement. If the scope of required public improvements is minimal, the director of public works and natural resources may waive full DRC review and the requirement of a public improvement agreement. However, all public improvements shall be financially guaranteed at 100 percent of the cost of the improvements through a minor improvement security agreement, approved as to form by the city attorney's office, and signed by the property owner and mayor. Acceptance of improvements, eligibility for building permits, and release of financial securities shall be according to the provisions of this section.

I. *Preconstruction conference required.*

1. A preconstruction 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 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.
   e. When required landscaping, including right-of-way or primary greenway landscaping, is installed after other public improvements, the applicant may schedule subsequent preconstruction 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. The DRC 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.
4. 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.*

1. Except as stated in subsections 2. and 3., the city shall not issue building permits until construction acceptance has been issued for all public improvements for the development or applicable phase.
2. The economic development director, together with the fire marshal and director of public works and natural resources, may approve eligibility for building permits before construction acceptance of public improvements for commercial or industrial developments, or multifamily residential developments of 100 or more dwelling units on a case-by-case basis, based 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 any other factors, related to the health, safety and welfare of the city.
3. Single-family residential developments and multifamily developments of less than 100 units may also be considered for permits on a case-by-case basis if:
   a. The landscaping required by the public improvement agreement cannot be installed due to weather constraints or unforeseen circumstances; and
   b. Construction acceptance has been issued for all other public improvements.
4. As a condition of release of building permits under subsections 2. and 3., the applicant shall provide financial security in the amount of 150 percent of cost of the uncompleted public improvements.

L. *Temporary certificate of occupancy.*

1. The city may issue a temporary certificate of occupancy for the 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 not exceed six months 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 one additional term for good cause shown, as determined by the city manager, upon condition that the applicant provide financial security in the amount of 200 percent of cost of the public improvements that have not been completed.
4. The failure of the applicant to obtain construction acceptance of all public improvements by the expiration of the temporary certificate of occupancy or any extension thereof, shall result in the forfeiture of securities posted for those public improvements.

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 open space, pocket parks, and other community facilities. The applicant shall provide a copy of the record drawings to the property owners association prior to release of financial guarantees to the applicant.
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. Notice of 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 guarantees.* To assure the proper functioning and structural integrity of any public improvement or private on-site improvement (including common open space and pocket parks) the city may require the applicant to furnish a maintenance guarantee in a form acceptable to the city and in an amount of up to 20 percent of the costs of construction or installation. The guarantee 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 open space and pocket parks: A minimum of one year from the date of final acceptance.

O. *Release of guarantees for public improvements.*
   1. One hundred percent or more guarantees.
      a. Financial security shall be reduced to ten 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 guarantees. Financial security in this amount 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. Upon final acceptance by the city, the remaining financial security shall be released, except as required in subsection M. above.
   4. Releases shall be recorded. The city shall record all releases of financial guarantees or a notice of the city's final acceptance of the public improvements in the county clerk and recorder's office.

P. *Release of guarantees 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, development plan 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. Other available remedies. 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.

(Code 1993, § 15.02.120; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 13; Ord. No. O-2007-46, § 3; Ord. No. O-2012-42, § 1, 7-10-2012)

15.02.130. - Review and administration procedures for building and construction permits.

A. *Review procedure.*
   1. The applicant shall consult with the building inspection division to determine what information, according to adopted building and fire codes, will be required before building or other construction permits will be issued. The public works and water utilities department shall issue grading permits according to subsection 15.02.130.E, "Grading permit requirements," below.
   2. The applicant shall submit all permit application materials to the building inspection division as stated in appendix B to this development code. Completion and submittal of these requirements do not ensure approval of the building permit request, but rather allows the applicant to continue through the procedure efficiently. Failure to provide all required information will impede the processing of the permit request.
   3. The chief building official shall certify that the application is complete according to subsection 15.02.040.C, "Complete applications required," above prior to initiation of review by the building inspection division. All applications shall be reviewed under the review criteria stated in subsection B below.
   4. The building inspection division will generally complete its review and take final action on an application for a building or other construction permit within 60 days from the application's certification as complete.

B. *Review criteria.* The chief building official shall issue a building or other construction permit for all applications that comply with the following criteria:
   1. The applicant provides proof of receipt of an approved site plan, unless an exemption or waiver applies;
   2. The proposed building or development activity is consistent with and complies with any previously approved final plat, final PUD development plan, final mobile home development site plan, final public improvement construction plans, conditional or limited use or site plan;
   3. The applicant provides proof of compliance with subsection 15.02.130.C, "Proof of fair contribution for public school sites," below, unless exempt;
   4. The applicant has paid all required fees;
   5. In addition to compliance with applicable building and fire codes, the proposed development complies with all applicable regulations, standards, and specifications, including all applicable zoning and development standards in this development code; and
   6. The proposed building or development activity is compatible with surrounding properties, neighborhoods and land uses or will substantially mitigate adverse impacts.

C. *Proof of fair contribution for public school sites.*
   1. *Fair contribution required prior to building permit.* Unless exempt under subsection C.2 below, 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 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 or structure;
      b. Alteration, replacement, or expansion of any legally existing building or structure with a comparable new building or structure that 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, bed and breakfast establishments, boarding or rooming houses, family care homes, group care homes, halfway houses, hotels, motels, nursing homes, or hospices; and

d. Construction of any residential building or structure classified as housing for elderly or older persons, under the Federal Fair Housing Act then in effect.

D. *Effect of approval.*

1. A building permit shall be valid for a period of 180 days from the time of approval, unless subject to a building schedule approved according to subsection D.1.a below, or unless the chief building official determines that the scope or scale of development is such that a longer time frame is necessary to complete the development. Construction must be substantially completed within the 180-day or other applicable time period. The original approval period may be extended upon written request to the chief building official prior to expiration. Only one extension, up to a maximum of 180 days, is allowed.

a. As part of an application for building permits, the chief building official may approve a building schedule that allows a longer time frame for substantial completion of construction than 180 days when the chief building official finds that a longer time frame is necessary because of the size, nature, and complexity of the proposed construction.

2. Where a building permit, plot plan, site plan (including limited and conditional uses), or development plan is required, the building site shall be developed according to the approved plan and shall otherwise comply with all applicable city codes before a certificate of occupancy is issued.

E. *Grading permit requirements.*

1. *Applicability.* A grading permit is required for movement of greater than 50 cubic yards of land disturbance or for overlot grading on properties of one or more acres, unless waived by the public works and water utilities department.

2. *Review procedure.*

a. A pre-grading meeting is required prior to approval of a required grading permit.

b. An overlot grading plan shall be submitted to the public works division along with an application. The overlot grading plan shall include detail regarding streets, utilities, drainage, and earthwork testing per city standards.

3. *Other applicable permit requirements.* The applicant is responsible for obtaining any other permits required by the city or state and federal agencies prior to grading.

4. *Performance guarantees required.* The applicant shall provide financial security for grass reseeding, weed control, and dust control upon approval of the grading permit.

5. *Effect of approval.* Grading permits are valid for one year from the date of issuance unless extended by the public works and water utilities department. No grading shall occur after expiration of a grading permit.

(Code 1993, § 15.02.130; Ord. No. O-2001-78, § 1; Ord. No. O-2002-72, § 1; Ord. No. O-2006-67, § 14)

15.02.140. - 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; and

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 division. 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 division.

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; and
n. All available information about use(s) of the property during the three years prior to the application;
o. Application fee.

5. *Requests for additional information.* The planning 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 planning 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 community development 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 planning 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 community development 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 either 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 subsection 15.02.040.H, "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 community development 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 subsection C 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 subsection 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 subsection C.

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 LACP 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 subsection 15.02.040.H., "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/transferal 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.

(Code 1993, § 15.02.140; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, § 15)

15.02.150. - Intergovernmental agreements.

A. *Intergovernmental agreement between the City of Longmont and County of Boulder concerning transferred development rights.* The city council consents to the intergovernmental agreement between the City of Longmont and County of Boulder concerning transferred development rights, as amended by the second amendment, effective February 5, 2006, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement and TDR map are on file at the city clerk's office and appear as appendix E-1 to this Code.

B. *Longmont Planning Area Comprehensive Plan Intergovernmental Agreement.* The city council consents to the third amended Longmont Planning Area Comprehensive Plan Intergovernmental Agreement as further amended by subsection K., herein, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement, including a map, is on file at the city clerk's office and appears as appendix E-2 to this code.

C. *Intergovernmental agreement between the City of Longmont and the St. Vrain Valley School District.* The city council consents to the intergovernmental agreement concerning fair contributions for public school sites between the City of Longmont and the St. Vrain Valley School District RE-1J, as amended by this second amendment, effective July 25, 2006, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement is on file at the city clerk's office and appears as appendix E-3 to this Code.

D. *Intergovernmental agreement between the City of Longmont and the Left Hand Water District.* The city council consents to the agreement regarding water service and boundaries between the City of Longmont and the Left Hand Water District, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement and map are on file at the city clerk's office and appears as appendix E-4 to this Code.

E. *Coordinated planning agreement between the City of Longmont and Weld County.* The city council approves the coordinated planning agreement between the City of Longmont and the County of Weld and authorizes the mayor to execute and deliver the same. The intergovernmental agreement is available for public inspection in the office of the city clerk and appears as appendix E-5 to this Code.

F. *The Boulder County countywide coordinated comprehensive development plan intergovernmental agreement.* The city council consents to the Boulder County Countywide Coordinated Comprehensive Development Plan Intergovernmental Agreement Between the City of Longmont and the County of Boulder and Other Boulder County Municipalities, as further amended by subsection K., herein, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement, including a map, is available for public inspection in the office of the city clerk and appears as appendix E-6 to this Code.

G. *Intergovernmental agreement between the City of Longmont and the St. Vrain Valley School District.* The city council consents to the Intergovernmental Agreement Concerning School Capacity Between the City of Longmont and the St. Vrain Valley School District RE-1J and authorizes the mayor to execute and deliver the same. The intergovernmental agreement is on file at the city clerk's office and appears as appendix E-7 to this Code.

H. *Intergovernmental agreement between the City of Longmont and the Town of Mead.* The city council consents to the coordinated development plan intergovernmental agreement between the City of Longmont and the Town of Mead, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement, including a map, is available for public inspection in the office of the city clerk and appears as appendix E-8 to this Code.

I. *Intergovernmental agreement between the City of Longmont and the Town of Frederick.* The city council consents to the coordinated development plan intergovernmental agreement between the City of Longmont and the Town of Frederick, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement, including a map, is available for public inspection in the office of the city clerk and appears as appendix E-9 to this Code.

J. *Intergovernmental agreement between the City of Longmont and the Town of Firestone.* The city council consents to the coordinated development plan intergovernmental agreement between the City of Longmont and the Town of Firestone, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement, including a map, is available for public inspection in the office of the city clerk and appears as appendix E-10 to this Code.

K. *Intergovernmental agreement between the City of Longmont and Boulder County.* The city council consents to the Clover Basin Water Transmission Line, Highway 66 Storm Drainage Project, Peschell Property Annexation, Pipeline Permitting, and Term Extension Amendment to the Third Amended Longmont Planning Area Comprehensive Development Plan and Super IGA Intergovernmental Agreements, and authorizes the mayor to execute and deliver the same. The intergovernmental agreement, including exhibits, is available for public inspection in the office of the city clerk and appears as appendix E-11 of this Code.

(Code 1993, § 15.02.150; Ord. No. O-2001-78, § 1; Ord. No. O-2002-06, § 2; Ord. No. O-2002-65, § 2; Ord. No. O-2003-03, § 1; Ord. No. O-2003-37, § 1; Ord. No. O-2006-36, § 2; Ord. No. O-2006-50, § 1; Ord. No. O-2006-75, § 2; Ord. No. O-2007-27, § 1; Ord. No. O-2008-52, § 1, 6-24-2008; Ord. No. O-2011-21, § 1, 4-12-2011; Ord. No. O-2011-37, § 1, 6-14-2011; Ord. No. O-2011-65, § 1, 9-27-2011)

15.02.160. - Environmental site assessment.

A. *Purpose.* This section is intended to:

1. Promote the public health, safety and welfare, and economic well being of the city's citizens and to avoid and prevent public nuisance;
2. Further the best interests of the city by adopting procedures to evaluate the environmental condition of certain property within the city, to be annexed to the city, or to be acquired by the city, and to provide remediation as stated therein; and
3. Implement the applicable goals, policies, and strategies of the Longmont Area Comprehensive Plan.

B. *Applicability.* This section shall apply to all interests the city may acquire in real property, including any improvements. This section shall further apply to annexation and development of real property under jurisdiction of the city.

C. *Environmental site assessment based on acquisition or annexation initiated by the city.* For any property interest the city acquires, or intends to acquire, for a right-of-way, easement, or other public purpose, whether by act of eminent domain, negotiated sale and purchase, gift, devise or bequest, dedication (except in exchange for land development approval), or voluntary transfer or trade, where the city initiates such acquisition, the city may perform the level of environmental site assessment, if any, it deems necessary. The city shall pay the cost of any environmental site assessment it pursues under this section.

1. The city may, as a condition of a sale negotiated with any person, require, in a form approved by the city attorney, a warranty or indemnification as to any condition of an environmental contamination by hazardous substances found on or affecting the property.
2. If the city initiates an annexation, it may perform a Phase I assessment on the property within the proposed annexation area before approval of the annexation by ordinance. The city may perform Phase II or Phase III assessments, if necessary. At its option, the city may negotiate the cost of any environmental site assessment with all or some of the property owners within the annexation area, or pay the cost of any environmental site assessment, deny the annexation, or recover the cost of assessment as a condition of approving future development or redevelopment of the property.
3. No annexation of property by the city, notwithstanding any condition of environmental contamination by hazardous substances, or the apparent absence of such contamination, shall be a warranty or representation by the city as to the environmental condition of such property.

D. *Environmental site assessment based on annexation or property acquisition initiated by owner.*

1. For any property interest the city may acquire through the initiative of the property owner, before such acquisition the city shall require the property owner to submit a Phase I assessment, at the owner's expense. If as a result of the Phase I assessment, the city determines a Phase II assessment is necessary, the city shall require the owner to perform and provide, at owner's expense, a Phase II assessment. If as a result of a Phase II assessment, the city determines that a Phase III assessment is necessary, the city may, at its option, negotiate the cost and timing of a Phase III assessment with the property owner, terminate the acquisition of the property, or consummate the acquisition of the property after first taking into account the property's condition of environmental contamination.
2. The owner initiating an annexation to the city shall perform and provide, at owner's expense, a Phase I assessment on all property to be annexed, except as provided in subsection (D)(3) below. The city shall determine the necessity of a Phase II assessment. If the city requires a Phase II assessment, the owner shall, at owner's expense, perform and provide the assessment. The city then shall determine whether a Phase III assessment is necessary. If the city requires a Phase II assessment, the owner shall, at owner's expense, perform and provide the assessment.
    a. The city council shall not consider an ordinance annexing the property unless the owner submits all environmental site assessments the city may require. In addition to any such assessments, the city council shall consider any analysis of those assessments city staff submits.
    b. The city may deny an annexation solely upon a condition of environmental contamination, revealed through a site assessment, which may pose a potential danger to the health, safety, or welfare of the citizens or the persons who may work, reside or travel through or within the environmentally contaminated area. Nothing in this chapter shall limit the city's authority to approve or disapprove any proposed annexation.
    c. As a condition of annexation approval, the city may require remediation by the owner of any environmentally contaminated property within the annexation.
    d. 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 manager, 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 as a condition of annexation, or requirement established as part of an annexation agreement, or other assessment as may be required by this section.
    e.

The city may, as this ordinance otherwise provides, require remediation of environmentally contaminated property as a condition development approval under this Code.

f. The city may, as a condition of annexation, require, in a form approved by the city attorney, an indemnification or warranty from the owner as to any condition of environmental contamination by hazardous substances found on or affecting the property.

3. Any annexation of property the owner initiates at the city council's request shall be subject to subsection 15.05.220(C) above, instead of this subsection.

E. *Environmental site assessments for plat or development plan.*

1. For a subdivision or other development application that proposes dedication or conveyance of a property interest to the city, the owner shall perform and provide a Phase I assessment before submitting it for city approval. The city shall determine the necessity of a Phase II assessment. If the city requires a Phase II assessment, the owner shall, at owner's expense, perform and provide the assessment if the owner continues to seek approval by the city of a subdivision or other development application. The city then shall determine whether a Phase III assessment is necessary. If the city requires a Phase III assessment, the owner shall, at owner's expense, perform and provide the assessment if the owner continues to seek approval by the city of a subdivision or other development application.
2. 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 planning 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.

F. *Preparation and administration.*

1. *Qualified personnel required.* The owner shall use qualified and trained personnel who adhere to the most stringent scientific methods, testing measures, procedures and criteria in performing any environmental site assessment under this section. Any environmental site assessment the owner provides under this section shall be subject to review by the city for thoroughness, completion, scope, adequacy, clarity and any other factor which may be necessary to determine the nature, presence, or extent of hazardous substances present in, at, on, over, or under the property.
2. *Administration.*
   a. *Determination of level of assessment.* Unless otherwise stated in this section, the city manager shall determine on the city's behalf the level of environmental site assessment an owner shall perform and provide. The city manager shall consider, at a minimum:
      i. Whether a hazardous substance may reasonably be believed to exist on the property;
      ii. The planned or potential use of the property;
      iii. The potential economic, health or safety consequences of permitting a potentially hazardous substance to remain unidentified or unremediated on the property;
      iv. Proximity of the hazardous substance to contaminable sources such as ground water;
      v. The proximity of the hazardous substance to adjacent property;
      vi. The potential exposure of the general populace to hazardous substances by incidental contact; and
      vii. The appropriate standards and requirements of the Colorado Department of Health, the Environmental Protection Agency, and the city concerning lawful or hazardous contaminant levels.
   b. *Responsibility for review.* The city manager shall designate an agent or employee who shall be responsible for receiving, reviewing, and analyzing site assessment reports, and for providing and planning remediation-monitoring activities.
3. *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 which fails to list any necessary activity or actions to remediate the condition of environmental contamination, or which assessment is otherwise defective because of inadequacy or faulty performance by the person or company performing such assessment. 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.
4. *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 shall not warrant or guarantee the environmental condition of any property to any property owners or third party. When a site assessment has been performed by the city or at its direction, such assessment 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.

(Code 1993, § 15.02.160; Ord. No. O-2001-78, § 1; Ord. No. O-2006-67, §16)

CHAPTER 15.03. - ZONING DISTRICTS

15.03.010. - Establishment of zoning districts.

The following zoning districts are established. They may be referred to throughout this development code by their name or district letter abbreviations:

A. *Residential zoning districts.*

1. E1 estate residential very low density zoning district;
2. E2 estate residential zoning district;
3. R1 residential low density zoning district;
4. R2 residential medium density zoning district;
5. R3 residential high density zoning district;
6. MH mobile home development zoning district;
7. RLE residential low density established zoning district;
8. RMD residential mixed density zoning district.

B. *Commercial zoning districts.*

1. C commercial zoning district;
2. CR commercial-regional zoning district;
3. CBD central business district zoning district.

C. *Industrial zoning districts.*

1. BLI business/light industrial zoning district;
2. MI mixed industrial zoning district;
3. GI general industrial zoning district.

D. *PUD and special zoning districts.*

1. PUD-R residential planned unit development zoning district;
2. PUD-C commercial planned unit development zoning district;
3. PUD-I industrial planned unit development zoning district;
4. PUD-MU mixed use planned unit development zoning district;
5. P public zoning district;
6. A agricultural zoning district;
7. MD-O medical overlay district;
8. SE-O scenic entryway overlay district;
9. C-O conservation overlay district;
10. FF-O floodway and floodway fringe overlay districts;
11. AIZ-O airport influence zone overlay district;
12. TL-O Terry Lake overlay district;
13. MU mixed use district;
14. RP rail park district.

(Code 1993, § 15.03.010; Ord. No. O-2001-78, § 1; Ord. No. O-2005-13, § 1; Ord. No. O-2006-68, § 2; Ord. No. O-2007-07, § 1; Ord. No. O-2009-21, § 4, 6-9-2009; Ord. No. O-2011-81, § 2, 11-8-2011)

15.03.020. - Compliance with district standards.

No building or structure shall be erected, converted, enlarged, reconstructed, or altered for use, nor shall any land, building, or structure be used or changed in use except according to the regulations established by this development code for the zoning district in which the land, building, or structure is located.

(Code 1993, § 15.03.020; Ord. No. O-2001-78, § 1)

15.03.030. - Residential zoning districts.

A. *General purposes.* The residential zoning districts contained in this section are established, designed, and intended to provide a comfortable, healthy, safe, and pleasant environment in which to live, and more specifically:

1. To provide appropriately located areas for residential development that are consistent with the LACP and with standards of public health, safety, and welfare established by this development code;
2. To ensure adequate light, air, privacy, and open space for each dwelling, and to protect residents from the harmful effects of excessive noise, traffic congestion, and other significant adverse environmental effects;
3. To protect residential areas from public safety hazards; and
4. To provide land to accommodate planned population densities.

B. *List of residential zoning districts/specific purposes.*

1. *E1 estate residential very low density.* To establish and preserve quiet, very low-density residential districts where large lots are desirable or necessary because of environmental conditions. This district permits single-family detached homes on lots of one acre or more. The E1 district generally implements the "ultra low density" and "very low density" land use designations in the LACP. It is intended that this district be located relatively far from the city's primary employment or commercial activity centers, or in areas adjacent to major public open space features, or on the edge of the community or planning area.
2. *E2 estate residential.* To establish and preserve quiet, low-density residential districts where lot sizes larger than the average are desirable or necessary to implement the LACP or because of physical or environmental conditions. This zone district is generally located relatively far from the city's employment or commercial activity centers. Single-family detached homes on lots of 10,000 square feet or more are the predominant permitted use. The E2 district generally is within the density range of the "low density" land use designation in the LACP.
3. *R1 residential low density.* To establish and preserve quiet residential districts for primarily low-density detached one-family dwellings that are also convenient to commercial activity centers and public facilities such as schools and parks. Generally, there are no physical or environmental constraints on future development in the district. Residential development is allowed at densities of one to five units per acre. The R1 District generally implements the "low density" land use designations in the LACP.
4. *R2 residential medium density.* To establish and preserve quiet, medium-density residential neighborhoods for a variety of housing types, including duplexes, tri-plexes, four-plexes, and multifamily housing, generally at greater densities of five to ten units per acre. This district is generally convenient to arterial streets, providing easy access to commercial activity centers, public facilities such as schools and parks, and, often, to public transit. Typically, there are no physical or environmental constraints on future development in this district. The R2 District generally implements the "medium density" land use designation in the LACP.
5. *R3 residential high density.* To establish and preserve high-density residential districts, generally at densities of ten to 25 units per acre, that are especially appropriate for multifamily housing and group living facilities. This district is generally convenient to arterial streets, providing easy access to major employment and commercial activity centers, public facilities such as schools and parks, and to public transit. While this district excludes uses that are incompatible with residential uses, it does allow certain nonresidential uses that can conveniently serve the residents of the district, including colleges, performing arts centers, and health clubs. The R3 District generally implements the "high density" land use designation in the LACP.
6. *MH mobile home development.* To establish and preserve areas for mobile home parks and subdivisions.
7. *RLE residential low density established.* To preserve predominantly residential areas that were substantially developed prior to 1940, and to promote appropriate redevelopment consistent with the single-family heritage and design character of the neighborhood, such that overall density of the district does not exceed six units per acre.
8.

RMD residential mixed density. To preserve predominately detached, single-family residential neighborhoods and promote appropriate redevelopment, including attached residential structures, consistent with the predominant character of the neighborhood, such that overall density of the district does not exceed eight units per acre.

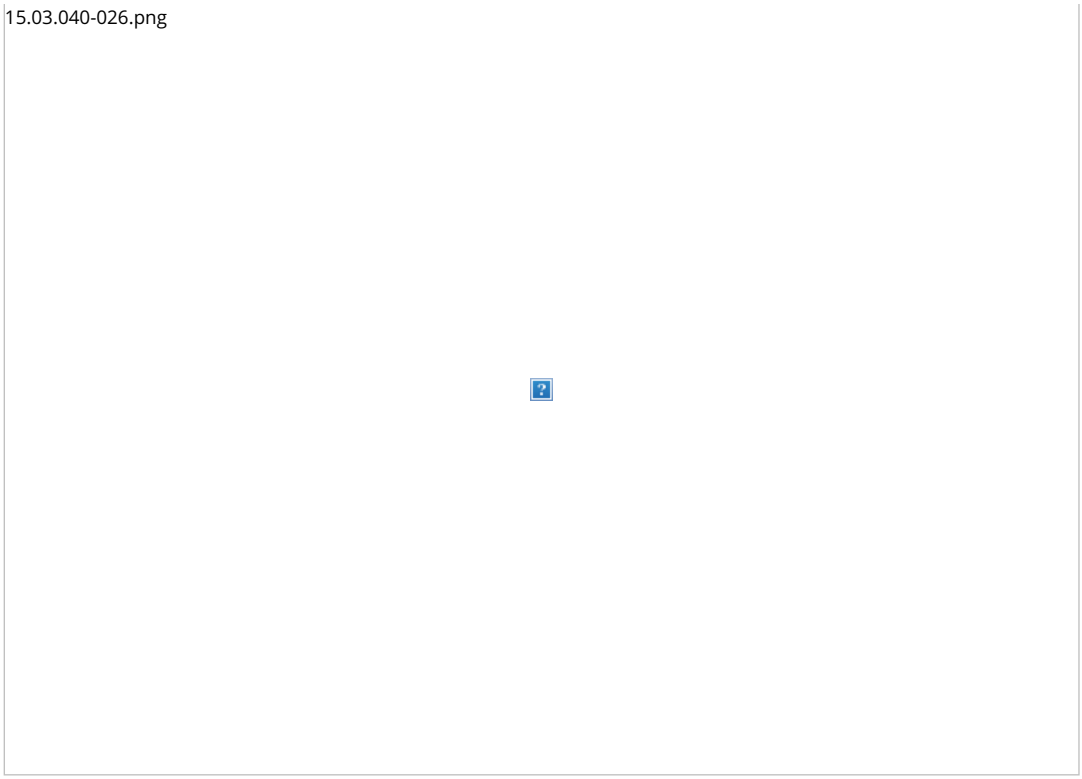
(Code 1993, § 15.03.030; Ord. No. O-2001-78, § 1)

15.03.040. - Commercial zoning districts.

A. *General purposes.* The commercial zoning districts contained in this section are established, designed, and intended to provide a wide range of services and goods to meet household and business needs, and more specifically:
   1. To provide appropriately located areas consistent with the LACP for a full range of office, retail commercial, and service commercial uses needed by Longmont's residents, businesses, and workers;
   2. To strengthen the city's economic base, and provide employment opportunities close to home for residents of the city and surrounding communities;
   3. To create suitable environments for various types of commercial uses, and protect them from the adverse effects of incompatible uses;
   4. To minimize the impact of commercial development on abutting residential districts and uses; and
   5. To ensure that the appearance and impacts of commercial buildings and uses are compatible with the character of the area in which they are located through design standards.

B. *List of commercial zoning districts/specific purposes/special development standards.*
   1. *C commercial.*
      a. *Specific purpose.* To establish and preserve areas for a wide range of general commercial goods and services that serve Longmont residents and businesses, as well as highway travelers. Such goods and services are primarily contained in enclosed structures, and may serve a neighborhood, multi-neighborhood, or community market area. In the C district, new "strip" development is strongly discouraged. A mix of higher-density residential and commercial uses is encouraged in the C district subject to specific limits. When commercial uses are located in close proximity to existing residential development or a residential zone district, this district should be compatible in terms of scale and bulk, and should minimize potential adverse impacts on adjacent residential uses. This C district generally implements the "neighborhood," "multi-neighborhood," and "community" commercial/business land use designations in the LACP.
      b. *Limits on residential uses in the C district.* Residential uses are allowed in the same building as a commercial use or in a freestanding building that is part of a mixed use development, where the residential component comprises 50 percent or less of the total development floor area. Residential uses exceeding 50 percent of the total development floor area are subject to conditional use review.
   2. *CR commercial—Regional—Specific purpose.* To establish and preserve distinct areas for regional retail shopping centers in order to meet the needs of the entire community and outlying trade area for commercial goods and general retail purchases. This CR District implements the "regional" commercial/business land use designation in the LACP.
   3. *CBD central business district.*
      a. *Specific purpose.* To establish and preserve "downtown" Longmont as the city's center, accommodating a unique high-intensity mix of office, service, retail, entertainment, cultural, government, civic, and residential uses. The intent of the district is to encourage pedestrian-oriented development, including specialty and neighborhood-oriented retail and higher-density residential choices. District uses and standards are also intended to encourage future development and redevelopment in a manner compatible with the existing and historic built environment and with nearby residential areas. The CBD district implements the "central business district" commercial/business land use designation in the LACP.
      b. *Building and project compatibility for "infill" development.* The provisions of this subsection shall apply to all new infill multifamily residential, commercial, industrial, institutional/civic, and mixed use development in the CBD zoning district. These provisions are intended to ensure that the physical characteristics of proposed buildings and uses are compatible when considered within the context of the surrounding area. These infill design standards are in addition to the other standards in section 15.05.120, "Nonresidential Design Standards," although in case of any conflict between this subsection and the design standards in section 15.05.120, the design standards in this subsection shall apply.
         i. *Building size, height, bulk, mass, scale.*
            (A) Buildings shall either be similar in size and height, or, if larger, be articulated and subdivided into massing that is proportional to the mass and scale of other structures on the same block, or if no buildings exist thereon, then on adjoining blocks.
            (B) Each principal 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.

15.03.040-026.png



Section 15.03.040(B)(3) Vertical Articulation of Commercial Buildings in the CBD.

ii. *Building orientation.* To the maximum extent feasible, primary facades and entries shall face the adjacent street. Except as otherwise allowed in this development code, a main entrance shall face a connecting walkway with a direct pedestrian connection to the street without requiring all pedestrians to walk through parking lots or cross driveways.

iii. *Building materials.*

(A) *General.* 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 utilized to ensure that enough similarity exists for the building to be compatible, despite the differences in materials.

(B) *Windows.*

(1) Clear glass shall be used for commercial storefront display windows and doors.

(2) Windows shall be accented and defined with detail elements such as frames, sills, and lintels, and placed to visually establish and define the building stories and establish human scale and proportion.

iv. *Building color.* Color shades shall be used to facilitate blending into the neighborhood and unifying the development. The color shades of building materials shall draw from the range of color shades that already exist on the block or in the adjacent neighborhood.

(Code 1993, § 15.03.040; Ord. No. O-2001-78, § 1; Ord. No. O-2006-68, § 3)

15.03.050. - Industrial zoning districts.

The industrial zoning districts contained in this section are established, designed, and intended to accommodate manufacturing, assembly, wholesale, storage, distribution, and other business uses for the specific purposes as stated below:

A. *BLI business/light industrial.*

1. *Specific purpose.* To provide areas appropriate for low-intensity industrial uses, including light manufacturing, warehousing and distribution, research and development, and commercial services, and to protect these areas, to the extent feasible, from the competition for space from unrelated retail uses, primary office uses, and general industrial uses. The BLI district is also intended to encourage the development of sites for research and development facilities and limited industrial activities, including production, distribution, and storage of goods (but no raw-materials processing or bulk handling), in a landscaped business or industrial "campus" or "park" setting. Secondary office uses on the site are allowed. Limited support services are also allowed, but only to the extent intended to meet the daily needs of the district's employee base. Mixed residential and business/light industrial uses are also encouraged (e.g., "live/work" units and studios), subject to specific limits. The BLI district generally implements the "industrial/economic development" land use designation in the LACP.
2. *Limits on residential uses in the BLI district.* Residential uses are allowed only in the same building as commercial or industrial uses, provided the residential component comprises 50 percent or less of the total development floor area.

B. *MI mixed industrial.*

1. *Specific purpose.* To provide a limited area of existing development appropriate for a variety of industrial and limited commercial uses, including manufacturing conducted inside a building, warehousing and distribution, research and development, smaller (less than 25,000 square feet) commercial retail uses, and sexually oriented business uses that require and can provide separation or isolation from other types of land uses. Residential uses are also allowed in appropriate locations to facilitate mixed use developments. The MI district generally implements the "industrial/economic development" land use designation in the LACP within the limits of the district.

2. *Limits on the size of the MI district.* The MI district is limited in purpose and location. Rezoning to the MI district, beyond zoning changes initiated by the city, is not permitted. Rezoning from the MI district to another district consistent with the LACP and appropriate for the location may be permitted.
3. *Limits on residential uses in the MI district.* Except for affordable housing, independent living facilities, and multi-family dwellings, permitted residential uses are allowed only in the same building as permitted commercial or industrial uses, provided the residential component comprises 50 percent or less of the total development floor area. Affordable housing in independent living facilities and multi-family dwellings is allowed in stand-alone residential buildings in the MI district with no limit to the percent of residential use, provided the use is near shopping, schools, parks and recreation facilities, and transit service, and will be compatible with surrounding uses.

C. *GI general industrial.* To provide and protect industrial sites and allow for general industry, manufacturing, storage, and related activities that typically require separation or isolation from other types of land uses, or need extensive outdoor storage or activity areas, and to provide sites for sexually oriented business uses that require separation or isolation from other types of land uses. All general industrial uses will be subject to performance standards and buffering requirements to minimize potential impacts. Accessory office uses and some small freestanding offices are allowed. The GI district generally implements the "industrial/economic development" land use designation in the LACP.

(Code 1993, § 15.03.050; Ord. No. O-2001-78, § 1; Ord. No. O-2006-68, § 4; Ord. No. O-2015-07, § 2, 1-27-2015)

15.03.060. - Planned unit development (PUD) districts.

A. *Purpose and intent.* The PUD district is intended to encourage innovative land planning and site design concepts that conform with community quality of life benchmarks and that achieve a high level of environmental sensitivity, energy efficiency, aesthetics, high-quality development, and other community goals by:
1. Reducing or eliminating the inflexibility that sometimes results from strict application of zoning and development standards that were designed primarily for individual lots;
2. Allowing greater freedom in selecting the means to provide access, light, open space, and design amenities;
3. Allowing greater freedom in providing a mix of land uses in the same development, including a mix of housing types, lot sizes, densities, and/or supporting commercial uses in residential PUDs;
4. Promoting quality urban design and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses; and
5. Encouraging quality urban design and environmentally sensitive development by allowing increases in base densities or floor area ratios when such increases can be justified by superior design or the provision of additional amenities such as public open space.

In return for flexibility in site design and development, PUDs are expected to include exceptional design that preserves critical environmental resources, provide above-average open space and recreational amenities, incorporate creative design in the layout of buildings, open space, and circulation, assure compatibility with surrounding land uses and neighborhood character, and provide greater efficiency in the layout and provision of roads, utilities, and other infrastructure.

B. *PUD districts/specific purposes/allowed uses/density.* The following PUD districts are authorized. Please refer to section 15.02.060(G) of this development code for general provisions addressing the establishment of these PUD districts (i.e., PUD districts that may be established through annexation or rezoning versus PUD districts that may be applied as an overlay district over the standard base zoning districts):
1. *PUD-R residential planned unit development.*
   a. *Specific purpose.* To establish areas for high-quality residential development in compliance with the LACP, where development and use standards are flexible in order to achieve superior innovation in land use, neighborhood compatibility, high-quality architectural design, and environmental design. PUD-R districts are also intended to provide opportunities for creative integration of resident-serving commercial uses within residential neighborhoods.
   b. *Allowed uses.* In PUD-R districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD plan:
      i. Principal permitted, limited, conditional, or accessory uses allowed in the R1, R2, and R3 districts;
      ii. Commercial uses, including retail and service uses, provided such uses satisfy the following criteria:
         (A) The commercial uses are secondary to the principal permitted residential uses;
         (B) The commercial uses satisfy the "Neighborhood Center" criteria identified in the LACP;
         (C) The commercial uses are designated to serve primarily the residents of the PUD; and
         (D) The PUD integrates and connects the commercial uses with adjacent residential development through local street connections, sidewalks, trails, and similar features;
      iii. Other residential and supporting uses expressly approved as part of the planned unit development.
   c. *Density.* For PUD-R districts established through initial zoning or rezoning, residential density shall be established by the land use designation on the LACP. At the decision-making body's discretion, additional density may be approved as stated in section 15.03.060(E)(5) below.
2. *PUD-C commercial planned unit development.*
   a. *Specific purpose.* To establish areas for planned commercial centers and grouping of consumer-oriented commercial uses that incorporate high-quality architectural design. To allow development of tracts of land large enough to accommodate well-planned and rational connections between structures, people, and automobiles through the use of planned parking access, pedestrian walkways, courtyards, malls, and landscaped open space. Additionally, to allow and encourage mixed residential and commercial developments.
   b. *Allowed uses.* In PUD-C districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD plan:
      i. Principal permitted, limited, conditional, or accessory uses allowed in the C or CR districts;
      ii. Multifamily residential uses (including urban dwelling units) as part of a mixed use development where the residential use is located in the same building as a principal nonresidential use or in a freestanding building, where the residential component comprises 50 percent or less of the total development floor area unless the decision-making body approves additional residential development as part of the PUD; and
      iii. Other supporting uses expressly approved as part of the planned unit development.
   c. *Density.*
      i.

For PUD-C districts established through initial zoning or rezoning, the maximum density applicable to residential uses in the district shall be 25 units per acre, unless the decision-making body approves greater density as part of the PUD (residential uses shall also count toward any established maximum FAR for the development).

ii. The decision-making body shall establish maximum allowable FAR for nonresidential uses in the PUD-C Districts using the land use designation on the LACP, the FAR of existing comparable development, and comparable base zoning districts as guides.

iii. At the decision-making body's discretion, additional density or FAR may be approved as stated in section 15.03.060(E)(5) below.

3. *PUD-I industrial planned unit development.*

a. *Specific purpose.* To establish areas for planned office and industrial parks that incorporate well-planned access and parking areas, adequate fire and safety controls, landscaped open space areas, and high-quality architectural design. To allow mixed residential and light industrial uses, where residential uses comprise 50 percent or less of the total development floor area.

b. *Allowed uses.* In PUD-I districts established through initial zoning or through rezoning, the following uses may be allowed as appropriate and approved in the PUD plan:

i. Principal permitted, limited, conditional, and accessory uses allowed in the BLI, MI, and GI districts;

ii. Urban dwellings as part of a mixed use project where the residential use is located in the same building as a principal nonresidential use and is 50 percent or less of the total development floor area; and

iii. Other supporting uses expressly approved as part of the planned unit development.

c. *Density.*

i. For PUD-I districts established through initial zoning or rezoning, the maximum density applicable to residential uses in the district shall be 25 units per acre, unless a greater density is specifically approved as part of the PUD (residential uses shall also count toward any established maximum FAR for the development).

ii. For PUD-I districts established through initial zoning or rezoning, the decision-making body shall establish maximum allowable FAR for nonresidential uses in the PUD-I districts using the land use designation on the LACP, the FAR of existing comparable development, and comparable base zoning districts as guides. At the decision-making body's discretion, additional density or FAR may be approved as stated in section 15.03.060(E)(5) below.

4. *PUD-MU mixed use planned unit development.*

a. *Specific purpose.* To establish areas facilitating the integration of residential, commercial, and light industrial development, incorporating high-quality architectural design, on parcels of sufficient size to support a self-sustaining project.

b. *Allowed uses.* In PUD-MU districts established through initial zoning or through rezoning, the following uses are allowed as appropriate and approved in the PUD plan:

i. Principal permitted, conditional, limited, or accessory uses allowed in the C and BLI districts.

ii. Residential uses.

iii. Multifamily dwelling units (including urban dwelling units) may be constructed in the same building as a permitted nonresidential use provided separate access to the dwelling units is provided.

iv. Other supporting uses expressly approved as part of the planned unit development.

c. *Density.*

i. For PUD-MU districts established through initial zoning or rezoning, residential density shall be established by the land use designation on the LACP, as appropriate.

ii. The decision-making body shall establish maximum allowable FAR for nonresidential and residential uses, as appropriate, in the PUD-MU districts using the land use designation on the LACP, the FAR of existing comparable development, and comparable base zoning districts as guides.

iii. At the decision-making body's discretion, additional density or FAR may be approved as stated in section 15.03.060(E)(5) below.

5. *PUD overlay districts.*

a. *Allowed uses.* In a PUD district established as an overlay to an existing residential, commercial, or industrial zoning district, principal permitted, conditional, limited, and accessory uses of the underlying zoning district are allowed, subject to appropriate criteria, and as appropriate and approved in the PUD plan.

b. *Development standards.* For PUD overlay districts, the development standards of the underlying zoning district are the recommended standards (including but not limited to lot size, setbacks, and building/structure height), unless the decision-making body approves alternative standards for a creative design that meets the intent of the PUD district and the underlying zoning district. In the case of any conflict between the development standards applicable in the underlying zoning district and the restrictions, controls, and incentives stated in an approved PUD development plan, the PUD plan shall apply and control in the overlay area.

c. *Density.* For PUD overlay districts, the allowable number of residential dwelling units per acre or maximum allowable floor area ratio (FAR) shall be established by the underlying zoning district designation, unless the decision-making body approves a bonus density under section 15.03.060(E)(4) below.

C. *Applicant's statement of intent.* Each application for approval of a PUD district shall include a statement by the applicant describing how the proposed development departs from the otherwise applicable standards of this development code and how the proposed PUD, on balance, is an improvement over what would be required under otherwise applicable development regulations.

D. *Review and approval procedures.* The review and approval procedures for PUD districts are set out in section 15.02.060(G) above.

E. *Standards of general applicability.* The standards of this subsection shall apply to all PUD districts unless otherwise expressly provided.

1. *Allowed uses.* Allowed uses are subject to any use regulations applicable in the subject PUD district (see subsections (B)(1) through (5) above) and to applicable specific use regulations stated in chapter 15.04 (Use Regulations) of this development code.

2. *Minimum size.*

a. Except as stated in this subsection or as waived by the decision-making body under subsection (E)(2)(c) below, a PUD District shall contain a minimum of ten contiguous acres of land for annexation or rezoning of non-infill properties, or 20 contiguous acres of land for annexation or rezoning of infill properties.

b. There shall be no minimum size for PUD districts when approved as overlays.

c. The decision-making body may waive the minimum size requirement based on a finding that creative site planning through zoning to a PUD district is necessary to address a physical development constraint, protect sensitive natural areas, or promote a community goal when more conventional development or subdivision would be difficult or undesirable given the constraints on development.

3. *Common open space.*

a. *[Reserved.]*

b. *Compliance with other open space standards.* All common open space in PUD districts shall comply with the standards stated in section 15.05.040, "Open Space," including locational and design standards and provision of pocket parks as part of the set-aside common open space. In addition, residential PUDs shall comply with all applicable public park reservation, dedication, or in-lieu fee requirements stated in section 15.05.040 of this development code.

4. *Density or FAR bonuses.* The decision-making body may increase residential density or nonresidential FAR as stated in the following paragraphs:

a. *Maximum bonus allowed.*

i. For PUD districts approved as overlay zoning districts, cumulative residential density increases from the bonuses listed in Table 15.03-B below shall not exceed 25 percent of the permitted maximum in the underlying zoning district.

ii. For PUD districts established through initial zoning or through rezoning, cumulative residential density increases from the bonuses listed in Table 15.03-B below shall not exceed 25 percent of the permitted maximum for the land use designation in the LACP for PUD districts.

iii. Cumulative FAR increases from the bonuses listed in Table 15.03-B below shall not exceed 50 percent of the permitted maximum FAR in the underlying base zoning district, as applicable.

b. *Bonuses for amenities.* The decision-making body shall calculate the allowable density increase based on the sum of those items contained in Table 15.03-B below that are determined to be applicable to the proposed PUD. The amenities or public improvements listed in Table 15.03-B below are illustrative of the kinds of factors that are eligible for density bonuses. The decision-making body may allow bonuses for other, similar items that contribute to the public interest by providing a higher-quality project. Table 15.03-B shall be reviewed and updated periodically to reflect the changing priorities and goals of the city. No density bonus will be approved for any PUD development unless the total calculated increase, as shown in Table 15.03-B below, meets or exceeds five percent.

———

c. *Bonus density/FAR Table 15.03-B.*

TABLE 15.03-B

Maximum Amount of Density or FAR Increase	Amenity or Public Improvement Provided In Excess of What is Otherwise Required by this development code
[1] 5 percent	5% additional land dedicated, improved, and developed for pedestrian trails or bikeways
[2] 5 percent	10% additional common open space and/or landscaped area or 25% additional plant materials
[3] 1 percent	Proper solar orientation
[4] 5 percent	Active or passive solar design
[5] 1 percent	50% additional accessible parking spaces for the physically disabled in a nonresidential or multifamily development
[6] 5 percent	25% additional streetscape landscaping or additional investment in streetscape amenities (lighting, furniture, etc.)
[7] 5 percent	25% additional landscaping used instead of fences for perimeter screening, privacy, or buffering purposes
[8] 2 percent	Joint use (shared) parking in mixed use PUDs
[9] 10 percent	Constructing pedestrian overpass/underpass
[10] 10 percent	Parking structure or underground parking
[11] 5 percent	Public or common open space improved for active recreation purposes (e.g., tennis courts, pools, playground equipment, skate park) and built to city Standards
[12] 5 percent	Additional fire protection techniques, such as sprinkler systems for individual units in a one-family housing development
[13] 5	Design features to create safe neighborhoods, such as a majority of homes with usable front porches (at least 60 square feet),

percent	neighborhood parks bounded on at least two sides by local streets, narrower local streets, implementation of traffic calming techniques (round-abouts, neck downs, and the like), and similar features.
[14] 25 percent increase in FAR only	Mixed use developments in a PUD-R, PUD-C, or PUD-I District
[15] 5 percent	Minimum 25% of total dwelling units in residential development are built to be accessible to the physically disabled. All community amenities and open space areas must be accessible to the physically disabled.
[16] 5 percent	All residential dwellings are constructed according to the Homebuilders Association of Metropolitan Denver's "Built Green Colorado" Standards.
[17] 2 percent	Landscaping designed and installed according to the xeriscape landscaping standards in § 15.05.090.H, "General Landscaping Requirements for All Areas."

———

d. *Limits on density/FAR increases.* The decision-making body may prohibit or limit an increase in density or FAR to avoid any of the following:
   i. Inconvenient or unsafe access to the PUD;
   ii. Unmitigated traffic congestion in the streets that adjoin the PUD;
   iii. An excessive burden on parks, recreation areas, public utilities, schools, police, fire protection, and other public facilities that serve or are proposed to serve the PUD.

e. *Schedule required.* If a density or FAR increase is granted under the provisions of this section, the applicant shall complete the amenities or improvements according to a development schedule contained in the PUD development plan, site plan, or annexation agreement.

5. *Clustering encouraged.* Clustering of dwelling units, commercial uses, and industrial uses is strongly encouraged provided buffers, common open space, and emergency access are adequately planned. Buffers are required to separate different uses in order to eliminate or minimize potential interference and nuisances on adjacent properties. The size of the buffer shall be determined through the PUD review process, based on its ability to achieve appropriate separation.
6. *Protection of significant scenic views.* To the maximum extent feasible, the PUD is sited to allow identified significant scenic views across and through the development parcel, as viewed from adjacent public rights-of-way, including trails, and from public open space or parks.
7. *Limits on lot coverage.* In any PUD with one- and two-family dwellings, the maximum lot coverage on a lot for one- or two-family dwellings shall be 50 percent, and the decision-making body may not modify this standard unless adequate compensating design and mitigation measures are included in the PUD development plan.
8. *Setbacks.*
   a. *Generally.* The decision-making body may allow setbacks less than the standards required or recommended in this subsection, provided the reduced setback allows for and accommodates an innovative design objective integral to the entire PUD, such as increased contiguous open space in common areas or clustering of dwellings to preserve sensitive environmental areas.
   b. *PUD overlay districts.* For PUD districts approved as overlay zoning district, setbacks shall comply with the underlying zoning district standards, unless another minimum setback is approved as part of the PUD plan approval.
   c. *PUD districts approved through initial zoning or rezoning.*
      i. *Residential uses—Garage setback.* A minimum setback of 20 feet shall be provided between front-facing garage doors and the back of the sidewalk or property line, whichever is closer to the garage doors. This 20-foot setback shall apply to residential units on corner lots with garage doors facing the side street.
      ii. *Residential uses—Corner lots—Side setbacks—General.* For corner lots, all sides of the lot with street frontage shall be required to meet the applicable front yard setback.
      iii. *Residential uses—Setback for alley-loaded garages.* Garages loaded from an adjacent rear alley shall be set back a minimum of four feet from the edge of the alley right-of-way, provided the alley right-of-way is paved and is a minimum 20 feet wide and provided adjacent primary access streets allow on-street parking.
      iv. *Residential uses—Side setbacks—Recommendations.* The decision-making body shall consider the following as recommended starting points for determining applicable side setbacks for residential uses in the PUD zoning districts:
         (A) Recommended minimum side setback: Five, seven and one-half, or ten feet depending on the following recommended separation;
         (B) Recommended separation between principal residential buildings on adjoining lots:
            (1) Ten feet between one-story dwellings;
            (2) Fifteen feet between two-story dwellings or a two-story dwelling and a one-story dwelling;
            (3) Twenty feet between three-story dwellings or a three-story dwelling and a one- or two-story dwelling.
      v. *Residential uses—Rear setbacks—Recommendations.* The decision-making body shall consider the following as recommended starting points for determining applicable rear setbacks for residential uses in the PUD zoning districts:
         (A) Recommended minimum rear setback for residential uses that back onto other residential uses: 20 feet for principal buildings;
         (B) Recommended minimum rear setback for residential uses that back onto local streets: 20 feet for principal buildings;
         (C) Recommended minimum rear setback for residential uses that back onto collector or arterial streets: 30 feet for principal buildings.
      vi.

Setbacks not addressed on PUD plans. If a PUD development plan does not specify a setback, the city shall determine an appropriate setback by referring to the dimensional standards in Tables 15.05-A (residential zones) and 15.05-B (nonresidential zones) of this Code, and applying the setback required in the most comparable standard zone district.

d. *Setbacks from adjoining residential uses.* All PUDs shall comply with any applicable standards that require minimum setbacks or buffers from adjoining residential developments or zoning districts.

9. *Circulation and pedestrian linkage.* All PUDs shall comply with the circulation, access, and pedestrian linkage standards stated in section 15.05.060 of this development code, and the decision-making body may not modify these standards unless adequate compensating design and mitigation measures are included in the PUD development plan.
10. *Adequate public facilities.* All PUDs shall comply with the adequate public facilities standards stated in section 15.05.150 of this development code.
11. *Environmental protection standards.* All PUDs shall comply with the environmental provisions stated in the following sections and the decision-making body may not modify these standards unless compensating design and mitigation measures are included in the PUD development plan:
    a. Section 15.05.020, "Protection of Rivers/Streams/ Wetlands";
    b. Section 15.05.090(H)(3), "Preservation of Existing Trees and Vegetation";
    c. Section 15.05.030, "Habitat and Species Protection."
12. *Operational and performance and outdoor lighting standards.* All PUDs shall comply with the operational and performance standards stated in section 15.05.160 and the outdoor lighting standards stated in section 15.05.140 of this development code, and the decision-making body may not modify these standards unless adequate compensating design and mitigation measures are included in the PUD development plan.
13. *Design standards.* All PUDs shall establish and provide design standards as part of the preliminary and final PUD development plan application. At a minimum, the design standards shall address building architecture (including design, materials and colors), signs (including design, materials and colors), lighting, landscaping and other amenities, and pedestrian and bicycle access. In addition, all PUDs shall comply with the applicable residential and nonresidential design standards stated in section 15.05.110, "Residential Design Standards," and section 15.05.120, "Nonresidential Design Standards," of this development code, and the decision-making body may not modify these standards unless adequate compensating design and mitigation measures are included in the PUD development plan.
14. *Signs.* Unless otherwise expressly provided in this development code, PUDs are subject to the sign regulations of chapter 15.06. Master sign plans are required for all PUDs (see subsection 15.06.060.D., "Signs for Planned Unit Developments"). The decision-making body may not modify these standards unless adequate compensating design and mitigation measures are included in the PUD development plan.
15. *Parking.* Unless otherwise expressly provided in this section and Code, PUDs shall be subject to the off-street parking and loading standards of section 15.05.080. The decision-making body may not modify these standards unless adequate compensating design and mitigation measures are included in the PUD development plan.
16. *Street standards and modification.* The design of public streets within a PUD shall comply with all applicable city standards. Modification of existing city standards may be allowed under the review criteria in subsection 15.02.090.I., "Exceptions to Street/Road and Access Standards." In addition to the criteria stated in subsection 15.02.090.I., right-of-way, pavement widths, and street widths may be reduced through the PUD review process where it is found that:
    a. The development plan for the PUD provides for adequate separation of vehicular, pedestrian, and bicycle traffic;
    b. Access for emergency service vehicles is not substantially impaired;
    c. Adequate off-street parking is provided for the uses proposed; and
    d. Adequate space for public utilities is provided within the right-of-way.
17. *All other zoning and development standards and modifications.*
    a. *Modification allowed.* Unless otherwise expressly limited by this section, the decision-making body may allow modification of all other applicable zoning district, general development, and subdivision standards within a PUD district, provided that adequate compensating design and mitigation measures are included in the PUD development plan. See section 15.02.060.G. for applicable PUD review procedures and criteria for approval.
    b. *Applicability continues if no waiver.* Except where this subsection states a specific standard or the decision-maker modifies an otherwise applicable standard, all development in a PUD district shall comply with all applicable standards stated in chapters 15.04 (Use Regulations), 15.05 (Development Standards), and 15.07 (Subdivision and Improvements Standards).
18. *Development assurances.* The decision-making body may require adequate assurance, in a form and manner that it approves, that the common open space, amenities, and public improvements shown in the final PUD development plan will be provided and fully developed.

(Code 1993, § 15.03.060; Ord. No. O-2001-78, § 1; Ord. No. O-2006-68, § 5; Ord. No. O-2011-53, § 2, 8-9-2011)

15.03.070. - P public zoning district.

A. *Purpose.* To establish and preserve areas in the city for public, quasi-public, and limited private facilities and uses.

B. *Allowed uses.* See subsection 15.04.010.J, "Table 15.04-A, Table of Principal Uses by Zoning District."

(Code 1993, § 15.03.070; Ord. No. O-2001-78, § 1; Ord. No. O-2006-68, § 6)

15.03.080. - MD-O medical overlay district.

A. *Purpose.* To establish and preserve existing areas for health-care or complementary uses, often in close proximity to a hospital or major medical center, or convenient to senior housing or other pockets of residents with special need for proximity to medical and health care services. This district also promotes community-based health provision by allowing the development of medical offices, labs, and clinics in close walking or driving proximity to the city's residential neighborhoods. The MD-O District allows health-care related uses in addition to those permitted in the underlying zoning districts.

B. *Where permitted.* Subject to city approval of a rezoning application (see subsection 15.02.060(C)), the MD-O District is allowed as an overlay district in the following base zoning districts:
    1. R2, R3, MH, RLE, and RMD residential zoning districts;
    2. C and CBD commercial districts; and
    3. BLI and MI industrial zoning district.

C. *Allowed uses.*
    1. When Table 15.04-A, Table of Principal Uses, states that a specific use is allowed in the underlying zoning district, that use is allowed in the MD-O District subject to the same level of review (e.g., a use allowed only as a conditional use in the R3 District would be allowed in a MD-O district subject also to conditional use review).
    2.

When a specific use is not allowed in the underlying zoning district, but the same use is listed in Table 15.04-A as allowed in the MD-O district, the use is allowed in the MD-O District subject to the listed level of review (e.g., medical offices smaller than 15,000 square feet are not allowed in the R3 District, but are allowed in a MD-O District as a "L" use; therefore, in a MD-O District overlaid on a R3 base district, medical offices are allowed, subject to limited review).

D. *Special development standards.*

1. *General rule/conflicting provisions.* Except as stated in this subsection, development in a MD-O District shall comply with the zoning and development standards applicable in the underlying base zoning district. If the MD-O special development standards stated in this subsection conflict with the provisions of any other chapter or section of this development code, or with any other applicable land development regulation, the special development and design provisions in this subsection shall apply.
2. *Traffic impacts.* When a MD-O District is proposed to overlay a base residential zoning district, the applicant shall submit a transportation impact study for all proposed development according to subsection 15.05.150.F.
3. *Compatibility with adjacent residential uses.* In order to assure protection of and compatibility with adjacent residential properties, the decision-making body may condition approval of development within a MD-O District on its compliance with any of the following:
   a. Section 15.04.020.B.24., "Residential Protection Standards";
   b. Modifications of building height to more closely match adjacent residential properties, including requiring the facade of a building to step back above a certain height or to step down in height to match the height of an adjacent residential building;
   c. Parking area and building setbacks greater than otherwise required in this development code (e.g., require front building setbacks greater than the minimum to match the prevailing front setback pattern on the same block face as the proposed use);
   d. Additional perimeter landscaping or fences and walls to ensure an adequate buffer next to residential properties;
   e. Exterior building materials similar to those used on the adjacent residential buildings; and
   f. Other similar building design or site planning features intended to assure compatibility with the adjacent residential properties.

(Code 1993, § 15.03.080; Ord. No. O-2001-78, § 1; Ord. No. O-2006-68, § 7)

15.03.090. - SE-O scenic entryway overlay district.

A. *Purpose.* To enhance the character and to convey a uniform sense of history, community, and design at Longmont's key entryways. To achieve these purposes, district standards rely on urban design requirements such as consistent building setbacks, landscaping, consistent and high-quality signage, restrictions on parking area location, and limits on the number of access points. These requirements will "overlay" or supplement the applicable standards found in the underlying commercial, industrial, or residential zoning districts, while in most cases not affecting allowed uses. Public improvements, such as consistent public signage and street lighting, will also be a key component to achieving the purposes of this district.

B. *Applicability and other provisions.*

1. *Applicability.* This section is applicable to all development located within a scenic entryway overlay zoning district, as such zoning districts are shown on the official zoning map. The SE-O district standards shall apply to all lots within 500 feet either side of a highway or primary street designated with a SE-O district.
2. *Entryway standards as supplement.* The entryway standards stated in this section supplement and are in addition to the development standards stated in chapter 15.04 (Use Regulations), chapter 15.05 (Development Standards), and chapter 15.06 (Signs) of this development code.
3. *Conflicting provisions.* If the entryway standards stated in this section conflict with the provisions of any other chapter or section of this development code, or with any other applicable land development regulation, the entryway development and design provisions in this section shall apply.
4. *Modifications.* In the case of infill development, redevelopment or change of use where strict compliance with the standards stated in this section is not possible or practical, the standards may be modified subject to the provisions of section 15.01.040.B., and the following guidelines (subsections B.4.a. through B.4.d. of this section).
   a. The scenic entryway standards will be consistent with the scope of the project, depending on the type of use proposed and extent of site changes.
   b. Potential adverse impacts on surrounding properties and neighborhoods along the arterial, state or federal highway right-of-way will be mitigated with the use of landscaping or other improvements.
   c. The intent, purpose and spirit of this section is maintained to provide gateway entrances to the city that are attractive and provide an enhanced sense of community.
   d. The development will mitigate a modified standard in the scenic entryway by providing a higher quality or otherwise more desirable landscape improvement.

C. *Allowed and prohibited uses.*

1. *Allowed uses.* Except for the uses listed in subsection C.2. of this section, principal permitted, limited, conditional, and accessory uses allowed in the underlying zoning district may be allowed in the SE-O overlay district.
2. *Uses prohibited.* The following uses are prohibited in the SE-O overlay district, in addition to any other prohibited uses listed in the table of principal uses in chapter 15.04 (use regulations):
   a. Sexually oriented (adult) businesses;
   b. Outdoor storage uses, except as accessory to the principal use that complies with all standards regarding location and screening;
   c. Outdoor retail sales, except as outdoor display areas accessory to principal indoor retail uses that comply with all standards regarding location and screening;
   d. Freestanding wireless telecommunication facilities or transmission or receiving facilities for data, radio, television or other broadcasting studios and facilities;
   e. Outdoor commercial recreation facilities;
   f. Water/wastewater treatment plants.

D. *Special development standards.* The following special development standards apply to all development in the SE-O overlay district, unless otherwise expressly excepted:

1. *Building setback from primary street or highway right-of-way designated within a SE-O district (including, but not limited to, Highways 119, 287, and 66).*
   a. A minimum of 50 feet or greater, providing significant view corridors are preserved; or
   b. Where more than 50 percent of the same or facing block front is already developed, and the applicant has demonstrated that significant view corridors will not be affected by the proposed development, the setback may be a distance equal to the average setback of existing buildings located on the same block front or, if no buildings exist on the same block front, the facing block front.
2. *Structures allowed within building setback from primary street or highway right-of-way designated with a SE-O district.* No buildings, structures, frontage or access roads, or parking areas shall be erected or developed within the required front building setback, except for the following:

a. Permitted on-premises signs, subject to the requirements of subsection D.9. of this section;
b. Required street lighting facilities;
c. Approved small-scale, mass transit facilities such as bus shelters or bus stops; and
d. Approved pedestrian gathering spaces.

3. *Building orientation and design.*
   a. *Building entrances.*
      i. *Retail, office, financial, restaurant and hotel establishments.* Retail, office, financial, restaurant and hotel establishments located in the SE-O overlay zoning district shall comply with the primary entrance design standards stated in section 15.05.120.B, "Design Standards for Retail, Office, Restaurant and Hotel Establishments," of this development code.
      ii. *Other nonresidential development.* Unless the decision-making body determines that an alternative design would be more appropriate, given the layout of the development, each principal nonresidential building on a site shall have a highly visible customer or user entrance facing a primary street or highway (including but not limited to Highways 66, 287, and 119). Such entrance shall be clearly defined architecturally (e.g., distinguished by a peaked roof form or raised parapet) and shall be recessed or framed by a sheltering element such as an awning, arcade, or portico in order to provide shelter from summer sun and winter weather.
   b. *Building/structure design.* Buildings and other structures shall be designed with high quality architectural features that preserve, protect, and enhance the character of the community and the surrounding natural landscape, including but not limited to building materials and colors, facade planes, roof and parapet forms, entry features, window and door placement, and pedestrian access and plazas and other architectural and design features.
   c. *Building materials.*
      i. Natural building materials, such as stone or brick, shall be utilized as the primary building materials within the SE-O district for nonresidential and multifamily developments, unless the decision-making body determines that alternative building materials or more variety of materials would be more appropriate given the location, context and design of the proposed development.
      ii. Glazed areas shall not exceed 60 percent of the exterior of a building and shall have a maximum 15 percent outside visual light reflectivity value.
   d. *Other applicable design standards.* Buildings within the SE-O district shall comply with the applicable residential and nonresidential design standards in addition to the standards in this section. See also section 15.05.110, "residential design standards," and section 15.05.120, "nonresidential design standards," of this development code.

4. *Access.*
   a. Pedestrian access within the SE-O district shall comply with the requirements of section 15.05.060 and section 15.05.120. In addition, there shall be direct pedestrian access (a minimum eight-foot-wide concrete path) from each lot fronting a highway or primary street designated with a SE-O district to the pedestrian/bike path within the adjacent highway or primary street right-of-way. For lots with more than 300 feet of highway frontage, there shall be a pedestrian connection for every 300 feet, or portion thereof, of frontage.
   b. Access for developments with the SE-O district shall comply with city access standards. Access to state or U.S. highways shall also be subject to applicable highway access standards.
   c. To the maximum extent feasible, provisions for direct connections, motor vehicle access, and safe street crossings to adjacent land uses shall be provided. This may be achieved through coordinated or shared parking systems to minimize curb cuts along the primary street, and to minimize the amount of automobile turning movements on public streets accessing individual establishments. (See section 15.05.080(I), "Alternative Parking Plans," regarding shared parking provisions.)

5. *Off-street parking area standards.* Parking areas for buildings shall be distributed around a building to the maximum extent practicable. No more than 50 percent of the required amount of off-street parking shall be located between the facade of the principal building facing the primary street or highway and the street or highway, unless the decision-making body determines that the applicant has provided a more appropriate design or demonstrated that it is not practical to distribute the parking in this manner and the applicant has provided additional parking area landscaping or other amenities to mitigate a concentration of parking area(s).

6. *Streetscape requirements.*
   a. *Crosswalk pavings.* Crosswalk pavings shall contrast with the adjacent street paving through changes in materials, striping, color, or texture, and should be coordinated with other crosswalk pavings used in the city within the SE-O District. Crosswalks provide locations where pedestrians may cross a street or parking drive safely and also encourage slower traffic in densely populated or used areas.
   b. *Street/parking area lighting.* New development shall provide street lamps and pedestrian lighting according to the specifications and standards adopted by the city. Street and parking area lighting fixtures should express local character in design and materials. All exterior lighting shall comply with the outdoor lighting standards stated in section 15.05.140

7. *Signs.*
   a. *Sign types allowed.* Permitted signs types shall generally be limited to wall signs and freestanding monument signs that are of a compatible design, materials, and color and are consistent and compatible with the design of buildings and other structures and features of the development. A master sign plan is required for new signs or sign replacement within the SE-O District. The maximum number of signs for a single use or multiple use development shall be restricted as allowed in this section and chapter 15.06 (Signs), whichever is more restrictive.
   b. *Wall signs.* All wall signs are subject to the standards of this section and the applicable standards in chapter 15.06 (Signs), whichever is more restrictive. Wall signs within the SE-O district shall comply with the sign design standards and master sign plan approved by the city.
      i. *Sign size/area.* Signs shall be proportional in size and area to the dimensions of the walls on which the signs are attached. The sign area allowance for any use shall be based on the linear frontage of a maximum of two approved wall areas. For developments in nonresidential zoning districts the maximum sign area on any approved wall area shall not exceed one square foot of sign area for each linear foot of approved wall, up to a maximum of 300 square feet of sign area for business/use identification signs and 200 square feet of sign area for project identification signs. The sign area on an approved wall area may be increased up to 25 percent for building walls 300 feet or more away from the property line the sign is facing, subject to city approval based on a finding that the scale and design of the sign is appropriate. Other types of signs in nonresidential zoning districts and all signs in residential zoning districts shall be limited to the maximum sign area allowed in chapter 15.06 (Signs).
      ii. *Sign height/placement.* The maximum sign height shall generally not exceed 25 feet. Signs shall be placed in appropriate locations on a building wall taking into consideration building design and architecture.
      iii.

Number of signs. A maximum of two wall signs is generally allowed for any use, with one sign per approved wall area. Signs shall be located on approved wall areas.

iv. *Sign color/materials/design.* Wall signs shall be designed to be compatible with the building to which the sign is attached, in terms of sign colors, materials and design. Generally, signs with individual letters attached to a building or sign raceway are the only type of wall signs allowed in the SE-O district. Box/cabinet signs are not allowed, unless specifically approved by the city as part of a master sign plan. Exposed LED and neon lighting is prohibited on all wall signs.

v. *Modifications to wall sign standards.* As part of a master sign plan and subject to approval by the city, the height of wall signs may be modified to place the signs in appropriate locations on a building wall taking into consideration building design and architecture. In addition, the number and location of wall signs may be modified, provided that the total sign area allowance for the use shall not be exceeded. Modifications approved as part of a master sign plan shall demonstrate a design that is appropriate and consistent with the building(s) architecture and site design, and the intent of the SE-O district.

c. *Freestanding monument signs.* All freestanding monument signs are subject to the standards of this section and the applicable standards set forth in chapter 15.06 (Signs), whichever is more restrictive. Freestanding signs within the SE-O district shall comply with the sign design standards and master sign plan approved by the city.

i. *Sign types.* Project and joint identification signs are generally the only types of signs allowed in the SE-O district, except that individual business/use signs are allowed for single uses on individual lots that are not part of a planned unit development (PUD) or a multiple use development. Project identification signs include the name of the development and joint identification signs include both the name of the development and the names of tenants or other uses within the development. In addition, menu board signs, non-advertising directional signs, real estate signs, construction signs, and other non-advertising temporary type signs may be allowed as approved as part of the master sign plan and as allowed in chapter 15.06, whichever is more restrictive.

ii. *Sign area/number of faces.* The sign area of a business/use and project or joint identification freestanding sign in a nonresidential zoning district shall not exceed the following allowances based on building size:

(A) Thirty-five square feet of sign area (single use) or 50 square feet of sign area (project or joint identification) for building area up to 25,000 square feet in area;

(B) Fifty square feet of sign area (single use) or 65 square feet of sign area (project or joint identification) for building area between 25,000 and 100,000 square feet in area;

(C) Sixty-five square feet in sign area (single use) or 80 square feet of sign area (project or joint identification) for building area over 100,000 square feet in area.

The sign area of other types of signs in nonresidential zoning districts and all signs in residential zoning districts shall be limited to the maximums allowed in chapter 15.06 (Signs). Signs shall have no more than two faces and the faces shall be parallel to each other.

iii. *Number of signs.* No more than one freestanding sign shall be allowed along any highway or primary street frontage designated with a SE-O District, except that one additional freestanding project or joint identification sign may be allowed for planned unit developments (PUDs) and multiple use developments with a minimum frontage of 1,500 feet. No more than one freestanding sign shall be allowed along other street frontages. In addition, restaurants with drive-up facilities may have one menu order board that does not exceed the size limits specified in chapter 15.06, is consistent with the building architecture in terms of design, materials and colors, and the sign's visibility from the adjacent streets is minimized.

iv. *Sign height and length.* The height of a freestanding sign shall not exceed six feet in height, for signs up to 50 square feet in area, and eight feet in height for signs greater than 50 square feet in area.

The length of a freestanding sign shall not exceed 20 feet for the sign face, and 30 feet for the overall length including the base structure.

v. *Sign setback.* Signs shall be set back a minimum of 25 feet from the property line along any highway designated with a SE-O district and equal to the sign height along other property lines.

vi. *Spacing between signs.* The minimum spacing between freestanding signs on the same street frontage shall be 1,200 feet. The minimum spacing between freestanding signs on different street frontages shall be 300 feet as measured in a straight line between signs. In addition, freestanding signs along a street that is not a highway or primary street designated with a SE-O district shall be no closer than 300 feet from the edge of the closest right-of-way that is designated with a SE-O district.

vii. *Sign color/materials/design.* Freestanding signs and monument bases shall be constructed of brick, stone, wood, metal, or other quality material that is compatible and consistent with the primary building(s) materials, colors, and design. Colors shall be predominantly natural or earth tones. Signs shall be of a quality design. Signs that include individual letters attached to the sign are preferred. Signs that include cabinet/box type designs are generally not allowed unless the city determines that the sign design and location are appropriate and meet the intent of the SE-O district. Neon and LED lighting is prohibited on freestanding signs.

viii. *Landscaping of sign base.* The base of a freestanding sign shall be landscaped with a mixture of evergreen and deciduous shrubs and/or flowering ground cover.

ix. *Modifications to freestanding sign standards.* As part of a master sign plan and subject to approval by the city, the area, height, length, and spacing standards for freestanding monument signs may be modified no more than 20 percent from the above limits for a design that is appropriate and consistent with the building(s) architecture and site design, and the signs meet the intent of the scenic entryway overlay district.

d. *Illumination.*

i. The source of light for external illumination of signs shall be screened or shielded in such a manner that the source is not visible.

ii. All advertising signs shall include lighting setbacks so that the sign lighting is turned off or minimized when the business is not open.

iii. Illumination of signs located within or adjacent to residential uses or residentially-zoned properties shall be located, shielded, and screened to prevent direct light or glare onto such adjacent use or property and shall also comply with the standards of subsection 15.06.060.M.

iv. Illumination of signs shall not exceed a brightness standard of 600 candela per square meter.

v. Signs with LED (light-emitting diodes) displays and exposed neon are prohibited within the SE-O District.

e. *Prohibited signs.* See section 15.06.100 for prohibited signs.

(Code 1993, § 15.03.090; Ord. No. O-2001-78, § 1; Ord. No. O-2005-92, § 1; Ord. No. O-2006-68, § 8; Ord. No. O-2010-31, § 3, 8-10-2010; Ord. No. O-2011-53, § 3, 8-9-2011)

15.03.100. - C-O conservation overlay district.

A. *Purpose.* To conserve residential neighborhoods and areas in the City of Longmont that retain the character of earlier 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.

B. *Minimum criteria for designation of a C-O district.* The following shall be the minimum standards and requirements for zoning an area as a C-O district:
   1. At least 75 percent of the land area within the proposed district, not including streets and other rights-of-way, is developed.
   2. As of the date of application for designation, at least 50 percent of the developed lots shall contain principal structures that are more than 50 years old.
   3. Prior to the first public hearing on the zoning designation before city council, the applicant submits written evidence that record owners of more than 50 percent of the included properties, excluding public rights-of-way, agree to the C-O district zoning.

C. *Findings required.* In addition to compliance with the review criteria for rezonings stated in section 15.02.060.C. 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 B above and only if the city council finds that:
   1. The district retains the general character and appearance of its original period of development;
   2. The district evidences on-going maintenance of existing older buildings and/or there is potential for rehabilitation of existing buildings in the district;
   3. There is potential or existing pressures for redevelopment and new infill development in the district; and
   4. The district exhibits a significant degree of continuity in terms of the built environment (i.e., few gaps), including both sides of facing block fronts.

D. *Allowed uses.* Principal permitted, limited, conditional, and accessory uses allowed in the underlying zoning district are allowed in the C-O district.

E. *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 (including those contained in chapter 15.05 (Development Standards)), these C-O district development standards shall govern and apply.
   1. *Average front setbacks.*
      a. 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 section 15.05.010, "Dimensional Standards and Density and Intensity of Use."
      b. 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.
      c. For purposes of subsections E.1.a. and E.1.b. above, only lots with similar uses to the use proposed for development are included in the calculations.
      d. 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.
   2. *Contextual building heights.* Notwithstanding the maximum height requirement required in section 15.05.010 for the underlying zoning district, applicants shall use a "contextual" height standard.
      a. The "contextual" height may fall at any point between the maximum height limit and the height of existing buildings on either or both lots adjacent to the subject lot.
      b. If lots on either side of the subject lot are vacant, the height that "exists" on such vacant lots shall be interpreted as the maximum height limit allowed by the underlying zoning.
   3. *Residential lot coverage limits.* The lot coverage of a proposed residential dwelling shall be at least 75 percent and no more than 125 percent, of the average lot coverage of other dwelling units located on the same or facing block face (both sides of the street).
   4. *Appearance.* New construction in a C-O district shall be generally compatible with the design and appearance of other existing structures on the block. At least three of the following features of the new construction must be substantially similar to the majority of other buildings on the same or facing block face (both sides of the street):
      a. Roof pitch;
      b. Roof material;
      c. Roof overhang;
      d. Exterior building material;
      e. The shape, size, and alignment of windows and doors; or
      f. Front porches or porticos.
   5. *Preservation of special district features.* To the maximum extent feasible, best efforts shall be applied to preserve historic, culturally significant, and unique structures in the district.
   6. *Specific neighborhood design standards.* The city council may adopt written neighborhood design standards specific to a proposed C-O district, and all new construction and development in the C-O district shall comply with those standards. In the case of conflict between such adopted neighborhood design standards and any other provision of this development code (including chapter 15.05 (Development Standards)), the specific neighborhood design standards shall apply.

(Code 1993, § 15.03.100; Ord. No. O-2001-78, § 1; Ord. No. O-2006-68, § 9)

15.03.110. - FF-O floodway and floodway fringe overlay districts.

The floodway overlay zoning district and the floodway fringe overlay zoning district are established to implement the floodplain regulations adopted by the City of Longmont and codified as title 20 of the Longmont Municipal Code (LMC). Please refer to LMC chapter 20.01 et seq. for use and development regulations applicable to property located within the floodway or floodway fringe overlay zoning districts.

(Code 1993, § 15.03.110; Ord. No. O-2001-78, § 1)

15.03.120. - AIZ-O airport influence overlay zoning district.

A. *Purpose.* The purposes of the airport influence overlay zoning district are:
   1. To protect the ongoing ability of the airport to serve the city's air transportation needs and protect the public investment in the airport;
   2. To minimize risks to public safety and minimize hazards to airport users;
   3. To protect property values and restrict incompatible land use; and
   4. To promote appropriate land use planning and zoning in the area influenced by the airport.

B. *Application of special AIZ regulations.*
   1. *Applicability.* This section 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.

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

C. *Site plan or development plan review required.* A site plan (including conditional or limited uses) or development plan is required for all applicable development to ensure compliance with this section's special AIZ regulations. See subsection 15.02.090.F. for applicable site plan review procedures.

D. *Special AIZ regulations.* The following provisions shall apply to all property within the AIZ-O overlay zoning district:

1. *Use restrictions.* No use shall create any electrical interference with navigational signals for radio 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.
2. *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 Federal Aviation Regulation (FAR) part 77 surfaces for the Vance Brand Airport.
3. *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 indicate to the operators of aircraft the presence of such airport hazards.
4. *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 indicate to flyers the presence of an airport hazard.
5. *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 become a greater hazard to air navigation.
6. *Procedure when nonconforming uses are abandoned or destroyed.* Whenever the Chief Building Official of the City of Longmont 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.

(Code 1993, § 15.03.120; Ord. No. O-2006-68, § 10; Ord. No. O-2001-78, § 1)

15.03.130. - A agricultural zoning district.

A. *Purpose.* To establish and preserve areas in the city for agricultural, rural residential, open space, or other related uses. The A zoning district is consistent with the "parks, greenway and open space" land use designation on the LACP.

B. *Allowed uses.* See subsection 15.04.010.J., "Table 15.04-A, Table of Principal Uses by Zoning District." In addition, uses that legally exist at the time of annexation may continue, subject to the provisions of the annexation ordinance or annexation agreement, as applicable.

(Code 1993, § 15.03.130; Ord. No. O-2005-13, § 2)

15.03.140. - TL-O Terry Lake overlay district.

A. *Purpose.* To implement the Highway 66 Mixed Use Corridor Framework Master Plan and Design Guidelines (August 30, 2006) (the "guidelines") as incorporated into, and made a part of, the Longmont Area Comprehensive Plan by reference. The intent of the guidelines is to facilitate the development of a mixed use area that is unique to Longmont, one that has a special "sense of place". It will be a place that has a balanced mix of uses (entertainment, retail, residential, employment, civic, recreation) and a strong pedestrian orientation with frequent outdoor gathering spaces. This mix of uses will have uses that are destination anchors as well as those that are neighborhood-oriented. The mixed use corridor will incorporate well-planned access and parking areas, landscaped areas, and high-quality architectural design.

B. *Application.*

1. This section is intended to apply to property within the Terry Lake neighborhood planning area that has a mixed use corridor land use designation on the comprehensive plan map.
2. The guidelines shall be utilized in reviewing any development plan within the overlay zone district. Where the guidelines are less restrictive than the requirements of the development code, the guidelines shall be given considerable weight in determining any variances or exceptions from the code requirements. Where the guidelines are more restrictive than the code, the provisions of the guidelines shall be followed.
3. A certified copy of the guidelines is on file in the office of the city clerk and may be inspected by any interested person between 8:00 a.m. and 5:00 p.m., Monday through Friday, holidays excepted. Copies of the guidelines are available for purchase by the public in the office of the city planning director and are also available on the City of Longmont website.

(Ord. No. O-2007-07, § 2)

15.03.150. - MU mixed use district.

A. *Purpose.* The purpose of the mixed use (MU) district includes:

1. Enhance the character of and create a unique identity for Longmont's commercial and industrial areas, transit station locations, and the St. Vrain Creek Corridor;
2. Further the goals, policies and strategies for mixed use development and infill and redevelopment in the Longmont Area Comprehensive Plan and other adopted plans;
3. Attract quality mixed use development and redevelopment that encourages creativity, architectural diversity, and exceptional design;
4. Promote a pedestrian-oriented urban form that facilitates sustainable design; and
5. Create opportunities for lifestyle choices in places that are centers for social interaction.

B. *Applicability, conflicting provisions, modifications and nonconformities.*

1. *Applicability.* This section applies to all development and redevelopment located within an MU district.
2. *Standards in other chapters and conflicting provisions.*
   a. The standards stated in this section are in addition to the development standards stated in chapter 15.03 (Zoning Districts), chapter 15.04 (Use Regulations), chapter 15.05 (Development Standards), chapter 15.06 (Signs), and chapter 15.07 (Subdivision and Improvements) of this development code.
   b. If there is a conflict between the standards of this section and of any other section of this development code, the standards in this section shall apply.

3. *Modifications.* The provisions of the MU district provide flexibility in meeting standards to allow for creative designs that meet the purpose of the district. Where strict compliance with the standards stated in this section is not possible, the standards may be modified subject to the provisions of subsection 15.01.040.B., Modifications of infill development, redevelopment and changes of use.

C. *Mixed use (MU) district zoning.*
1. An MU district may be allowed as a base zoning district or as an overlay district. The district shall be a minimum of one acre unless the decision-making body determines that a smaller parcel size is adequate to create a viable mixed use development consistent with the purpose of the district and the mixed use district rezoning review criteria.
2. An MU district is allowed as an overlay district only in the C (commercial), CBD (central business district), CR (commercial regional), BLI (business/light industrial), MI (mixed industrial), and PUD-C and PUD-I (planned unit development - commercial and industrial) districts. An MU district is not allowed as an overlay district in any of the residential zoning districts.
3. An MU district may be zoned as a base district if the property is designated commercial, central business district, mixed use, or industrial/economic development in the Longmont Area Comprehensive Plan (LACP).
4. Any MU district zoning approval shall include a regulating plan. The regulating plan shall address district development areas, allowed and prohibited uses, building types, architectural themes, and standards for design, circulation, multi-modal connectivity, parking, pedestrian amenities, streetscape, open space and landscaping, lighting, sign, block and street type, and sustainability.

D. *District development areas.* An MU district will include core areas that generally have a higher level of development intensity, and transition areas located on the periphery of the district. District development areas will be determined as part of the approved regulating plan.
1. *Mixed use transit core (MUTC).*
   a. A transit core area is designed around a transit station and associated parking facilities.
   b. Developments within this area will include a mix of uses, such as retail, restaurant, office, attached residential, art studios, small scale manufacturing such as breweries and wineries with tasting rooms, service uses such as day care and personal services, and civic and cultural uses.
   c. Developments providing ground floor nonresidential uses are encouraged and may increase building height one story above the maximum height allowance provided in subsection F.2.i.iii. below, if at least 75 percent of the ground floor facing an arterial street and 50 percent of the ground floor in other areas includes nonresidential uses.
2. *Mixed use commercial core (MUCC).*
   a. A commercial core area is located along or within commercial corridors or areas at or near the intersections of any combination of expressway, arterial and collector streets.
   b. Developments within this area will include a mix of uses, such as retail, restaurant, office, attached residential, art studios, small scale manufacturing such as breweries and wineries with tasting rooms, service uses such as day care and personal services, and civic and cultural uses.
   c. Developments providing ground floor nonresidential uses are encouraged and may increase building height one story above the maximum height allowance provided in subsection F.2.i.iii. below, if at least 75 percent of the ground floor includes nonresidential uses.
3. *Mixed use transition area (MUTA).*
   a. A mixed use transition area is typically located on the periphery of the core areas to provide a transition in development intensity between the core areas and surrounding developments.
   b. Developments within this area include primarily residential uses, but may also include a mix of nonresidential uses that support surrounding residential uses.
   c. Corner lot developments are encouraged to include a mix of uses with nonresidential uses on the ground floor.

E. *Allowed and prohibited uses.*
1. A balanced mix of residential, retail, office and other uses is important for creating dynamic places and extended activity hours in MU districts. The uses in subsection 15.04.010.J. are the allowed and prohibited uses for MU districts.
2. For an MU overlay district, the allowed uses are in addition to any allowed uses identified in the underlying zoning district, unless specifically prohibited in the overlay district.

F. *Development and design standards.*
1. *Purpose.* These standards are intended to promote quality and pedestrian-friendly mixed use designs consistent with the purpose of the district and shall apply to all new development and redevelopment in an MU district.
2. *Building standards.* The following building design standards are in addition to standards in section 15.05.110, Residential design standards, and section 15.05.120, Nonresidential design standards.
   a. *Building types.* Building type examples are included in the Mixed Use Design Examples Handbook available at the planning and development services department. The following building types are allowed within the MU district:
      i. *Storefront buildings.* Storefront buildings accommodate a variety of uses, with retail, restaurant, office, service and personal service uses occupying the ground floors and residential or office uses on upper floors.
      ii. *Workplace buildings.* Workplace buildings accommodate single or multiple uses with office and other employment uses occupying the ground floor and office, employment or residential uses on upper floors, as applicable.
      iii. *Attached or detached housing.* Attached housing types, including townhouses, lofts, condominiums, apartments, and urban dwelling units, are allowed in all mixed use district development areas. Small lot detached dwellings meeting minimum density requirements are allowed in transition areas subject to decision-making body approval based on project location, scope, design or context.
      iv. *Live/work units.* Live/work units combine commercial retail, office or other allowed uses with a residential use in each unit.
      v. *Civic buildings and areas.* Civic buildings and areas are used for public purposes and may include, for example, libraries, museums, art centers, post offices, schools, public plazas and gathering areas, and government buildings and facilities.
      vi. *Other building types.* Other buildings, such as parking structures, may be allowed if they are compatible with other approved and planned developments in the district and the design compatibility standard below.
   b. *Design compatibility.*
      i. All development shall include at least one of the building types listed above and shall be consistent with the development and design standards; and regulating plan of the district.

ii. Building designs shall be compatible with:
(A) Architectural themes that are part of the regulating plan for the district. Creative and diverse building designs that allow a variety of architecture features and materials are encouraged;
(B) The character of surrounding significant buildings, historic landmarks or districts, and properties determined to be eligible as historic landmarks within 250 feet of the proposed development;
(C) Design guidelines for the downtown area, including the 1st and Main Station Transit and Revitalization Plan and other plans adopted by the city council for their respective MU districts; and
(D) The character of surrounding residential neighborhoods.
iii. Developments within 250 feet of historic landmarks or properties determined to be eligible as historic landmarks by a completed architectural and cultural resource survey shall be referred to the historic preservation commission for a recommendation to the decision-making body.
iv. Buildings adjacent to residential districts shall be designed to maintain privacy and solar access for adjacent residential properties through upper story setbacks and window and balcony placement.

c. *Building architecture.*
i. Buildings shall create a sense of place through design, themes and variations, repetitive forms and durable materials.
ii. Building facades shall contain high quality architectural design elements that enhance the pedestrian environment and surrounding properties, including appropriately scaled fenestration, wall plane and parapet variation, entrance designs, building lighting, signage, and building materials.
iii. Architectural design themes shall be included in the district regulating plan. Design themes should allow flexibility for a variety of creative building designs.
iv. Franchise architecture may be allowed only if the decision-making body approves a design that is consistent with the development and design standards, and district regulating plan.

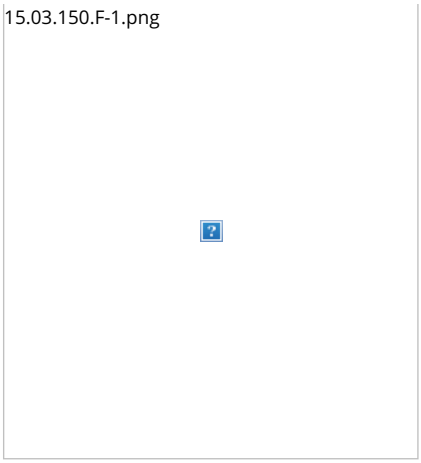
d. *Building materials.*
i. A variety of high quality building materials and architectural features are required on all visible facades.
ii. Building materials shall include a combination of brick, stone, or other quality masonry products such as integrally colored ground face or split-face units, glass, architectural metal panels, wood, or quality repurposed materials.
iii. The decision-making body may allow alternative and creative building materials or more variety of materials if they would be more appropriate given the location, context and design of the proposed development.

e. *Windows.*
i. All nonresidential buildings shall provide storefront windows.
ii. Clear glass shall be used for storefront display windows and doors.
iii. Windows shall be accented and defined with detail elements, such as frames, sills, and lintels, and shall be placed to visually establish and define the street or pedestrian gateway facing portions of a building and to establish human scale and proportion.

f. *Building placement and orientation.*
i. Buildings shall be placed close to the street or pedestrian gateway and oriented to enhance the streetscape and create spaces that are active, attractive and inviting for pedestrians.
ii. Each building and use shall have a principal entrance that faces a street or pedestrian gateway.
iii. 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.
iv. Building facades shall be built parallel to the street frontage, except at street intersections, where a corner facade containing a primary building entrance may be curved or angled toward an intersection.
v. Buildings shall be continuous along a block face, except for pedestrian walkways and gateways, access drives and parking, open space, or other allowed interruptions.

g. *Build-to lines and setbacks.*
i. Building build-to lines and setbacks shall be included in the district regulating plan. Build-to lines shall be 13 to 24 feet based on existing and planned street types and uses) from the back of the curb for buildings fronting a street to allow for adequate pedestrian access and streetscape improvements, or zero feet for buildings fronting a pedestrian walkway or gateway not adjacent to a street. The decision-making body may approve a development with modified build-to lines or setbacks based on project location, scope, design or context.
ii. Building features, such as canopies, awnings, roof elements, balconies, and signs, may not encroach into the adjacent public right-of-way unless specifically approved by the city through a use of public places permit.

15.03.150.F-1.png



iii. Where build-to lines apply, buildings may be set back up to 20 feet from the build-to line for up to 50 percent of the building facade in order to provide pedestrian amenities such as outdoor seating, plazas, landscaping and art exhibits.

iv. Build-to lines are subject to compliance with adequate sight distance requirements and adequate utility and access (including emergency services) easements and clearances.

h. *Building articulation and massing.*

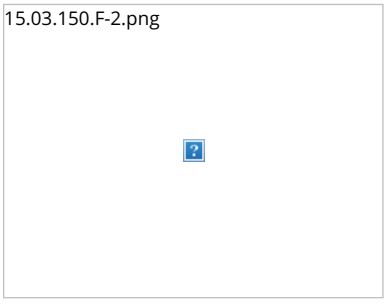
i. To help define a building's character and its relationship with other surrounding buildings, buildings shall be articulated and subdivided into massing that is proportional to the mass and scale of other buildings on the same block, consistent with the district regulating plan.

ii. A building exceeding 100 feet in length shall be visually divided to appear as though it is multiple buildings.

iii. Multistory mixed use or nonresidential buildings shall be designed and constructed in tri-partite architecture design so that each building presents a clear base, middle and top.

iv. To create pedestrian scale and architectural interest, maintain compatibility with surrounding residential neighborhoods, and protect view and bird migration corridors along streams and riparian areas, the upper stories of buildings more than three stories in height may be set back from the street- or stream-facing lower stories of the building. The amount of setback will vary depending on project location, scope, design or context. The upper floor may contain patios, rooftop gardens, or other common areas.

15.03.150.F-2.png



i. *Building/structure height.*

i. Buildings and structures in transition areas within 200 feet of a lot or parcel zoned or designated for low or medium density residential shall not exceed two stories (nor 35 feet maximum structure height) for the first 100 feet closest to the residential property, nor three stories (nor 45 feet maximum structure height) for the next 100 feet.

ii. Single story buildings may be allowed by the decision-making body in all development areas if appropriate given the project location, scope, design and context and surrounding buildings and uses.

iii. For all other development in an MU district, to provide sufficient residential densities, to insure a variety of uses to support mixed use developments and to allow for creative building design, additional building height is allowed according to the following table:

Mixed Use District Building and Structure Height Table

	Core Areas	**Transition Areas**
Maximum Number of Building Stories	5 stories	4, 5 stories
Maximum Structure Height	65 feet	65 feet
Minimum Number of Building Stories	2 stories	2 stories

j. *Building lot coverage.* Buildings may cover up to 75 percent of a lot in transition areas and up to 100 percent of a lot in core areas.

k. *Building entrances.*

i. Buildings shall be designed with entrances facing each street, alley or pedestrian gateway that the building fronts.

ii. All customer or resident/visitor entrances shall create architectural interest and variation from other portions of the building through changes in building plane, such as canopies, awning, arcades, tower elements, overhangs, recesses and projections, and building appearance, such as building material, color, texture or detail.

iii. Corner entrances are encouraged on buildings with any combination of two street or pedestrian gateway frontages in order to provide a strong link between the building and the sidewalk or pedestrian gateway.

iv. Entrances shall provide direct pedestrian connections to the sidewalk of a street or pedestrian gateway or other pedestrian walkway without requiring pedestrians to cross parking lots or driveways.

l. *Screening of service areas, mechanical equipment and utilities.* Loading docks and other service areas, mechanical equipment, and utilities shall be screened from view to the maximum extent practicable with screen walls, roof structures, landscaping, or similar manner acceptable to the decision-making body. Developments adjacent to an alley shall be designed so that the alley frontage is consistent with approved alley improvement plans, the district regulating plan, and is compatible with adjacent properties.

3. *Building standards applicable to specific building designs.*

a. *Retail, restaurant and office uses at grade.* The following standards shall apply to storefront, workplace, live/work, and other buildings where retail, restaurant and office uses are planned or allowed on the ground floor:

i. All retail, restaurant and office at-grade buildings shall include a variety of features that create a distinctive pedestrian oriented character, such as canopies, arcades, storefront windows, recessed entrances and outdoor seating areas on the ground floor.

ii. At least 60 percent of the ground floor facade shall be clear storefront windows.

iii. Entrances on a street or pedestrian gateway shall be inset at least four feet from front facade and shall be spaced no greater than 100-foot intervals. Secondary entrances on an alley or rear of a building should also be inset.

iv. Separate entrances for residential units on upper stories may be located on a building facade not adjacent to a primary street, but shall be located adjacent to a pedestrian walk or gateway.

b. *Residential uses at grade.* The following standards shall apply to attached residential buildings with residential uses on the ground floor:

i. All residential at-grade buildings shall be set back at least six feet from the back of the sidewalk to allow for stairs, stoops, elevated patios and landscaping.

ii. All residential units located within six feet of grade shall have direct front door access to the sidewalk along the street or pedestrian gateway.

iii. The first residential floor shall generally be elevated above the sidewalk, except for residential units required to have entrances at grade to comply with applicable accessibility requirements.

iv. Porches or stoops shall be at least 24 square feet in area, and shall be either recessed or covered with an architectural feature such as a canopy.

v. Buildings shall include a variety of features that create a distinctive residential character, such as covered or recessed entrances, elevated stoops and patios, garden areas and upper floor balconies.

c. *Feature buildings.*

i. Buildings in the transit or commercial core development areas located on axis with a terminating street or open space, or at the intersection of any combination of expressways and arterial and collector streets are considered feature buildings.

15.03.150.F-3.png

ii. Feature buildings shall be designed with accentuated and distinctive entrances and articulation that is offset from the wall planes and extends above the eave or parapet line of the main part of the building.

iii. A feature building's height may be increased up to 20 percent more than the maximum height allowed for the first 50 feet or one-third of the building length, whichever is greater, from the street intersection or terminus of a street or open space, to allow for creative tower and other architectural elements. If the building is also eligible for an additional floor for having ground floor nonresidential as described in subsections D.1. and 2. above, this 20 percent height bonus shall be calculated after the additional floor allowance.

iv. Where additional building height is allowed, building walls should be set forward up to ten percent of the building height from the remainder of the building and may encroach upon the build-to line, but not extend into the adjacent public right-of-way or impede pedestrian access. Other building features, such as canopies, awnings, roof elements, balconies and signs, may encroach into the adjacent public right-of-way subject to city approval of a use of public places permit.

v. Building wall materials, window design, roof and parapet design and lighting shall be varied to create a distinctive design for feature buildings.

4. *Circulation and connectivity.*

a. Developments shall provide a well-designed and coordinated multi-modal access and circulation plan that is integrated with the surrounding area. The plan shall address pedestrian and bicycle connections, street and driveway crossings, traffic mitigation improvements, and transit and motor vehicle access subject to the provisions of sections 15.05.060 (Pedestrian and bicycle access and connectivity) and 15.05.050 (Streets and vehicle access and circulation).

b. Pedestrian gateways are required to facilitate pedestrian mobility and access to developments, open spaces, public amenities, and transit stations within the district.

i. Pedestrian gateways shall be a minimum of 20 feet wide and shall provide walkways with direct access from areas outside the district as well as from parking, living, entertainment, retail and work areas within the district to a planned or existing transit station or other significant gathering spaces, such as plazas along St. Vrain Creek.

ii. Buildings that front onto pedestrian gateways shall have entrances that face and access directly to the gateway.

iii. Pedestrian gateway locations and designs, including landscaping and other amenities, shall be identified on the district regulating plan.

c. Vehicular access to developments adjacent to an alley shall be primarily from public alleys. Developments not adjacent to an alley shall use shared driveways to the maximum extent practicable.

d. Loading areas shall be incorporated into the vehicle access and parking design and shall be located adjacent to an alley or be identified on a street if alley access is not available. Loading areas for larger vehicles requiring a loading dock shall be completely off-street.

e. Drive-up facilities and windows are allowed only in conjunction with financial and retail uses subject to approval by the decision-making body taking into consideration project location, scope, design and context and the following standards:

i. Only a single drive-up lane is allowed.

ii. No menu/order boards are allowed.

iii. The drive-up lane shall be adequately screened through the use of a wall matching the materials of the primary building and landscaping.

iv. The drive-up lane shall exit onto an alley or shared driveway.

v. The drive-up lane shall not impede pedestrian or vehicle access or parking.

5. *Parking.*

a. Parking area designs shall provide adequate parking for customers, employees, residents and visitors while maintaining a pedestrian-oriented and safe environment.

b. Shared parking is encouraged so as to use parking areas efficiently while allowing flexibility for additional development potential within the MU district.

c. Parking associated with a mixed use development requires approval of a parking plan that analyzes anticipated parking demand based on the mix of uses and how and where parking will be provided. The parking plan shall also address existing conditions in adjacent neighborhoods to demonstrate that parking will not have an adverse impact on surrounding properties and neighborhoods.

d. Where on-street parking is allowed, on-street parking spaces along the frontage of a development site may count toward a parking requirement.

e. Surface parking areas shall be located to the rear and sides of buildings and shall not cover more than 25 percent of street or pedestrian gateway frontage.

f. The ground floor of parking structures shall be wrapped with retail, office or residential uses, unless the decision-making body approves an alternative creative design. All stories above the ground floor of a parking structure shall be designed with building materials similar to the ground floor uses and shall include windows, openings and other architectural features to enhance the parking structure design.

g. Parking areas fronting onto a street or pedestrian gateway shall provide a wall (constructed of materials consistent with the adjacent principal buildings) and landscaping to screen vehicles from the street and adjacent sidewalk or gateway. All off-street parking areas, except within parking structures, shall also be landscaped according to the requirements stated in section 15.05.040

6. *Pedestrian amenities, streetscapes, open space and landscaping.*

a. Pedestrian amenities, streetscapes, open space and landscaping in mixed use developments shall enhance the pedestrian environment by creating an aesthetic visual experience and providing spaces for visitors and residents to walk, relax and socialize.

b. Developments shall provide gathering spaces and pedestrian amenities identified in the district regulating plan. Gathering spaces and open space areas shall be oriented and designed to preserve significant vistas to the maximum extent practicable. Applications shall also be referred to the arts in public places program to identify potential locations for public art installations.

15.03.150.F-4.png

c. Streetscapes shall be designed according to the following standards:

i. Pedestrian sidewalks, gateways and other walkways 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 of five to eight feet wide path clear of obstructions for pedestrian access based on existing and planned uses and street types and project location, scope, design or context.

ii. Attached sidewalks shall be a minimum of 16 feet wide, and detached sidewalks shall be a minimum of nine feet wide in all areas, except that sidewalks adjacent to exclusively residential at-grade uses along local or collector streets shall be a minimum of five feet wide. The decision-making body may modify sidewalk widths as part of the district regulating plan based on existing and planned uses and street types and project location, scope, design or context.

d.

Developments adjacent to an alley shall be designed to incorporate alley access so that the alley frontage is consistent with approved alley improvement plans, the district regulating plan, and is compatible with adjacent properties.

e. Sidewalks within transit and commercial core areas and in mixed use transition areas adjacent to mixed use developments shall create a consistent theme by incorporating a combination of materials or colors, such as brick pavers and concrete, to provide a decorative pattern that ties the different uses in a block or area together.

f. Crosswalk paving in the public right-of-way, private drives, and parking lots shall contrast with the adjacent street paving through the use of different materials, color and texture.

g. Open space shall be provided according to the following standards:

i. Open space for gathering and recreation opportunities is required for developments, consistent with the district regulating plan, and may consist of plazas, courtyards, pocket parks, rooftop gardens and patios, private yards and patios, or other common areas. Developments that construct public gathering spaces in proximity to the development may also count that area as open space.

ii. Open space shall be accessible to the users of the development and be improved with seating, landscaping and other amenities.

iii. On-site open space landscaping can vary considerably, depending on the type of open space proposed for a development, and shall be approved in conjunction with a site plan, consistent with landscape standards in the district regulating plan.

h. Streetscapes in the right-of-way shall be landscaped according to the district regulating plan.

7. *Street, parking, building and pedestrian lighting.*

a. Full cutoff lighting fixtures shall be designed and scaled for the pedestrian environment to enhance the appearance of buildings and to create an attractive public space that provides adequate lighting for security purposes without adversely impacting public spaces or private properties through lighting placement that creates incompatible lighting glare or intensity.

b. Street, parking, building and pedestrian lighting shall comply with city lighting standards in section 15.05.140, and the district regulating plan.

8. *Signs.*

a. Signs in the MU district shall be designed and oriented to be consistent and compatible with the pedestrian environment and the urban design and scale of buildings and other structures and features of the development.

b. Permitted signs for developments are limited to appropriately scaled wall signs, projecting, awning, canopy or under awning/canopy signs. Monument signs may be allowed for existing buildings not meeting build-to requirements subject to the size allowances for freestanding signs in nonresidential districts in chapter 15.06

c. Allowable sign size, area, location, height, number and design within the MU district shall comply with the following standards and the district regulating plan:

Mixed Use District Building Signs Table

Category	Wall Signs	Projecting Signs	Awning/Canopy and Under Awning/Canopy Signs
Maximum and minimum sign height on building	20 ft. maximum 14 ft. minimum	20 ft. maximum 10 ft. minimum	Awning/canopy: 15 ft. maximum and 8 ft. minimum Under awning/canopy: 7 ft. minimum clearance
Sign size and area (maximum)	3 ft. letter or logo height; 1 sq. ft. of sign area for each linear ft. of use frontage	20 sq. ft. sign area	Awning/canopy: 8 inch letter height; logo not to exceed 10 percent of sloped awning panel area; Under awning/canopy: 4 sq. ft. sign area
Number of signs (maximum)	1 per use frontage with a customer entrance	1 per use frontage with a customer entrance	Awning/canopy: 1 per awning or canopy associated with the use; Under awning/canopy: 1 per entrance
Sign design	Individual letters only (no cabinet signs except for logos)	Maximum projection: 5 ft. from building wall	No internal illumination: Awning: stitched or incorporated into awning Canopy: Individual channel letters Under awning/canopy may not extend beyond awning or canopy edge

d. Wall signs shall be located within a horizontal band that is the same height across the entire building unless a grade change at the base of the building requires a step in the sign band. The sign band shall also be consistent with adjacent buildings to the maximum extent practicable.

e. Projecting signs shall not exceed the height of the building parapet.

f. Wall sign length shall not exceed 70 percent of building frontage associated with the use.

g. Awning lettering is allowed only on the vertical front portion of the awning except that graphic logos are allowed on the slanted portion of the awning.

h. Wall signs may be combined with awning and under awning/canopy signs on the same use frontage but may not be combined with projecting signs on the same use frontage.

i. Creative alternative sign designs are encouraged subject to sign location, size and design approval of a master sign plan under the procedures described in section 15.06.080

j. In addition to the sign allowances above, place making signs may be allowed in core and stream corridor areas, designated creative districts, and other locations identified on the district regulating plan, subject to sign location, size, and design approval of the decision-making body.

9. *Block size, street types and design.*

a. To facilitate pedestrian and vehicle access and connections and to encourage compact development in areas where new streets are planned, a grid block design that includes street types and designs shall be included in the district regulating plan.

b. Mixed use development blocks should be consistent with the size of blocks in the downtown area where practical.

c. New blocks shall typically be between 300 feet and 600 feet in length with alleys as determined on the district regulating plan.

d. Street types shall address the design of travel, bicycle and turn lanes, parking spaces, crosswalks, sidewalks, streetscapes and alleyscapes and traffic mitigation through a variety of techniques that slow vehicles, including the design and placement of public plazas, pedestrian crossings and preservation of vistas.

10. *Sustainability.* Mixed use developments are encouraged to balance residential and nonresidential uses, reduce reliance on personal vehicles, provide resource efficient and lower impact buildings and site design through the use of solar, wind and geothermal energy generation, rooftop and patio gardens, and xeriscape landscaping, and promote more carbon-neutral development and self-sufficient lifestyles. Solar and wind energy access of surrounding properties should be taken into consideration where practical for developments in the MU district.

11. *Adequate public facilities.* Development is subject to the quality of life benchmark/adequate public facilities standards in section 15.05.150. The scope of development in the MU district shall be consistent with the planned infrastructure and service capacity of the area, such as streets, alleys, parking, utilities, emergency response and schools.

12. *Design examples.* A design examples handbook, available at the planning and development services department, will supplement the MU district development and design standards. The design examples handbook will include photo images and graphics of building types and design elements to demonstrate the intent of these standards and to encourage creativity and variety of design.

G. *Residential density.*

1. *Minimum density.* The minimum density for residential developments in core areas is 25 dwelling units per acre. The minimum density for residential developments in transition areas is ten dwelling units per acre. The decision-making body may approve a development with reduced density based on project location, scope, design or context.

2. *Maximum density.* There are no density maximums in the MU district.

(Ord. No. O-2009-21, § 5, 6-9-2009; O-2009-89, § 2, 12-22-2009; Ord. No. O-2011-53, § 4, 8-9-2011; Ord. No. O-2015-03, § 1, 1-13-2015)

15.03.160. - RP rail park district.

A. *Purposes.* The purposes of the rail park (RP) district are as follows:

1. To provide areas for rail-served business and industrial manufacturing centers that will create new primary employment opportunities in the community;

2. To further the economic development goals, policies and strategies of the Longmont Area Comprehensive Plan;

3. To allow a variety of light, medium and heavy industrial uses with access to rail lines, while mitigating the impacts associated with industrial uses on surrounding properties.

B. *Applicability and conflicting provisions.*

1. *Applicability.* This section applies to all development and redevelopment located within a rail park district.

2. *Standards in other chapters and conflicting provisions.*

a. The standards stated in this section are in addition to the development standards stated in chapters 15.03 (Zoning Districts), 15.04 (Use Regulations), 15.05 (Development Standards), 15.06 (Signs), and 15.07 (Subdivision and Improvements) of this development code.

b. If there is a conflict between the standards of this section and of any other chapters or sections of this development code, the standards in this section shall apply.

C. *Rail park district zoning.* A property may be considered for RP zoning if the following criteria are met:

1. The property includes or is adjacent to or includes an active main rail line.

2. A majority of the lots within the property include, or will include, a rail spur connecting with an active mail rail line.

3. The area of the proposed RP district is a minimum of 60 contiguous acres.

4. The decision-making body may approve a proposed district of less than 60 acres if it finds that it meets the purposes of the RP district, complies with the applicable annexation and review criteria, and will adequately mitigate adverse impacts on surrounding properties.

D. *Allowed and prohibited uses.*

1. The uses in subsections 15.04.010.J. and 15.04.030.C. are the allowed principal and accessory uses respectively for the RP district.

E. *Development and design standards.*

1. *Purpose.* These standards are intended to promote quality design consistent with the purpose of the district.

2. *Building design.* The following industrial building architecture and materials standards for the RP district are in-lieu of the building material standards in section 15.05.120, "nonresidential design standards". All other applicable standards of section 15.05.120 apply to the RP district.

a. *Building architecture.* The architecture of industrial buildings in the RP district shall be high quality, functional for the user and consistent with the industrial nature of a rail park.

b. *Building materials.*

i. A variety of exterior building materials are allowed in the rail park district and include brick, stone, split-face and ground face masonry units, decorative architectural tile, stucco, concrete, glass, metal and other compatible materials.

ii. The facades of individual rail-served, industrial buildings facing a public street, greenway, or other properties outside of the RP district may not consist of more than 50 percent metal.

iii.

The decision-making body may determine that additional metal may be used if it creates a unique building design that meets the purpose and intent of the design standards for the rail park district and the nonresidential design standards.

3. *Building height.*
   a. Except as stated below, buildings in the RP district shall not exceed 45 feet in height.
   b. Rail-served industrial buildings, or portions thereof, that are more than 100 feet from a public street right-of-way or greenway, or more than 200 feet from a highway or street designated as a scenic entry corridor or a property not zoned RP may be up to 60 feet in height.
4. *Open space and landscaping.* In addition to the requirements of sections 15.05.030 and 15.05.040, the decision-making body may require additional buffering and landscaping to mitigate additional building heights, site design, or activities associated with uses that may adversely impact surrounding properties, rights-of-way, scenic entry corridors, stream corridors and riparian areas, or wildlife habitat.
5. *Vehicle parking.* Parking for industrial uses in the RP district shall comply with the off-street parking and loading standards found in section 15.05.080, unless the decision-making body reduces the parking requirements based on evidence that the parking demand for the use will be less than the specified parking standards.
6. *Lighting.*
   a. All lighting areas adjacent to a zoning district line or public street shall comply with section 15.05.140
   b. The decision-making body may approve lighting levels in excess of five footcandles if the lighting is needed for the safety of the employees and outdoor operations and if measures have been taken to mitigate the effects of such an increase.
   c. Examples of mitigation measures include: reduced pole heights; solid screen walls around illuminated areas; and graduated, declining, lighting intensities approaching adjacent property lines that do not result in light trespass greater than 0.5 footcandles at the property line.

(Ord. No. O-2011-81, § 3, 11-8-2011)

CHAPTER 15.04. - USE REGULATIONS

15.04.010. - Principal uses by zoning district.

Table 15.04-A, Table of Principal Uses, sets forth the principal uses that are permitted uses, limited uses, and conditional uses in all zoning districts.

A. *Permitted uses [P].* A "P" in a cell indicates that a use is allowed in the respective zoning district, subject to all applicable requirements and standards of this Code.
B. *Conditional uses [C].* A "C" in a cell indicates that a use category is allowed if the P/Z reviews and approves it as a conditional use, according to the conditional use review procedures and general criteria in subsection 15.02.060.D..
C. *Limited uses [L].* An "L" in a cell indicates that a use category is allowed if the planning and development services director reviews and approves it as a limited use, according to the limited use review procedures of subsection 15.02.090.E.
D. *Uses not allowed [blank cell].* A blank cell indicates that a use type is not allowed in the respective zoning district, unless it is otherwise expressly allowed by other regulations of this development code or the Longmont Municipal Code.
E. *Additional regulations and numerical references [1].*
   1. *General.* All allowed uses, whether permitted by right, conditionally, or by limited review, are subject to all other applicable regulations of this development code, including the general development standards stated in chapter 15.05
   2. *Specific use standards.* Allowed uses may also be subject to specific use standards stated in subsection 15.04.020.B., as referenced in the "Additional Regulations" column of the Table of Principal Uses (Table 15.04-A). The numbers contained in the "Additional Regulations" column are references to additional standards and requirements that apply to the specific use listed. Additional use-specific standards referenced in the "Additional Regulations" column are found in section 15.04.020.B., and apply in all zoning districts unless otherwise expressly stated. For example, a "3" in the "Additional Regulations" column means the listed use is subject to additional use standards found in subsection 15.04.020.B.3.
F. *Temporary uses.* Please see section 15.04.040 for regulations applicable to temporary uses.
G. *Accessory uses.* Please see section 15.04.030 for regulations applicable to accessory uses.
H. *Uses allowed in PUD districts.* For uses permitted in planned unit development (PUD) districts, see section 15.03.060, planned unit development districts, of this development code.
I. *Uses prohibited in SE-O district.* For prohibited uses in the SE-O district, see subsection 15.03.090.C.
J. *Interpretation of table of principal uses.*
   1. *Compliance with development standards.* Although a use may be identified in the table of principal 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.
   2. *Specific trumps the general.* The table of principal uses is specific in identifying some uses and general in identifying others (e.g., the table lists both the general category of "retail sales—Indoor" and the more specific "hardware store" retail use). If a use is not specifically identified, then the more general listing of similar uses shall apply. However, if a use is specifically identified, that listing, not the general listing, shall be used to determine the appropriate zone for the use.
   3. *Principal uses—Definitions and interpretations.*
      a. The majority of the principal uses listed in Table 15.04-A below are defined and described in chapter 15.10 (Definitions). The general use classifications (labeled A through I in the table) are intended to be mutually exclusive. If a specific principal use is listed in the table, that use is allowed only in the districts indicated. If a specific use is not listed, the planning and development services director shall, upon the request of any interested party and under the procedures for written Code interpretations stated in section 15.02.110, 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 or limited 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 planning and development services director shall utilize the zoning district purpose and intent statements, definitions of uses found in chapter 15.10, the specific use standards stated in subsection 15.04.020.B, the table of principal uses below. 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 or limited use, then any interpretation shall be as a conditional use rather than a permitted use or limited use.

TABLE 15.04-A
TABLE OF PRINCIPAL USES BY ZONING DISTRICTS

P = Permitted Use
C = Conditional Use
L = Limited Use
Blank Cell = Prohibited Use

Use Classification and Specific Principal Uses	Zoning District																			Additional Regulations (Apply in All Districts Unless Otherwise Stated)
	E1	E2	R1	R2	R3	MH	RLE	RMD	MD-O	C	CR	CBD	BLI	MI	GI	P	A	MU	RP	
A. Residences and Other Living Accommodations. Includes places where people live—what people would identify as their place of residence. Does not include commercial, transient types of living accommodation such as hotels or motels.																				
Affordable housing	P	P	P	P	P	P	P	P	P	L		P	L	C			P	P		3 - affordable housing is limited to the dwelling types allowed in each zoning district - see, e.g., §§ 15.03.050.B.3, 15.05.220.E.1, and specific principal use classifications in this table; MH: 19; RLE and RMD: 28; C, BLI and MI: 2, 29, 31; C: Refer to § 15.03.040.B.1 BLI: Refer to § 15.03.050.A.2 MI: Refer to § 15.03.050.B.3
Boarding, rooming houses				L	P				L	P		P								
Family care homes	P	P	P	P	P	P	P	P	P			P					P	P		13
Group care homes	C	C	C	P	P		C	C	P	P		P						P		13; RLE and RMD: 28
Group care institutions				L	P				L	P		P		L				L		13
Halfway houses										C		C								13, 24; Not allowed in MU district overlay
Independent living facilities				L	P				L	P		P		C				L		Residential densities are subject to the density limits of the applicable zoning district C: Refer to § 15.03.040.B.1 MI: Refer to § 15.03.050.B.3
Mobile home parks						P														19

Mobile home subdivisions						P													19
Multi-family dwellings (5 or more dwelling units)				P	P					C		P		C				P		C, MI: 2; 29; C: Refer to § 15.03.040.B.1; MI: Refer to § 15.03.050.B.3 - only affordable housing units allowed
One-family dwelling	P	P	P	L	L		P	P				L					P			R2, R3, CBD: 2, 29;
Residential rehabilitation facility									C	C		C								13, 24; Not allowed in MU district overlay
Townhome dwelling				P	P		C	C				P						P		RLE and RMD: 28
Two-, three- and four-family dwellings				P	P		C	C				P						P		RLE and RMD: 28; MU: allowed only in a mixed use building
Urban dwelling units:																				
1. 25 du/acre or less										L		P	L	L				P		29, 31
2. More than 25/du acre										C		C	C	C				P		29, 31
Live/work dwelling										P		P	P	P				P		Dwelling unit area is greater than the work use area C: Refer to § 15.03.040.B.1 BLI: Refer to § 15.03.050.A.2 MI: Refer to § 15.03.050.B.3
B. Consumer Goods and Services. Businesses that offer items for sale to the general public or services to the general consumer. These are the retail and service outlets used by residents to keep their households operating.																				
Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																				
Animal care facilities without outdoor activities										L	L	L	L	P	P		P			24, 34 BLI and GI: 2, 9
Animal care facilities with outdoor activities										C			C	L	L		L			24, 34 BLI and GI: 2, 9
Artist studio										P		P	P	P	P			P	P	C and CBD: Display and retail area is greater than the work space area
Automobile service station										L	L	C	C	L	L			C		16, 24; BLI and GI: 2, 9, 30;

																				MU and overlay: commercial core area only; § 15.05.080.N
Bed and breakfast establishments				C	L		C	C		P		P						P		4; R2 and R3: 2 RLE and RMD: 28
Car wash										L		C		L	P					16, 24, 30; Not allowed in MU overlay district; § 15.05.080.N
Commercial shopping center											C									7, 8, 24
Copy shops and printing services, including typesetting										P	P	P	L	P	P			P		Excluding publishing, binding, and engraving; BLI and GI: 2, 9
Day care centers				L	P		C	C	L	P	L	P	L	L	C	P		P		RLE and RMD: 28; BLI and GI: 2, 9, 29; CR: 8
Day care home	P	P	P	P	P	P	P	P		P		P					P	P		C, CBD and MU: in residential use only, 29
Financial Institutions										P	P	P	L	P	L			P/C		11; BLI: 2, 9; GI: 2, 9, 29; MU and overlay: drive-up facility allowed in commercial core area only with conditional use subject to drive-up facility standards in § 15.03.150.F.4.
1. Financial Institutions—Off-site, drive-up facility not located on same lot as principal use										L	C	C	C	L	L					11, 24; BLI: 2, 9; GI: 2, 9, 29; Not allowed in MU district overlay
2. Financial Institutions—Automatic teller machines (ATMs)										P	P	P	P	P	P			P/C		Off-site, drive-up ATM facility not located on same lot as principal use requires limited use review and compliance with 11 and 24; CR: 8, 11; MU and overlay: drive-up facility allowed in

																			commercial core area only with conditional use subject to drive-up facility standards in § 15.03.150.F.4
Funeral homes with or without crematory or alkaline hydrolysis facilities										L		L		L	P				14, 24; Not allowed in MU district overlay
Gasoline sales in conjunction with other uses										L		C	C	L	L				15, 16, 24; BLI: 2; 30; § 15.05.080.N; Not allowed in MU district overlay
Hardware, building materials, retail nursery or garden stores										P/C	C	P/C		L/C	P			P/C	Conditional use approval required if use is 25,000 or more sq. ft. (gross floor area); 8, 18, 24; CR: 7, 8; MU and overlay: only hardware stores allowed
1. With outdoor storage or display														L/C	L				MI: Conditional use approval required if use is 25,000 or more sq. ft. (gross floor area); 22, 23, 24; Not allowed in MU district overlay
Hotels, motels									C	P	C	P	C	L				P/L	17, 24; BLI: 2, 9, 30; CR: 8; MI: 29; MU and overlay: only hotels allowed; limited use in transition area
Kennels															C				24
Large child care home	P	P	P	P	P	P	P	P		P		P							C and CBD: in residential use only, 29
Motor vehicle sales and rental (Outdoor display of merchandise allowed)																			
1. Passenger automobiles and										C	C			L	P			L	20, 22, 24; CR: 2, new car

light trucks (SUVs, vans, pickup trucks)																				dealerships only; MU and overlay: small scale rental outlets only in transit core area where vehicles are stored inside a building
2. Larger vehicles (RVs, Trucks, UHauls, etc.)										C				C	P					20, 22, 24; Not allowed in MU district overlay
Motor vehicle repair and maintenance:										P	L	P		L	P			L		16, 24; MU and overlay: allowed in transit and commercial core areas inside a mixed use building only; Outside work not allowed in MU district overlay; Not including substantial bodywork, or any dismantling, or storage of wrecked vehicles
1. Conducted partially or completely outside an enclosed structure														C	L					
Motor vehicle painting and bodywork excluding long-term (30+ days) storage of wrecked or inoperable vehicles														C	L					24; Not allowed in MU district overlay
Office:																				
1. Medical or dental offices and clinics 15,000 square feet or less									L	P	P	P	L	P				P		BLI: 2, 9; MD-O: 24; CR: 8
2. Medical or dental offices and clinics 15,000 square feet or more									C	L		P	C	L				L/C		BLI: 2, 9; MD-O: 24; C: 2; MU and overlay: conditional use in transition area
3. All other professional offices										P	P	P	L	P				P		BLI: 2, 9; CR: 8
Personal service shops										P	P	P	L	P				P		Drive-up window or facilities, except in the MU district or overlay where they are not allowed, require limited use review

																				and compliance with 11 and 24; BLI: 2, 9; CR: 8
Rental of small equipment, trailers, party goods and other items excluding heavy equipment:										P		P		P	P					Not allowed in MU district overlay
1. With outdoor storage or display										C				C	L					21, 22, 24; Not allowed in MU district overlay
Retail sales—General (less than 25,000 sq. ft., or less than 5,000 sq. ft. in MU transition area of gross floor area)										P	P	P	L	L				P/C		24; BLI: 2, 9; CR: 8; MU and overlay: limited use in transition area; drive-up facility allowed in commercial core area only with conditional use subject to drive-up facility standards in § 15.03.150.F.4.
Retail sales - Large (25,000 sq. ft. or more, or 5,000 sq. ft. or more in MU transition area of gross floor area)										C	C	C						C		18, 24; CR: 7, 8; MU and overlay: transit core and commercial core only; drive-up facility allowed in commercial core area subject to drive-up facility standards in § 15.03.150.F.4
Retail sales—Ambulatory vendor										L	L	L	L	L	L	L		P		25
Retail sales—Outdoor										C		C		C						22, 23, 24; Not allowed in MU district overlay
Retail sales, rental, and repair of medical drugs, supplies, aids, or devices (including pharmacies)									L	P	P	P		P				P/C		MD-O: 24, 26; Retail with drive-up facilities: 11; MU: transit core and commercial core only; drive-up facility allowed in commercial core area with conditional use subject to drive-up

																				facility standards in § 15.03.150.F.4
Retail sales with installation of motor vehicle parts or accessories (e.g., tires, mufflers)										P	P	P		L				L		24
Recycling centers:																				
1. Recycling centers													C	L	P	P			P	24; Operational impacts associated with noise, odors, light, vibration, etc., are confined to the lot on which the use is located or are adequately mitigated; Not allowed in MU district overlay
2. Recycling centers with outdoor operations or outdoor storage or activity														C	L	C			L	24; Operational impacts associated with noise, odors, light, vibration, etc., are confined to the zoning district in which the use is located or are adequately mitigated; Not allowed in MU district overlay
Veterinary clinics										P	L	P		P	P			L/C		MU and overlay: conditional use in transition area
Veterinary hospitals														C	L					Not allowed in MU district overlay
C. Business-to-Business Goods and Services. Uses that provide goods or services primarily to other businesses as opposed to the general consumer.																				
Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																				
Agricultural use (refer to definition in Chapter 15.10																	P			33
Auction sales facility														C	L					24; Not including livestock auction facility; Not allowed in MU district overlay
Business service establishments										P		P	P	P	P			P	P	Day labor centers are subject to limited use review and 24, except they

																				are not allowed in the MU district or overlay
Catering establishment										P		P	L	P	P			P		24; BLI and GI: 2, 9
Commercial laundries, linen supply services, dry cleaning plants														L	P					24; Not allowed in MU district overlay
Data, radio, TV or other broadcasting studios and facilities:																				
1. With no outdoor transmission or receiving facilities										P		P	P	P	P	P		P		
2. With outdoor transmission or receiving facilities										C		C	C	C	P	C				24; Not allowed in MU district overlay
General administrative offices										P		P	P	P	P			P	P	
General building or heavy construction contractors' offices with on-site storage of equipment, supplies, or vehicles														C	L					10, 21, 22, 24; Not allowed in MU district overlay
Heavy equipment sales and rental														C	L					20, 21, 22, 24; May include outdoor display of merchandise; Not allowed in MU district overlay
Heavy equipment repair and maintenance														C	L				L	24; Dismantling or storage of wrecked equipment prohibited; Not allowed in MU district overlay
Machine shops, tool and die equipment and engine repair													L	L	P				P	24; Not allowed in MU district overlay
Medical, dental and optical laboratories and research facilities									L			P	P	P	P			C	P	MD-O and MU: 24; With drive-up facilities: 11; Drive-up facilities not allowed in MU district or overlay

Newspaper printing, publishing and production facilities												P	P	P	P					CBD: 24; Not allowed in MU district overlay
Publishing, binding, and engraving establishments												P	P	P	P					Use may include printing services and typesetting; CBD: 24; Not allowed in MU district overlay
Special trade contractors' shops, including limited fabrications:										L			C	L	P				P	24; BLI: 2, 29; Not allowed in MU district overlay
1. With outdoor activity or storage of supplies, equipment, or vehicles														L	L				P	10, 21, 22, 24; Not allowed in MU district overlay
Wireless Telecommunication Facilities:																				
Freestanding wireless telecommunication facility										C		C	C	C	C	C	C		C	24; See § 15.05.170, "Wireless telecommunication facility standards"; Freestanding wireless facilities are not allowed in a MU district overlay; MU: limited use in transition area
Building or structure mounted wireless telecommunication facility.	C	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	C	P/L	P	
Wireless mesh networking facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	See § 15.05.170, "Wireless telecommunication facility standards"
Wholesale or research nurseries and greenhouses:														P	P		C		P	Not allowed in MU district overlay
1. With outdoor activity or storage of supplies, equipment, or vehicles														L	L		C		L	24; Not allowed in MU district overlay
Wholesale trade:												C	P	P	P				P	CBD: 2; Not allowed in MU district overlay
1. With outdoor activity or storage														L	L				L	21, 22, 24; Not allowed in MU district overlay
D. Educational, Religious, and Cultural Uses. Public and private facilities that provide educational opportunities, cultural offerings, or places to practice religion.																				

Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																				
Colleges, universities					C					L		C	C	L	C	P		P/C		24; R3 and CBD: 2; BLI: 2, 30; MI: 29; MU and overlay: conditional use in transition area
Convention and conference centers					C					L		P	P	P		P		P/C		24; R3 and C: 2; MI: 29; MU and overlay: conditional use in transition area
Libraries, museums, or art centers, including accessory educational facilities			C	C	C		C	C		P		P	C	L		P		P		All residential districts: 30; RLE and RMD: 28; MI: 29; R3 and BLI: 2
Performing arts centers, auditoriums, and other places of assembly					C					P		P	C	L		P		P		24; R3 and C: 2; MI: 29
Places of religious assembly, including churches, synagogues, temples, or other:	C	C	C	P	P	P	C	C		P		C	C	P	P	C		L		RLE and RMD: 28; C, CBD and BLI: 2; MI and GI: 29
1. With accessory schools, day care centers, recreational facilities, offices for other than administration of the principal use, or commercial activities (e.g., retail stores)			C	L	L		C	C		P		C	C	L	C	C		L		RLE and RMD: 28; C, CBD and BLI: 2; MI: 29; 24
2. With seating capacity of greater than 600 persons in the sanctuary or main activity area			C	C	C		C	C		P		C	C	L	C	C				Must be sited with primary vehicle access from a collector or arterial street. C, CBD and BLI: 2; CBD: Not permitted on Main Street; RLE and RMD: 28; MI: 29; Not allowed in MU district overlay; 24

Schools for kindergarten, elementary, or secondary education that meet all applicable prescribed Colorado state standards:																				
1. Public	P	P	P	P	P	P	P	P		P		P	P	P	P	P				MI: 29; Not allowed in MU district overlay
2. Private	C	C	C	C	C	C	C	C		C		C	C	C	C	C				24; RLE and RMD: 28; MI: 29; P: nonprofit only; Not allowed in MU district overlay
Special schools such as martial arts, dance, or other similar personal skill instruction										P		P	C	L	L			P		BLI and GI: 2, 9; MI and GI: 29
Trade or vocational schools										P		P	C	L	L					24; MI and GI: 29; BLI and GI: 2, 30; Not allowed in MU district overlay
E. Recreation, Social, and Entertainment Uses. Public, private, or commercial facilities for recreational, social, or entertainment activity.																				
Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																				
Adult or Sexually Oriented Businesses:																				
1. Adult arcade														P	P					1; Not allowed in MU district overlay
2. Adult bookstore, adult novelty store, or adult video store														P	P					
3. Adult cabaret														P	P					
4. Adult motel														P	P					
5. Adult motion picture theater														P	P					
6. Adult theater														P	P					
7. Adult model studio.														P	P					
Bars, nightclubs										P	L	P		L	C			L		24; MU and overlay: transit and commercial core areas only
1. Bars, nightclubs with outdoor seating or activity area										C	C	C		C	C			C		23, 24; MU and overlay: transit and commercial core areas only
Commercial recreation facilities, indoor:																				

1. Indoor shooting ranges														C	L					6, 24; Not allowed in MU district overlay
2. All Others										P	L	P	C	L	L			P/C		6; CR: 8; BLI and GI: 2, 9; MU and overlay: conditional use in transition area
Commercial recreation facilities, outdoor										C			C	C	C					6, 21, 22, 24; BLI and GI: 2, 9; Not allowed in MU district overlay
Country clubs for golf, tennis, swimming or other outdoor recreational activities as well as social and dining activities	C	C	C	C	C								C	L						21, 22, 24; BLI: 2; MI: 29; Not allowed in MU district overlay
Live entertainment establishment										P	C	P		L	P			C		6, 24; MU and overlay: transit and commercial core areas only
1. Live entertainment establishment with outdoor seating or activity area										C	C	C		C	L			C		6, 23, 24; MU and overlay: transit and commercial core areas only
Movie theaters										P	C	P		L				P/C		24; Drive-in theaters prohibited; CR: 8; MI: 29; MU and overlay: conditional use in transition area
Private membership clubs for health, recreation, and athletic activities					C					P	L	P	C	L	L			P/C		R3: 30; BLI and GI: 2, 9; MU and overlay: conditional use in transition area
Public golf courses	C	C	C	C	C								C			P				BLI: 2; Not allowed in MU district overlay
Public open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Public parks and playgrounds	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		MI: 29
Public play fields, courts, recreation	C	C	C	C	P					P		P	L	P	L	P		P/C		24; MI and GI: 29;

centers, and other public recreation facilities																				BLI and GI: 2; MU and overlay: conditional use in transition area
Reception/banquet hall										P		P	C	L	C			P/C		24; BLI and GI: 2, 9; MI: 29; MU and overlay: conditional use in transition area
Restaurants										P	P	P	L	L	L			P/L/C		24; BLI and GI: 2, 9 MI and GI: 29; CR: 8; MU: in transition areas, restaurants of 3,000 sq. ft. gross floor area or less are subject to limited use review and restaurants of more than 3,000 sq. ft. gross floor area are subject to conditional use review
1. Restaurants with outside eating area										P	P	P	L	L	L			P/L/C		23, 24; BLI and GI: 2, 9; MI and GI: 29; CR: 8; MU: in transition areas, restaurants of 3,000 sq. ft. or less and 300 sq. ft. or less of outdoor seating area are subject to limited use review, and restaurants of more than 3,000 sq. ft. or 300 sq. ft. of outdoor seating area are subject to conditional use review
2. Restaurants with drive-up/in facilities										L	C									11, 24; CR: 8; Not allowed in MU district overlay
Social, fraternal clubs and lodges										P		P		L				L		
F. Storage, Parking, Transportation Uses. Uses involving storage of goods or vehicles and uses associated with various modes of transportation.																				
Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																				
Bus, railroad,										C	C	C	C	C	L	C		P	P	24;

public transit terminal																			CBD, C and BLI: 2; MU and overlay: transit core area only
Commercial short-term storage (30 days or less) of inoperable vehicles, with towing operations (excluding salvage yards) with outdoor activity or storage														C	C				21, 22, 24; Not allowed in MU district overlay
Commercial storage of boats, trailers, recreational vehicles or other operable motor vehicles or equipment														L	P				Not allowed in MU district overlay
1. With outdoor activity or storage														C	L	C			21, 22, 24; Not allowed in MU district overlay
Parking garages									C	L	L	L	P	P	P	P		P	24
Parking lots to serve other principal uses within the district									C	P	P	P	P	P	P	P		P	P	
Park-and-ride commuter parking lots or garages										L	L	L	P	P	P	P		P/C	P	24; MU and overlay: conditional use in transition area
Private airport															C					24
Self-storage warehouses										C			C	L	P			L		27; C and BLI: 2; MU and overlay: Allowed only inside a mixed use building
Transportation depots, trucking terminals, distribution centers with outdoor activity or storage														C	L				P	24; Not allowed in MU district overlay
Warehouses and storage facilities for business and consumer goods													L	P	P				P	24; Allowed in MU district overlay only in commercial core

																				and transition areas
1. With outdoor activity or storage area														L	L				L	21, 22, 24; Not allowed in MU district overlay
G. Manufacturing and Processing Uses. Industrial users where products are researched, designed, assembled, manufactured, or produced.																				
Operation of all principal uses shall be conducted primarily inside an enclosed structure unless otherwise specified in this Use Table 15.04-A																				
Brewery, Distillery, Winery - 5,000 square feet or less:																				
1. With an on-site tasting room										P	P	P	L	L	C			P	C	24
2. Without an on-site tasting room										C	C		L	P	P			C	L	24
Brewery, Distillery, Winery (with or without an on-site tasting room) - over 5,000 square feet										C	C		L	P	P			C	L	24
Light industrial uses Indoor use only except for storage meeting accessory use standards													P	P	P			C	P	24; Operation impacts associated with noise, odors, light, vibration, etc., are confined to the lot on which the use is located or are adequately mitigated; MU and overlay: allowed only in commercial core area
Medium industrial uses Majority of use occurs indoor													L/C	L	P				P	24; Operational impacts associtated with noise, odors, light, vibration, etc., are confined to the zoning district in which the use is located or are adequately mitigated; BLI: Limited use review for indoor use only except for storage meeting accessory use standards. Conditional use review for uses with additional outdoor activities;

																				Not allowed in MU district overlay
Heavy industrial uses Use may occur indoor or outdoor															C				C	24; Operational impacts associated with noise, odors, light, vibration, etc., are confined to the zoning district in which the use is located or are adequately mitigated; Not allowed in MU district overlay
Oil and gas well operations and facilities										L/C	L/C	L/C	L/C	L/C	L/C	L/C	L/C		L/C	32; Refer to section 15.04.020B.32.c.iii regarding use restrictions Refer to section 15.04.020B.32.g regarding review process Not allowed in MU district overlay
Recycling plants Use may occur indoor or outdoor														C	L				C	24; Operational impacts associated with noise, odors, light, vibration, etc., are confined as specified in the following districts or are adequately mitigated: MI: The lot on which the use is located. GI and RP: The zoning district in which the use is located. Not allowed in MU district overlay
H. Public and Institutional Uses. Facilities of a public nature that are necessary for the functional or societal needs of the community.																				
Cemeteries	C	C	C	C	C					C				C		C				5; Not allowed in MU district overlay
Electrical substations, water storage sheds	C	C	C	C	C	C	C	C	C	C	C	C	L	L	L	C	C		L	24; Not allowed in MU district overlay
Emergency services, rescue squad/ambulance									L	P	L	P	P	P	P	P		L/C	P	12, 24; MU and overlay: conditional use in

services																				transition area
Essential municipal and public utility uses, facilities, services and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	Excluding offices, repair, storage, and production facilities
Government administrative and service offices	C	C	C	C	C	C	C	C	P	P	P	P	P	P	P	P	C	P	P	All residential districts: 30; RLE and RMD: 28
Hospitals									C	P		P		C		L				24; Not allowed in MU district overlay
Other community uses, services, and facilities, operated by a government or non-profit organization and not permitted elsewhere in this table	C	C	C	C	C	C	C	C	C	C	C	C	C	L	P	C	C	C	L	RLE and RMD: 28
Public penal/correctional institutions															C	C				24; Private institutions or facilities are not allowed
Water/wastewater treatment plants													C	C	C	C				24; Not allowed in MU district overlay
I. Public-Owned Airport Uses																				
Fixed base operator															P	P				
Hangar for storage of an airplane, ultralight, glider, or helicopter															P	P				Uses shall satisfy all applicable requirements of the FAA and the Vance Brand Airport Rules and Airport Regulations.
Non-aviation service operator															P	P				
Specialty based operator [Examples include airframe and power plant repair, aircraft painting, aircraft manufacturing, aircraft rental/sales, aviation charter service, avionics and instrument repair, avionics															P	P				

propeller repair crop, dusting, flight school, and skydiving]																					
Accessory Uses — See § 15.04.030																					
Temporary Uses — See § 15.04.040																					

(Code 1993, § 15.04.010; Ord. No. O-2001-78, § 1; Ord. No. O-2004-03, § 1(exh. A); Ord. No. O-2005-13, § 3 (exh. A); Ord. No. O-2006-692; Ord. No. O-2007-65, § 2(15.04); Ord. No. O-2009-21, § 6(exh.1), 6-9-2009; Ord. No. O-2009-35, § 3(exh. A), 7-14-2009; Ord. No. O-2009-75, § 3(exh. 1), 10-27-2009; Ord. No. O-2009-89, § 3(exh. 1), 12-22-2009; Ord. No. O-2010-31, § 4(exh. 1), 8-10-2010; Ord. No. O-2011-77, § 11, 11-8-2011; Ord. No. O-2011-81, § 4(exh. 1), 11-8-2011; Ord. No. O-2012-25, § 3(exh. 1), 7-17-2012; Ord. No. O-2012-60, § 2(exh. 1), 9-18-2012; Ord. No. O-2013-27, § 2(exh. 1), 6-25-2013; Ord. No. O-2015-07, § 3, 1-27-2015)

15.04.020. - Specific use standards.

A. *General.*

1. *How to use this section.* The use standards stated in section 15.04.020(B) below apply to specific permitted principal uses and correspond to the numbers shown in the "additional regulations" column in Table 15.04-A, Table of Principal Uses, stated in section 15.04.010 above. For example, if the number "3" appears in the Additional Regulations column of the Table, then the specific use standards stated in section 15.04.020(B)(3) below apply.
2. *Standards are supplemental.* As applicable, the specific use standards stated in section 15.04.020(B) below are in addition to the general criteria applicable to all conditional uses (section 15.02.060(D)) and to the general development and subdivision standards stated in chapters 15.05 and 15.07, respectively. In the case of any conflict between a specific use standard in section 15.04.020(B) below and a general development standard as stated in other provisions of this development code, the specific use standard in section 15.04.020(B) shall apply unless otherwise expressly provided.

B. *Specific use standards.*

1. *Adult or sexually oriented business uses.* All adult or sexually oriented business uses shall comply with the distance/spacing, licensing, operational standards stated in LMC chapter 6.65, "Sexually Oriented Business Regulation."
2. *Adequate land supply standard.* If the use is approved, land supply within the zoning district will remain adequate to meet city needs for residential, commercial and/or industrial uses and the land use goals, policies and strategies of the LACP.
3. *Affordable housing standards.* All affordable housing, whether provided voluntarily or as required by this development code, shall comply with the standards stated in section 15.05.220, "Affordable Housing."
4. *Bed and breakfast establishments.* All bed and breakfast inn uses shall be subject to the following standards:
   a. Such use shall not contain more than ten guest rooms.
   b. Such use shall not contain accessory retail uses such as newsstands or gift shops.
   c. Structures containing a bed and breakfast establishment shall not alter their general residential appearance.
   d. Off-street parking shall be adequately screened from adjacent properties according to subsection 15.05.090.C.2.c.
   e. Meals shall be served only to registered guests and not to the general public. No cooking or kitchen facilities shall be allowed in the guest rooms.
5. *Cemeteries.*
   a. Grave sites shall be set back from property lines at least 100 feet. This setback area shall be landscaped according to subsection 15.05.090.C.
   b. Existing trees within the cemetery property shall be preserved to the maximum extent practicable according to the standards in subsection 15.05.090.H.3 ("Preservation of Existing Trees and Vegetation").
   c. There shall be no crematorium on the property.
   d. Maintenance buildings and outside storage areas shall be screened from view, as applicable. See subsection 15.05.090.C.5.
   e. The city may require fencing along the perimeter of the cemetery to mitigate potential adverse impacts associated with the cemetery.
   f. The term cemetery shall include pet cemetery. However, no pet cemetery shall be within or abut a cemetery used for human burial.
6. *Commercial recreation facilities and live entertainment establishments.* All commercial recreation facilities and live entertainment establishments shall comply with the following standards:
   a. Commercial recreational facilities shall be limited to fishing clubs, ice skating rinks, miniature golf courses, golf driving ranges, fishing lakes, indoor shooting ranges (subject to subsection B.6.c. below), sports training facilities, and similar scale uses. Private riding academies, livery stables, and roping or equestrian areas are not allowed. (Note: Private tennis, swim, and health clubs are listed as a separate and distinct use in Table 15.04-A.)
   b. Commercial recreational facilities and live entertainment facilities shall not include concert halls or outdoor concert areas, race tracks of any kind, stadiums, or similar facility intended to attract large crowds in excess of 1,000 people.
   c. The Longmont police department shall review all indoor shooting range uses as part of the conditional use, limited use, or site plan review process, and forward its recommendations for the decision-making body's consideration during review of the use application.
   d. Except in connection with an approved indoor shooting range, the use of firearms is not permitted as a part of user activities.
   e. The applicant shall submit a transportation impact study that assesses the impacts of the proposed use on existing roads, intersections, and circulation patterns, and that demonstrates compliance with the traffic facility standard stated in subsection 15.05.150.F of this development code, and that sets forth mitigation measures to eliminate or substantially reduce identified adverse impacts.
   f. The only dwelling allowed on the property is one for a manager or a caretaker of the facility and related family.
   g. The city may restrict access to the facility, storage of vehicles or materials on the property, and hours of operation to ensure no adverse impacts on adjacent properties.
   h. The city may restrict outdoor lighting on the property to a greater extent than this development code may otherwise require to mitigate glare on surrounding roads, properties and neighborhoods.

i. All principal recreation structures shall be set back at least 50 feet from all property lines.

7. *Commercial shopping center.*
   a. Minimum development parcel: 40 acres;
   b. Minimum gross floor area: 350,000 square feet of total gross floor area with at least two major anchors;
   c. Phasing allowed: The construction of the commercial shopping center may be phased, however at least two major anchors shall be constructed prior to or concurrently with outlying uses (pad sites).
8. *Commercial shopping center—Outlying uses (pad sites).*
   a. *General standards.*
      i. The applicant shall demonstrate that the use is consistent and compatible with the principal commercial shopping center building(s), and the approved site or development plan and existing development in the regional commercial district, including, but not limited to, vehicle and pedestrian circulation, landscaping, buffering, structure design and height, and signage; and
      ii. The use will abide by all use and design standards, and mutual access, parking, maintenance, and other agreements.
   b. *Design standards.* In addition to the design standards for nonresidential development in section 15.05.120, outlying uses in a commercial shopping center shall comply with the following standards:
      i. Buildings shall incorporate facade and building design similar to those on the principal commercial building(s) in the development or center. "Similar" shall mean incorporation of at least two of the following elements found in the principal building(s):
         (A) Roof line or roof materials;
         (B) Facade design, materials and colors;
         (C) Pedestrian entryway architecture/design; or
         (D) Amounts of glazing on facades visible from public streets.
      ii. Significant departures from standardized building design may be required to meet this standard.
      iii. Buildings shall use exterior building materials similar to those used on the principal commercial building(s).
9. *Consumer goods and services uses and other support uses (including animal care facilities, automobile service stations, catering establishments, commercial recreation facilities, copy shops and printing services, day care centers, financial institutions, hotels/motels, medical/dental offices, private membership clubs, professional offices, reception/banquet halls, restaurants, and retail sales) located in industrial zoning districts* are subject to the following standards:
   a. These uses shall not be the primary use in an industrial subdivision.
   b. These uses shall not exceed 25 percent of the total lot area of the entire subdivision (as determined by the lot area in the preliminary subdivision plat or minor subdivision plat if a preliminary plat was not required), not 25 percent of the total lot area of each phase or filing of the subdivision.
   c. These uses shall not exceed 25 percent of the total floor area of the entire subdivision (as determined by the building area in the preliminary subdivision plat or minor subdivision plat if a preliminary plat was not required), not 25 percent of the total floor area of each phase of filing of the subdivision.
   d. At no time during the development of the subdivision shall these uses exceed the total lot or floor area of permitted industrial uses.
   e. For variance requests to the lot or building area limitations, the applicant shall demonstrate that the proposed use is intended to primarily serve the industrial uses within the subdivision.
   f. Uses within a designated scenic entryway overlay (SE-O) district are also subject to the use restrictions of the SE-O district in section 15.03.090
10. *Construction storage yards.* Raw materials (for example, lumber, sand or gravel, steel) may be stored on site, except that any pile of material stored on site shall not exceed a height of eight feet unless approved as a variance. Screening requirements in section 15.05.090, "Landscaping, Buffering, and Screening," shall apply when the materials are visible from a public street or from adjacent nonindustrial zoning districts or uses.
11. *Drive-in facilities (also referred to as "drive-through" facilities).* All principal uses with drive-in facilities shall comply with applicable standards governing vehicle stacking areas and drive-in facilities stated in subsection 15.05.080.N.
12. *Emergency services and ambulance services.*
   a. Emergency service facilities, not including fire/rescue stations operated by the city, shall not exceed 10,000 square feet, and the decision-making body must find that emergency response vehicles and other visitors and activities associated with the proposed use will not interfere with existing or anticipated surrounding uses.
   b. Ambulance service facilities located within one-half mile of a residential zoning district or the boundaries of a site occupied by a public or private school or park and recreation facility shall require conditional use review and approval. Such use shall front on or 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.
13. *Family care homes, group care homes, group care institutions, halfway houses, and residential rehabilitation facilities.*
   a. *Licensing.* Where applicable, certification or licensing by the applicable governmental agency is a prerequisite to final site plan approval or issuance of a certificate of occupancy. After approval, the applicant shall submit an annual report demonstrating continuing certification or licensing to the planning director in January of each year.
   b. *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.
      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.
   c. *Occupancy limits.* The number of residents occupying a facility at any one time, including staff and family of staff, shall not exceed one person per 200 square feet of living space.
   d. *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. 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).
   e.

Abandonment of use. If active and continuous operations are not carried on for a period of 12 consecutive months in a family care home, group care home, group care institution, or halfway house that was approved under this development code, the use shall be considered abandoned. The use may be reinstated only after obtaining a new conditional use approval or site plan approval, as applicable.

f. *Halfway houses.* In addition to the standards stated in subsections B.13.a through g. herein, halfway houses shall comply with the following:
   i. All halfway houses shall comply with the reporting requirements stated in chapter 9.48 of the Longmont Municipal Code.
   ii. An applicant for conditional use approval shall submit a plan for security of the premises.

g. *Family care homes.* In addition to the standards stated in subsections B.13.a. through e. above, only one family care home is allowed per dwelling unit.

14. *Funeral homes and crematory or alkaline hydrolysis facilities.* Funeral homes with or without crematory or alkaline hydrolysis facilities shall be located a minimum of 500 feet from a residential zoning district.

15. *Gasoline sales in conjunction with other uses.* If fuel is sold as part of a convenience store or other retail sales operation, the conditions for gasoline service stations listed in subsection B.16. below shall also apply. In addition, parking areas for retail sales and fuel service shall be separated from each other, and circulation within the property to each parking area shall be separate and clearly marked or evident.

16. *Gasoline (automobile) service stations, car washes, motor vehicle repair and maintenance, motor vehicle painting and bodywork.*
   a. All automobile service station, car wash, motor vehicle repair and maintenance, and motor vehicle painting and bodywork uses shall comply with the following standards:
      i. *Minimum separation.* Such uses shall be located at least 250 feet (indoor use) or 500 feet (outdoor use) from schools, day care centers, residential uses not part of a mixed use development on the same lot, or residential zoned property.
      ii. *Site layout.* Conditions of approval may require buffering, screening, or planting areas necessary to avoid adverse impacts on properties in the surrounding areas.
      iii. *Storage and accessory sales of materials and equipment.*
         (A) No outdoor displays of materials or equipment, including tires, shall be allowed, except that a display rack for automobile products no more than four feet wide may be maintained within three feet of the principal building, subject to a limit of one such display rack per street frontage.
         (B) Storage of unlicensed, inoperable, or junked vehicles is prohibited.
   b. Specific standards for gasoline (automobile) service stations and motor vehicle repair and maintenance and motor vehicle painting and bodywork uses (enclosed operations).
      i. All permitted repair work, vehicle washing, lubrication, and installation of parts and accessories shall be performed within an enclosed structure.
      ii. All automobile parts, dismantled vehicles, and similar materials shall be stored within an enclosed building or totally screened from view by a solid or privacy fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision unless the decision-making body determines that this type of screening is acceptable based on the location of the use.
      iii. Long-term storage (greater than 30 days) of vehicles is prohibited.
      iv. All vehicles awaiting repair or service shall be stored on-site in approved parking spaces and under no circumstances shall such vehicles be stored on or obstruct access to a public right-of-way.
      v. Fuel pump location shall comply with the following requirements:
         (A) Fuel pumps shall be located at least 30 feet from all property lines.
         (B) Fuel pumps shall be oriented away from adjacent residential uses and zoning districts.
         (C) All tanks containing fuel, oil, waste oils and greases, or similar substance shall be placed underground at least 25 feet from any property line, and vented, according to Colorado State health and safety requirements.
      vi. All discarded materials such as tires, cans, drums, and the like, shall be stored in an enclosed area and under cover.
      vii. A canopy over the fuel pumps may be erected provided the following conditions are met:
         (A) The canopy may be either attached or detached from the principal building.
         (B) The height of the canopy from the ground to the underside of the canopy shall be limited to the maximum extent practicable, but in no case shall exceed 16 feet.
         (C) The canopy structure shall comply with all minimum building setback standards applicable to the principal structure (see section 15.05.010, "Dimensional standards and density and intensity of use," below).
         (D) The canopy structure shall not be enclosed.
         (E) The canopy shall utilize the same architectural and design treatment, including roof forms, materials and colors, as the principal building.
         (F) 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 internally illuminated. No portion of any canopy facade area may be externally illuminated. Each side of a fuel pump canopy shall be considered a separate facade area.
         (G) Where the use is adjacent to a residential zoning district or parcel containing a residential use, all lights illuminating the fuel pumps or other areas of the site shall be extinguished at the close of business.
         (H) Fifty percent of the total land area covered by such canopy shall be counted toward any maximum FAR requirement for such use.

17. *Hotels.* All hotel uses shall be subject to the following standards:
   a. Up to 15 percent of the gross floor area of a hotel may be in nonliving-quarter incidental uses, including management/employee offices, meeting rooms, banquet halls, retail services such as newsstands and gift shops, and similar uses, provided any incidental business is conducted primarily as a service to guests, and there is no entrance to such places of business except from inside the building. See also section 15.04.030 governing accessory uses.
   b. In addition to the accessory uses allowed in subsection B.17.a above, up to an additional 25 percent of the gross floor area of a hotel may be devoted to eating/drinking establishments (restaurants, bars, nightclubs) as an accessory use. Such eating/drinking establishment may have an entrance from outside the primary building and may have a freestanding, joint use sign with the principal hotel use (see chapter 15.06 for applicable sign regulations).

18. *Large retail uses.* "Large retail uses" are retail establishments containing a gross floor area of 25,000 square feet or more. All large retail uses shall be subject to the design and development standards stated in subsection 15.05.120.B, "Design standards for retail, office, financial, restaurant and hotel establishments."

19. *Mobile homes.*

a. Mobile homes on individual lots, outside of mobile home subdivisions or mobile home parks, are not permitted as permanent dwellings.
b. All mobile home parks and subdivisions shall be subject to the review procedures stated in subsection 15.02.060.H of this development code.
c. All mobile home development shall be subject to the development standards stated in section 15.05.180, "Mobile homes," of this development code.

20. *Motor vehicle and heavy equipment sales and rentals.* Motor vehicle and heavy equipment sales or rental uses (including automobiles, recreational vehicles, boats, trucks, and motorcycles) shall be subject to the following standards:
a. Vehicle or equipment displays shall not be located within a required buffer area.
b. Front building setback areas shall be landscaped to provide a buffer between the right-of-way and vehicle or equipment sales/storage areas. Side yard setback areas shall also be landscaped if the side yard abuts a public right-of-way. See section 15.05.090 for landscaping and buffering standards.
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.
d. No other materials for sale shall be displayed between the principal structure and the street.

21. *On-site storage of supplies, equipment, or vehicles.* 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. Such uses shall be screened with a solid (100 percent opaque) wall or fence. A chain link fence with slats shall not constitute acceptable screening or fencing for the purposes of this provision, unless the decision-making body determines that this type of screening is acceptable based on the location of the use.
b. No outdoor storage area shall be placed or maintained within a required setback or buffer area.
c. Stored items shall not project above the fence or wall used to screen the material.
d. 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 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.

22. *Outdoor display, sales, service/storage areas, and activities.*
a. Outdoor displays, sales, service/storage areas, and activities shall not be located on a required parking area except for approved temporary outdoor sales.
b. Outdoor displays, sales, service/storage areas, and activities shall not be located within a required landscaped area.
c. 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 B.21 above ("On-site storage of supplies, equipment, or vehicles") if the use abuts a public right-of-way, residential use, or residential zoning district boundary.

23. *Outdoor seating and food service areas.*
a. All outdoor seating and food service areas on public property or right-of-way that meet the definition of "business extension" as stated in section 13.37.020 of the Longmont Municipal Code shall comply with applicable permitting, operational, insurance, fees, security deposit, and other requirements stated in chapter 13.37 of the Longmont Municipal Code.
b. 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.
c. Employees of the establishment shall provide the food service.
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.

24. *Residential protection standards.*
a. *Purpose.* The purpose of these standards is to promote the public health, safety, and welfare by protecting existing residential uses and established residential neighborhoods from the potentially adverse visual, noise, light, traffic, and other impacts arising from the development of new commercial, retail, industrial, or institutional/civic uses in close proximity. Accordingly, these standards seek to create a "transition area" between the edges of nonresidential and residential zoning districts and uses.
b. *Limitations on uses.* Notwithstanding the provisions of §15.04.010 of this chapter, including Table 15.04-A, Table of Principal Uses, the following uses shall not be established or developed within the distance specified below of an existing residential use or of a residential zoning district. Residential zoning districts, for the purposes of this standard, shall include residential portions of a mixed use development not located on the same lot as a nonresidential use, unless the use has been approved as part of a mixed use PUD (in which case residential portions of a mixed use development are exempt from the distance separation requirements; however, the development and operational standards in c. below are still applicable). All distances shall be measured as stated in subsection 15.05.010.A.8 of this development code. Nothing in this subsection shall be interpreted to prohibit a lawfully operating use listed below from continuing its operation, if subsequent to the listed use's establishment, a residential use or zone district, or other protected use, is established or locates within the distances specified below.
i. *Adult or sexually oriented business.* All adult or sexually oriented business uses shall comply with the distance/spacing standards stated in L.M.C. chapter 6.65, "Sexually Oriented Business Regulation";
ii. *Automobile service stations and car washes.* No closer than 250 feet, excluding residential uses located in a nonresidential zoning district (also refer to subsection 15.04.020.B.16 regarding separation requirements);
iii. *Bars, taverns and nightclubs.* No closer than 250 feet, excluding residential uses located in a nonresidential zoning district;
iv. *Bus, railroad or public transit terminal.* No closer than 250 feet, excluding residential uses located in a nonresidential zoning district;
v. *Day labor centers.* No closer than 250 feet, excluding residential uses located in a nonresidential district;
vi. *Funeral homes and crematory or alkaline hydrolysis facilities.* No closer than 500 feet, excluding residential uses located in a nonresidential district;
vii. *Indoor shooting range.* No closer than 250 feet;
viii. *Animal kennels, animal care facilities and veterinary hospitals.* No closer than 500 feet for establishments with outdoor activity area or veterinary hospitals with crematory or alkaline hydrolysis facilities, excluding residential uses located in a nonresidential zoning district; For indoor facilities—No closer than 250 feet, excluding residential uses located in a nonresidential zoning district;
ix. *Liquor stores.* No closer than 250 feet, excluding residential uses located in a nonresidential zoning district;
x. *Motor vehicle sales and rentals.* No closer than 250 feet, excluding residential uses located in a nonresidential zoning district;

xi. *Motor vehicle repair and maintenance.*

(a) No closer than 250 feet for completely enclosed operations, excluding residential uses in a nonresidential zoning district (also refer to subsection 15.04.020.B.16 regarding separation requirements);

(b) No closer than 500 feet for any outdoor repair and maintenance activity (also refer to subsection 15.04.020.B.16 regarding separation requirements);

xii. *Motor vehicle painting and bodywork.* No closer than 250 feet for completely enclosed operations and no closer than 500 feet for any outdoor activity (also refer to subsection 15.04.020.B.16 regarding separation requirements);

xiii. *Outdoor sales, repairs (excluding motor vehicle repair), and activities.* No closer than 250 feet, excluding residential uses in a nonresidential zoning district, except outdoor seating and food service areas for eating/drinking establishments as allowed in subsection 24.c below;

xiv. *Private airports.* No closer than one mile, excluding residential uses in a nonresidential zoning district;

xv. *Recycling plant.* No closer than 500 feet excluding residential uses in a nonresidential zoning district;

xvi. *Restaurants with drive-in facilities.* No closer than 250 feet excluding residential uses in a nonresidential zoning district;

xvii. *Transportation depots, trucking terminals, and distribution centers.* No closer than 500 feet, excluding residential uses in a nonresidential zoning district; and

xviii. *Heavy industrial uses.* No closer than 1,000 feet.

xix. *Brewery, distillery, winery (with or without an on-site tasting room).* No closer than 250 feet, excluding residential uses located in a nonresidential zoning district.

c. *Development and operational standards.* All new development subject to this subsection shall comply with the following development standards. These standards are in addition to applicable use and development standards stated in this chapter and chapter 15.05

i. *Applicability.* Except for uses more specifically limited in subsection B.24.b above, the following residential protection standards apply to the specified use only when the proposed use is located either in a residential zoning district, or within 250 feet of a residential zoning district. See subsection 15.05.010.A.8 for rules on measuring distance and spacing.

ii. *Conflicting provisions.* When the provisions of this subsection conflict with the provisions found in other sections of this development code, the more restrictive provision shall apply.

iii. *Operational standards.*

(A) Amplification of music, entertainment, or other noise emanating from the use that exceeds the noise standards in section 15.05.160, "Operational and performance standards," shall not be allowed.

(B) The operator or owner shall control all litter generated by the use.

(C) Seating and food service may be provided on an outside patio or enclosure of a restaurant use, provided the patio or enclosure is no more than one-third the gross floor area of the principal use. Outdoor seating and food service must close by 10:00 p.m.

(D) Outside activity shall not be conducted between the hours of 10:00 p.m. and 7:00 a.m., and no delivery, loading, trash removal or compaction, or other such operations shall be permitted between the hours of 10:00 p.m. and 7:00 a.m. unless the applicant demonstrates that the activity is compatible with the surrounding properties and neighborhood and submits evidence that such operations comply with the city noise standards.

iv. *Parking, access, and circulation standards.* The off-street parking area for the use shall be a minimum of 20 feet or more depending on the buffer requirements from the lot line of adjacent properties zoned for residential purposes. The parking area shall be landscaped according to subsection 15.05.090.C and screened to prevent glare from vehicle headlights from intruding on adjacent residential properties.

v. *Other operational and performance standards.* All development subject to these residential performance standards shall comply with the operational and performance standards stated in section 15.05.160

d. *Review of uses subject to this subsection.*

i. *Uses permitted ("P").*

(A) *Subject to limited use review procedure.* Uses subject to these residential area protection standards that are otherwise permitted ("P") shall be reviewed according to the procedure stated in subsection 15.02.090.E, "Limited use," of this development code. At the planning director's discretion, based on consideration of the proposed use's potential impacts on nearby residential uses, conditional use review may be required.

(B) *Review criteria.* All permitted uses subject to this provision shall be approved, approved with conditions, or denied based on their compliance with both the standards stated in this subsection for residential area protection, and the general review criteria and standards applicable to limited uses.

ii. *Conditional uses.* Uses subject to these residential area protection standards that are allowed as conditional uses ("C") shall be reviewed and approved according to subsection 15.02.060.D, "Conditional uses." Approval or denial of the use shall be based on its compliance with both the standards stated in this subsection for residential area protection, and the general and applicable specific review criteria and standards stated in subsection 15.02.060.D and in this section.

25. *Retail sales—Ambulatory vendors.* Retail sales by ambulatory vendors on public property or rights-of-way shall comply with all applicable requirements stated in chapter 13.37 of the Longmont Municipal Code for use of public places. Vendors on private property are restricted to one vendor.

26. *Retail sales, rentals, and repair of medical supplies/aids/devices.* In the MD-O district, establishments engaged in the retail sales, rentals, and repair of medical equipment, supplies, aids and devices shall be located on lots fronting on a collector or arterial street. Primary access to the use, including deliveries and pickups, shall be oriented away from residential areas to the maximum extent practicable.

27. *Self-storage warehouse.*

a. All self-storage warehouse facilities shall provide at least 32 feet wide drive aisles between all buildings and adjacent to all building walls with storage compartment access doors, unless the decision-making body determines that a narrower drive aisle will provide adequate circulation and fire and emergency vehicle access.

b. Self-storage warehouse facilities are allowed one on-site resident manager/caretaker living unit, subject to the following conditions:

i. The self-storage warehouse facility, including the manager/caretaker living unit, shall comply with all development regulations (setbacks, building coverage, height, etc.) listed for the zoning district or planned unit development in which the facility is located.

ii. The manager/caretaker living unit shall be incorporated into and occupy space on the premises of the self-storage warehouse facility.

iii. The self-storage warehouse facility shall include one covered parking space for exclusive use by the resident manager living unit.

iv. The self-storage warehouse facility shall include a landscaped, private yard within the self-storage warehouse project for exclusive use by the resident manager/caretaker. The landscaped yard shall include shade trees, turf, shrubs, and recreation equipment as approved by the planning director.

c.

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.

d. 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, or other techniques.

e. Minimum setbacks from residential zoning districts for all office or storage structures shall be 20 feet, the required landscape buffer width, or the height of the building, whichever is greater.

28. *Special development standards for development in the RLE and RMD zoning districts.*

a. *Purpose.* The intent of these special development standards is to protect and preserve the existing residential character of the RLE and RMD zoning districts. That existing character is defined by individuality of structures and continuity through repetition of common design and site elements including, but not limited to, street trees, front porches, established front setback patterns, garages located to the rear of the lot, peaked roofs, and details of fencing, trim, and ornamentation.

b. *Applicability.* These special development standards apply to all development in the RLE and RMD districts.

c. *Density limitation.*

i. *RLE district.* No conditional use shall be approved that would result in the gross density of any one block in the RLE zoning district exceeding six units/acre.

ii. *RMD district.* No conditional use shall be approved that would result in the gross density of any one block in the RMD zoning district exceeding eight units/acre.

d. *Preservation of special district features.* To the maximum extent feasible, best efforts shall be applied to preserve historic and unique structures in the district, and to keep intact the relatively wide right-of-way including landscaping within the right-of-way.

e. *Site development.* All new site development shall address the following:

i. Accommodation for solar orientation;

ii. Front building setbacks shall be consistent with existing setbacks on the same and facing block face (through use of an "average" setback, measured according to subsection 15.05.010(A));

iii. To the maximum extent feasible, best efforts shall be made to preserve existing vegetation, especially mature trees; and

iv. The visual impacts of off-site parking areas shall be mitigated through, for example, location in rear or side yards and provision of adequate buffering and screening landscaping.

f. *Access.* All new site development shall address the following:

i. Promotion of alternatives to vehicle travel, including pedestrian and bicycle modes of travel (e.g., adequate bicycle parking and storage); and

ii. Alleys shall be kept open to allow for the unimpeded flow of both pedestrian and vehicle traffic.

g. *Scale.* To the maximum extent feasible, the bulk and mass of new structures shall be compatible with existing development on the same block and within the district. Compatibility may be achieved through any of the following (this list is not intended to be all inclusive): Architectural design; one-story elevations along the street frontage (with second stories stepped back substantially from the front building line); preservation of original structural character when designing building additions; use of vegetation and trees; use of different and compatible roof levels; facade variation through changes in geometric plane (e.g., recessions and projections); use of ample side yards; and any other similar design technique.

h. *Architectural design.* New development shall be designed and constructed to be generally compatible with other existing structures on the block. This provision shall be satisfied by constructing the proposed building so that at least three of the following features are substantially similar to the majority of other buildings on the same or facing block face (both sides of the street):

i. Roof pitch;

ii. Roof material;

iii. Roof overhang; or

iv. The shape, size, and alignment of window and door openings.

i. *Appropriate materials.* Exterior building materials shall be compatible with existing buildings in the district.

j. *Fencing.* While fencing may be erected to assure privacy and security, all fencing shall be compatible in height, materials, and configuration to established fencing patterns on the same block and within the district.

k. *Commercial/residential edge.* New residential development in the district that abuts a nonresidential use or zoning district shall assure delineation of the abutting property lines and different uses through fencing, landscaping and adequate buffers, and variations in pavement.

l. *Lapse of conditional use approval.* Notwithstanding the lapse provisions of section 15.02.060(D), "Conditional Uses," of this development code, all conditional use approvals in the RLE and RMD districts shall expire within 180 days if a building permit is not issued in the allowed time frame.

29. *Special use protection standards.* 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.

30. *Special operational standards addressing limits on service area.*

a. The primary purpose of the use is to serve the daily convenience needs of the existing or planned residential or employee base in the district or area and is not intended to draw its primary business from outside the district or area. This may be evidenced by the size of the use, the building and signage orientation to abutting public streets, the amount of parking provided, and its typical market draw in other locations in Longmont and other communities.

b. Site location and design, pedestrian systems, building orientation, signage, and other design elements shall reflect the use's primary purpose of serving the daily needs of such residential or employee base in the area or district.

31. *Urban dwelling units.*

a. *Urban dwelling units in the C, BLI, and MI districts.* Urban dwelling units are allowed only in the same building as a principal nonresidential use, and may occupy no more than 50 percent of the total building floor area.

b. *Urban dwelling units in the CBD district.* Urban dwelling units are allowed either as the principal use in a building or in conjunction with nonresidential uses in a building.

c. *Development and design standards.*

i. Urban dwelling units shall contain no more than two bedrooms, unless the applicant demonstrates there is sufficient parking available on site.

ii.

Developments with five or more urban dwelling units shall provide at least one recreational amenity for residents. Such amenity should be scaled to an urban environment and may, by way of illustration only, include an interior landscaped courtyard, a rooftop terrace with seating and gathering spaces, or a health club facility/workout room.

iii. The primary entrance to urban dwelling units shall be separate from the primary entrance to any nonresidential use(s) located in the same building.

iv. Urban dwelling units shall be included in the calculation of maximum permitted FAR in the applicable zoning district.

32. *Oil and gas operations and facilities.*

a. *Purpose statement.*

i. The purpose of this section is to facilitate the exploration and production of oil and gas resources within the city in a responsible manner. The city has a recognized, traditional authority and responsibility to regulate land use within its jurisdiction and to provide for the orderly development and protection of the community. These regulations are intended as an exercise of this land use authority and the police power.

ii. These regulations are enacted to preserve the rights and privileges of both surface and mineral estate owners and lessors, while ensuring the health, safety, and general welfare of the present and future residents of Longmont and surrounding areas and the preservation and protection of wildlife and the environment. The city's goal is to work cooperatively with oil and gas applicants and operators, affected individuals, groups or institutions, the Colorado Oil and Gas Conservation Commission, and other municipal, county, state and federal agencies and interested parties to ensure that potential land use and environmental conflicts are adequately addressed and mitigated.

b. *Authority.* This section is adopted pursuant to C.R.S. § 31-15-401, Colorado Constitution Article XX, § 6 and C.R.S. §§ 29-20-11 et seq., 34-60-101 et seq., and 30-28-101 et seq. These standards are not intended to supersede state or federal laws, regulations, or rules pertaining to oil and gas development, but rather are meant to supplement those requirements where appropriate and to address areas of regulation where none has been heretofore established by the state or federal governments.

c. *Applicability.*

i. All oil and gas well operations and facilities within the city are subject to the requirements of this section. In the event that the provisions of this section conflict with any other provisions of the Code, this section shall supercede as it applies to oil and gas well operations and facilities.

ii. City oil and gas well permits issued pursuant to this section shall encompass within its authorization the right of the operator, its agents, employees, subcontractors, independent contractors, or any other person to perform that work reasonably necessary to conduct the activities authorized by the permit, subject to all other applicable city regulations and requirements.

iii. City oil and gas well permits may be issued for sites within the city excluding oil and gas well surface operations and facilities in residential zoning districts. For purposes of this section, residential zoning shall include residential and mixed use planned unit development (PUD) districts and mixed use (MU) zoning districts that include existing or planned residential uses. Any proposed oil and gas well location not complying with the requirements of this subsection, may apply for an operational conflict special exception according to the procedures in this section. Oil and gas waste disposal facilities, including injection wells for disposal of oil and gas exploration and production wastes, commercial disposal facilities, centralized E&P waste management facilities, and subsurface disposal facilities are classified as heavy industrial uses and are limited to applicable industrial zoning districts.

d. *Exceptions.*

i. Oil and gas well facilities that are in existence on the effective date of this subsection or that are located within territory which thereafter is annexed to the city may continue operating without the issuance of a city oil and gas well permit. A city oil and gas well permit is required for any such grandfathered well prior to any of the following: oil and gas well location expansion, new wells on the well site, and operations including completing, recompleting, hydraulic fracturing, sidetracking, or twinning of a well. Existing oil and gas well and production facilities shall not be considered nonconforming in terms of setback requirements where development has encroached within the required setbacks. The right to operate oil and gas well facilities terminates if the use thereof is discontinued for six months or more, other than by temporary abandonment or shut-in which is in conformance with COGCC rules.

ii. Accessory equipment and pumping systems that are in existence on the effective date of this subsection or are located within territory which thereafter is annexed to the city may continue operating without the issuance of a city oil and gas well permit. Any renovation or repair of nonconforming accessory equipment or pumping systems shall be permitted without a city oil and gas well permit, provided the work does not increase the degree of nonconformity. Any replacement of existing accessory equipment or any addition of accessory equipment shall conform to this section subject to the applicable review process in this section. The replacement or addition of individual tanks, treaters, or separators shall not require the remaining accessory equipment in an oil and gas well location to conform to the development standards in this section.

e. *Prohibitions.* The following oil and gas facilities are prohibited within the City of Longmont:

i. Temporary housing at an oil and gas well location, including trailers, recreational vehicles, and similar temporary structures.

f. *Definitions.* For the purposes of these oil and gas well regulations only, term definitions are included at the end of this section.

g. *General provisions.*

i. Application process.

(a) *Applications subject to administrative review.* The following are subject to administrative review:

(1) Oil and gas well operations and facilities that comply with all minimum and recommended standards in this section are subject to limited use site plan review.

(2) Seismic survey operations are subject to administrative review, except that seismic survey operations on city owned property may be subject to city council approval.

(3) Pipelines that cross public property are subject to a work in right-of-way permit review.

(b) *Applications subject to public hearing review.* The following are subject to public hearing review:

(1) Oil and gas well operations and facilities that meet minimum standard requirements and some or none of the recommended standards listed in this section are subject to conditional use site plan review.

(2) The following oil and gas facilities are subject to conditional use site plan review:

(i) Injection wells for disposal of oil and gas exploration and production wastes;

(ii) Commercial disposal facilities;

(iii) Centralized E&P waste management facilities;

(iv) Subsurface disposal facilities;

(v) Other oil and gas facilities permitted by COGCC and not described above.

(3) Variances and operational conflicts special exceptions.

h. *Submittal requirements.* Applications for a limited use or conditional use site plan for oil and gas well operations and facilities under this subsection shall contain all relevant information required for limited use and conditional use site plan applications contained in Appendix B of this development code and the specific information for oil and gas well operations and facilities contained in Table 8 in Appendix B of this development code.

i. *Issuance of oil and gas well permit for unsubdivided property.* A city oil and gas well permit may be granted on unsubdivided property without requiring the property to be subdivided.

j. *Notice and procedures.*

i. *Limited use review.* Applications for limited use review of oil and gas well operations and facilities are subject to the notice requirements of subection 15.02.040.H and the minor application procedures requirements of section 15.02.080

ii. *Conditional use review.* Applications for conditional use review of oil and gas well operations and facilities are subject to the notice requirements of subsection 15.02.040.H and the major application procedure requirements of section 15.02.050

k. *Review criteria.*

i. *Limited use review.* Applications for limited use review are subject to the limited use and site plan review criteria in subsections 15.02.090.E.3 and 15.02.090F.5 respectively, in addition to the development standard compliance criteria listed below.

ii. *Conditional use review.* Applications for conditional use review are subject to the conditional use and site plan review criteria in subsections 15.02.060D.2 and 15.02.090.F.5, respectively, in addition to the development standard compliance criteria listed below.

l. *Compliance with development standards.*

i. Applications for limited use review shall comply with all standards, including recommended standards in this section.

ii. Applications for conditional use review shall comply with the minimum standards in this section, unless a variance or special exception is granted by the decision-making body, as well as conditions of approval specified in the conditional use agreement.

m. *Variances and operational conflicts special exceptions.*

i. *Variance requests.*

(a) Variance requests to the standards of this section may be requested by the applicant. All applications where a variance is requested shall be processed in accordance with the standards and procedures outlined in subsection 15.02.060F.6 for variances.

(b) Requests for variances may include, but not be limited to, one or more of the following factors:

(1) Topographic characteristics of the site;

(2) Duration of use of the facility;

(3) Proximity of occupied structures to the facility;

(4) Ownership status of adjacent and/or affected land;

(5) Construction of adequate infrastructure to serve the project; and

(6) Planned replacement and/or upgrading of facility equipment.

(c) If the decision-making body finds, based upon competent evidence in the record, that compliance with the regulations of this division is impractical, a variance may be granted by the decision-making body permanently or for a period of defined duration.

ii. *Operational conflicts special exception.*

(a) Special exceptions to the standards of this section may be granted where the actual application of requirements of this section conflicts in operation with the requirements of the Oil and Gas Conservation Act or implementing regulations.

(b) All applications where a special exception due to operational conflicts is requested shall be processed as a public hearing and reviewed in a noticed public hearing by the decision-making body acting in a quasi-judicial capacity.

(c) The applicant shall have the burden of pleading and proving an actual, material, irreconcilable operational conflict between the requirements of this section and the state's interest in oil and gas development in the context of a specific application.

(d) For purposes of this section, an operational conflict exists where actual application of a city condition of approval or regulation conflicts in operation with the state statutory or regulatory scheme, and such conflict would materially impede or destroy the state's interest in fostering the responsible, balanced development and production and utilization of the natural resources of oil and gas in the State of Colorado in a manner consistent with protection of public health, safety, and welfare, including protection of the environment and wildlife resources, and no possible construction of the regulation in question could be found that would harmonize it with the state regulatory scheme.

(e) Additional city requirements in areas regulated by the COGCC, which fall within city land use and police powers and which are necessary to protect the public health, safety and welfare under the facts of the specific application presented, and which do not impose unreasonable burdens on the applicant and which do not materially impede the state's goals, shall be presumed not to present an operational conflict.

(f) If the decision-making body finds, based upon competent evidence in the record, that compliance with the requirements of this section shall result in an operational conflict with the state statutory and regulatory scheme, a special exception to this section may be granted, in whole or in part, but only to the extent necessary to remedy the operational conflict.

(g) The decision-making body may condition the approval of a special exception as necessary to protect the public health, safety and welfare by mitigating any adverse impacts arising from the grant of approval. Any such condition shall be designed and enforced so that the condition itself does not conflict with the requirements of the COGCC.

(h) A final decision by the city on the exception request is subject to judicial review pursuant to Rule 106(a)4 of the Colorado Rules of Civil Procedure.

n. *Third party technical review.*

i. Upon determination that the application is complete, the city may require that the application materials, including requests for minor modifications, variances, and operational conflicts special exceptions, be submitted to a technical consultant deemed by the city to be appropriate and necessary to complete the review.

ii. Reasonable costs associated with such review shall be paid by the applicant.

o. *Sales and use tax license requirement.*

i. Operators shall obtain and maintain a city sales and use tax license prior to commencing operations.
ii. Operators must conform to applicable provisions of chapter 6.04 of the Longmont Municipal Code related to licensing.

p. *Building permit requirement.* The operator shall obtain building permits prior to the construction of any above ground structures to the extent required by the city building and fire codes then in effect.

q. *Approval period.* Approval of limited use or conditional use applications for oil and gas well operations and facilities are valid for two years from the date of approval until the start of the operation, unless the decision-making body grants a longer approval period.

r. *Extensions.* Requests for extensions to the approval period for oil and gas well operations and facilities shall be reviewed according to the procedures outlined in subsection 15.02.040.O.

s. *Issuance of oil and gas well permit.* The following items are required by the city prior to issuance of a city oil and gas well permit:
i. Approval of a limited use site plan or conditional use site plan, as applicable.
ii. Satisfaction of any conditions of approval of the above applications prior to commencement of operations.
iii. Copies of:
(a) Applicable executed agreements;
(b) Applicable transportation related permits;
(c) A city sales and use tax license;
(d) Required liability insurance; and
(e) All necessary state or federal permits issued for the oil and gas well operation and facilities.
iv. Financial securities, or payment of fees, as applicable.

t. *Right to enter/inspections.*
i. *Right to enter.* For the purpose of implementing and enforcing this section, duly authorized city personnel or contractors may enter onto subject property upon notification of the permitee, lessee or other party holding a legal interest in the property. If entry is denied, the city shall have the authority to discontinue application processing, revoke city-approved permits and applications, or to obtain an order from a court of competent jurisdiction to obtain entry.
ii. *Operator contact.* The applicant shall provide the telephone number of a contact person who may be reached 24 hours a day for purposes of being notified of any proposed city inspection under this section or in case of emergency. Any permitted oil and gas operations and facilities may be inspected by the city at any time, to ensure compliance with the requirements of the city-approved permit; provided that at least one hour's prior notice is given to the contact person at the telephone number supplied by the applicant. Calling the number (or leaving a message on an available answering machine or voice mail service at the number) at least one hour in advance of the proposed inspection shall constitute sufficient prior notice if the contact person does not answer. By accepting an approved city oil and gas well permit, the applicant grants consent to such inspections. The cost of any city inspection deemed reasonable and necessary to implement or enforce the regulations for the applicant shall be borne by the applicant, provided such inspections and fees are not in conflict with COGCC inspections and rules.

u. *Enforcement and penalties.*
i. *Oil and gas operators working without or not in compliance with a city oil and gas well permit.* Any operator engaging in oil and gas well operations who does not obtain a city oil and gas well permit pursuant to these regulations, who does not comply with city oil and gas well permit requirements, or who acts outside the jurisdiction of the city oil and gas well permit may be enjoined by the city from engaging in such oil and gas well operations and may be subject to such other penalties or civil liability as may be prescribed by law. If the city prevails in whole or part in any action, the operator shall pay all reasonable attorney fees and expert costs incurred by the city.
ii. *Suspension of city oil and gas well permit.* If the city determines at any time that there is a violation of the conditions of the city oil and gas well permit or that there are material changes in an oil and gas operation or facility as approved by the permit, the development services manager or designee may, for good cause, temporarily suspend the city oil and gas well permit. In such case, upon oral or written notification by the development services manager or designee, the operator shall cease operations immediately. The development services manager or designee shall forthwith provide the operator with written notice of the violation or identification of the changed condition(s). The operator shall have a maximum of 15 days to correct the violation. If the violation is not timely corrected, the permit may be further suspended pending a revocation hearing. The operator may request an immediate hearing before the planning and zoning commission regarding the suspension. The planning and zoning commission shall hold the hearing within ten days of the operator's written request.
iii. *Revocation of city oil and gas well permit.* The planning and zoning commission may, following notice and hearing, revoke a city oil and gas well permit granted pursuant to these regulations if any of the activities conducted by the operator violate the conditions of the city oil and gas well permit or these regulations, or constitute material changes in the oil and gas operation approved by the city. No less than 14 days prior to the revocation hearing, the city shall provide written notice to the permit holder setting forth the violation or the material changes and the time and date for the revocation hearing. Notice of the revocation hearing shall be published in a newspaper of general circulation not less than five days prior to the hearing. Following the hearing, the city may revoke the oil and gas permit or may specify a time by which action shall be taken to correct any violations of the oil and gas permit to avoid revocation.
iv. *Transfer of permits.* A city oil and gas well permit may be transferred only with the written consent of the city. The city shall not unreasonably withhold its consent, but shall ensure, in approving any transfer, that the proposed transferee can and will comply with all the requirements, terms, and conditions contained in the city oil and gas well permit and these regulations, that such requirements, terms, and conditions remain sufficient to protect the health, welfare, and safety of the public, and the environment; and that an adequate guaranty of financial security related to the city-approved permit can be timely made.
v. *Judicial review.* A final decision by the city on a city oil and gas well permit is subject to judicial review pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure.

v. *General development standards.* The following sections provide minimum and/or recommended standards that will apply to any oil and gas well operations and production facilities, and shall be in addition to any applicable state and federal standards. Use of consolidated well pads and directional and horizontal drilling when and where appropriate, closed loop ("pitless") systems, appropriate water quality monitoring systems, and other techniques, including current and available best management practices, are intended to protect the integrity of the surface estate and subsurface resources and ensure the health, safety, and general welfare of the present and future residents of Longmont and surrounding areas and the preservation and protection of wildlife and the environment.
i. *Compliance with state and federal regulations, rules, orders and conditions.* In addition to the provisions contained in these regulations, oil and gas operations and facilities within the City of Longmont shall comply with all applicable state and federal regulations, rules, orders and conditions.

ii. *Multi-well sites and directional/horizontal drilling.* Oil and gas well operations and facilities will be consolidated on multi-well sites and directional and horizontal drilling techniques will be used whenever possible and appropriate. In determining appropriateness, the benefits of consolidation and the use of directional and horizontal drilling, such as drilling from outside of a prohibited zoning district, minimizing surface disturbance and traffic impacts and increasing setbacks, will be weighed against the potential impacts of consolidated drilling and production activities on surrounding properties, wildlife and the environment.

iii. *Well facilities siting.* Oil and gas well facilities and operations shall be located and designed to minimize impacts on surrounding uses, including residential areas, schools, medical facilities, churches, day care and retirement centers, and other places of public assembly, and natural features such as distinctive land forms, vegetation, river or stream crossings, ridgelines and vistas, city-owned and city-designated open space areas, and other designated landmarks to the maximum extent practical. Efforts shall be made to avoid adversely impacting the well spacing requirements of the COGCC or the ability of the oil and gas well operator to develop the resource. Facilities should be located at the base of slopes where possible and access roads should be aligned to follow existing grades and minimize cuts and fills.

iv. *Cultural resources.* Applications for all oil and gas well facilities and operations may require a cultural resources report, as determined by the city. The report, if required, will be prepared by a qualified professional, and meet State of Colorado requirements, including a complete written description and identification of the cultural resources on the site and within the surrounding area of the proposed oil and gas well facility and will include mitigation measures, if necessary, to ensure that appropriate actions are taken to avoid or minimize negative impacts to the maximum extent practical.

v. *Drainage.* Oil and gas well operations and facilities shall comply with applicable city drainage requirements and standards.

vi. *Hazard areas.* Oil and gas well operations and facilities in hazard areas, including floodplains and manmade (e.g., airport) conditions, and in other areas where such operations would constitute a hazard to public health and safety or to property should be avoided. Land should not be developed for oil and gas well facilities and operations until hazards have been identified and avoided, removed, or until the applicant can show that the impact of the hazard(s) can be mitigated to the maximum extent practical. All well facilities and operations conducted within a floodplain shall comply with title 20 of the Longmont Municipal Code pertaining to floodplain regulations.

vii. *Emergency preparedness.* Oil and gas well operations and facilities shall provide the city with an acceptable written emergency response plan for the potential emergencies that may be associated with the operation of the facilities. This shall include, but not be limited to, any or all of the following:

(a) Explosions, fires, gas or water pipeline leaks or ruptures, hydrogen sulfide or other toxic gas emissions, and hazardous material vehicle accidents or spills.

(b) Operation-specific emergency preparedness plans are required for any oil and gas operation that involves drilling or penetrating through known zones of hydrogen sulfide gas.

(c) The plan shall include a provision for the operator to reimburse the appropriate emergency response service provider for costs incurred in connection with the emergency.

viii. *Hazardous materials.* Full disclosure, consistent with COGCC requirements, including material safety data sheets of all hazardous materials that will be transported on any public or private roadway within the city for the oil and gas operation, shall be provided to the Longmont Hazards Prevention Office. This information will be treated as confidential and will be shared with other emergency response personnel only on an as needed basis.

ix. *Safety/security.* The operator of oil and gas facilities shall comply with COGCC requirements for initial and ongoing site security and safety measures. Such requirements shall adequately address security fencing, the control of fire hazards, equipment specifications, structural stabilization and anchoring, and other relevant safety precautions.

x. *Maintenance and general operation.*

(a) The operator shall at all times keep the well sites, roads, rights-of-way, facility locations, and other oil and gas operations areas safe and in good order, free of noxious weeds, litter and debris.

(b) The operator shall dispose of all water, unused equipment, litter, sewage, waste, chemicals and debris off of the site at an approved disposal site.

(c) The operator shall promptly reclaim and reseed all disturbed sites in conformance with COGCC rules.

xi. *Indemnification.* Each city oil and gas well permit issued by the city shall include the following language: "Operator does hereby expressly release and discharge all claims, demands, actions, judgments, and executions which it ever had, or now has or may have, or its successors or assigns may have, or claim to have, against the City and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of personal injuries, known or unknown, and injuries to property, real or personal, or in any way incidental to or in connection with the actions or inactions of the Operator or its agents, or caused by or arising out of, that sequence of events which occur from the Operator's or its agents actions or inactions. The Operator shall fully defend, protect, indemnify, and hold harmless the City and/or its departments, agents, officers, servants, successors, assigns, sponsors, or volunteers, or employees from and against each and every claim, demand, or cause of action and any and all liability, damages, obligations, judgments, losses, fines, penalties, costs, fees, and expenses incurred in defense of the City and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, including, without limitation, personal injuries and death in connection therewith which may be made or asserted by Operator, its agents, assigns, or any third parties on account of, arising out of, or in any way incidental to or in connection with the performance of the work performed by the Operator under any permit, and the Operator agrees to indemnify and hold harmless the City and/or its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees from any liabilities or damages suffered as a result of claims, demands, costs, or judgments against the City and/or, its departments, its agents, officers, servants, successors, assigns, sponsors, volunteers, or employees, created by, or arising out of their acts or omissions occurring on the drill site or operation site or in the course and scope of inspecting, permitting or monitoring the oil/gas wells. Liability for any action or inaction of the City is limited to the maximum amount of recovery under the Colorado Governmental Immunity Act."

xii. *Financial securities/liability insurance.*

(a) *Minimum standard.*

(1) *Performance security.* The applicant may be required to provide reasonable performance security to the city through a minor improvement security agreement as outlined in subsection 15.02.120.H.7, in an amount to be determined by the city and in a form acceptable to the city as outlined in subsection 15.02.120.D to ensure compliance with the city oil and gas well permit and with the requirements set forth in this section. Conditions of approval covered by this performance security shall consist of measures addressing specific impacts affecting the general public and any damage to public infrastructure. Reclamation and other activities which fall under COGCC jurisdiction are exempted from this performance guarantee coverage.

(2) *Liability insurance.* For any oil or gas well facility permitted under this section, the applicant shall submit a certificate of insurance to the economic development department, showing that a policy of comprehensive general liability insurance or a self-insurance program approved by the Colorado Insurance Commission, in the amount of no less than $1,000,000.00 per occurrence, insuring the applicant against all claims or causes of action made

against the applicant for damages arising out of the oil or gas well operations. The policy shall be written by a company authorized to do business in the State of Colorado, unless the applicant provides evidence to the city that the applicant is adequately self-insured. The certificate shall require at least 30 days' notice to the city prior to termination of coverages for any reason.

(b) *Recommended standard.*

(1) *Performance security.* The applicant may be required to provide reasonable performance security to the city through a minor improvement security agreement as outlined in subsection 15.02.120.H.7, in an amount to be determined by the city and in a form acceptable to the city to ensure compliance with requirements set forth in this section and specific conditions in the city oil and gas permit. Conditions of approval covered by this performance security shall consist of measures addressing specific impacts that may affect the general public and any damage to public infrastructure.

xiii. *Impact fees.* Every permit issued by the city under this section shall require the applicant or operator to pay a fee that is sufficient to pay for all impacts which the proposed operation will cause to facilities owned or operated by the city or used by the general public, including, but not limited to: repair and maintenance of roads, bridges and other transportation infrastructure; improvements made or to be made by the city to accommodate the operations and to protect public health, safety and welfare; costs incurred to process and analyze the application, including the reasonable expenses paid to independent experts or consultants; and impact fees comparable to those charged to other businesses or industries who operate within the city which are not specifically mentioned herein, and other impacts. The city shall establish a mechanism to assess and obtain payment of such fees, subject to the right of the city to request additional funds if the fees prove to be insufficient, or to refund surplus funds to the operator if the fees paid exceed the true cost of the impacts.

xiv. *Operation plan.* Applications for all oil and gas well facilities and operations will include an operation plan, which should, at a minimum, include the operator's method and schedule for drilling, well completion, transportation, resource production, and post-operation activities.

w. *Specific development standards.*

i. *Setbacks/location of wells and production facilities from buildings, platted residential lots, parks, sports fields and playgrounds, and designated outside activity areas.*

(a) *Recommended standard.*

(1) Wells and production facilities shall be 750 feet or more from occupied buildings or occupied buildings permitted for construction.

(2) Wells and production facilities shall be 750 feet or more, or the maximum distance practicable as determined by the city, from platted residential lots, or parks, sports fields, playgrounds or designated outside activity areas.

ii. *Setbacks/location of proposed buildings, platted residential lots, parks, sports fields and playgrounds public roads, and major above ground utility lines from existing wells and production facilities.*

(a) Proposed occupied buildings shall be 750 feet or more from existing oil and gas wells and production facilities.

(b) Platted residential lots, sports fields and playgrounds shall be 750 feet or more, or the maximum distance practicable as determined by the city, from existing oil and gas wells and production facilities.

(c) Proposed unoccupied buildings and other structures shall comply with local fire code requirements.

(d) Proposed public roads and major above ground utility lines shall be located 150 feet or more from existing oil and gas wells and production facilities.

iii. *Setbacks/location of proposed buildings, platted residential lots, sports fields and playgrounds from plugged and abandoned or dry and abandoned wells.*

(a) Proposed occupied buildings or additions, sports fields or playgrounds shall be located 150 feet or more, or the maximum distance practicable as determined by the city, from existing plugged and abandoned or dry and abandoned oil and gas wells.

(b) Proposed unoccupied buildings shall be located 50 feet or more, or the maximum distance practicable as determined by the city, from existing plugged and abandoned or dry and abandoned wells.

(c) No proposed residential lots shall include any portion of plugged and abandoned or dry and abandoned oil and gas wells.

iv. *Visual mitigation.*

(a) *Analysis.* Applications for all oil and gas facilities may be required to include a visual impact analysis. The analysis, if required, shall include photographic simulations of the site from nearby public rights-of-way and locations as determined by the development services manager or designee and proposed impact mitigation measures as indicated below. The development services manager or designee will determine the appropriate land use(s) from which a photographic simulation of the site shall be provided based upon topography, existing vegetative and/or structural screening, and the linear distance from the proposed oil and gas facility to the respective land use(s).

(b) *Mitigation.*

(1) Methods for appropriate visual impact mitigation include, but are not limited to, use of low profile tanks, facility painting, vegetative or structural screening, berming, or minor relocation of the facility to a less visible location on the respective site.

(2) On-site relocation may be necessary where the proposed facility would cause visual impacts to natural ridgelines, rock outcroppings, or other distinct geologic formations, provided relocation does not adversely impact the well spacing requirements of the COGCC or the ability of the oil and gas well operator to develop the resource.

(3) Where the painting of a facility or any structural screening (i.e., fence or wall) is required as a method of impact mitigation, such facility and screening shall be painted a uniform, noncontrasting, nonreflective color tone. The facility or structural screening paint color shall be matched to the land, not the sky, and shall be slightly darker than the adjacent landscape.

v. *Noise.*

(a) *Minimum standard.* Sound emission levels and mitigation, at a minimum shall be in accordance with the standards as adopted and amended by COGCC.

(b) *Recommended standard.*

(1) Sound emission levels shall be in accordance with the standards as adopted and amended by COGCC.

(2) The operator shall provide additional noise mitigation that may be required by the city. In determining such additional noise mitigation, specific site characteristics shall be considered, including, but not limited to, the following:

(i) Nature and proximity of adjacent development (design, location, type);

(ii) Prevailing weather patterns, including wind directions;

(iii) Vegetative cover on or adjacent to the site or topography.

(3)

Further, based upon the specific site characteristics, the nature of the proposed activity, and its proximity to surrounding development, and type and intensity of the noise emitted, additional noise abatement measures above and beyond those required by the COGCC may be required by the city. The level of required mitigation may increase with the proximity of the facility to existing residences and platted subdivision lots and/or the level of noise emitted by the facility. One or more of the following additional noise abatement measures shall be provided by the operator if requested by the city:

(i) Acoustically insulated housing or covers enclosing any motor or engine;

(ii) Screening of the site or noise-emitting equipment by a wall or landscaping;

(iii) Solid wall of acoustically insulating material surrounding all or part of the facility;

(iv) A noise management plan specifying the hours of maximum noise and the type frequency, and level of noise emitted;

(v) Use of electric-power engines and motors, and pumping systems; and/or

(vi) Construction of buildings or other enclosures may be required where facilities create noise and visual impacts that cannot otherwise be mitigated because of proximity, density, and/or intensity of adjacent land use.

vi. *Vibration.* All mechanized equipment associated with oil and gas wells and production facilities shall be anchored so as to minimize transmission of vibration through the ground according to COGCC rules.

vii. *Lighting.* All on-site lighting used in the construction of the well and its appurtenances shall comply with the COGCC Rule 803. All permanent lighting fixtures installed on the site shall comply with the City of Longmont lighting standards found in section 15.05.140, Outdoor lighting.

viii. *Water protection.* Rivers, streams, reservoirs, irrigation ditches, groundwater, wetlands and other waterbodies are considered important water systems for the city. The value of both surface and groundwater are significant and the city finds that protection of water resources is of primary importance, and must be adequately addressed by any applicant for an oil and gas facility permit.

(a) Oil and gas well operations shall not adversely affect the quality or quantity of surface or subsurface waters. If the COGCC designates a waterbody as part of a public water system, oil and gas well operations shall be consistent with COGCC Rule 317.B, Public Water System Protection.

(b) Oil and gas well operations shall not adversely affect the water quality, quantity or water pressure of any public or private water wells.

ix. *Setbacks to waterbodies.*

(a) *Minimum standard.* Oil and gas well operations and facilities and operations shall comply with setback requirements for river/stream corridors and riparian areas, and wetlands under subsection 15.05.020.E. If the waterbody is associated with a designated outside activity area, the setback from the waterbody shall be consistent with the setback for the outside activity area. If the waterbody is classified as part of a public water system, oil and gas well operations shall be consistent with COGCC Rule 317.B, Public Water System Protection.

(b) *Recommended standard.* Oil and gas well operations and facilities shall be located 300 feet or more, or the maximum distance practicable as determined by the city, from the normal high-water mark of any waterbody. If the waterbody is associated with a designated outside activity area, the setback from the waterbody shall be consistent with the setback for the outside activity area. If the COGCC designates the waterbody as part of a public water system, oil and gas well operations shall be consistent with COGCC Rule 317.B, Public Water System Protection.

x. *Water quality testing and monitoring.*

(a) The applicant shall comply with COGCC water well testing and water-bearing formation protection procedures and requirements.

(b) If the city determines that additional water quality testing or monitoring is required, the applicant shall submit a water quality monitoring plan to the city for review and approval.

(c) The plan will outline a monitoring program to establish a baseline for and monitor water quality conditions and pollutants in surface or groundwater that could be impacted by production of oil or natural gas from any well in an adjacent single or consolidated well site. The plan, at a minimum, will include the following:

(1) The type and number of wells needed to establish baseline groundwater quality upgradient and downgradient of the proposed oil and gas operations, including depth, materials of construction and location of wells on and around the site;

(2) The constituents to be sampled for, taking into account State of Colorado groundwater standards and any materials used in the oil and gas operations that could affect groundwater;

(3) The type and frequency of samples to be collected and analyzed before operations start, during operations and after operations have been completed;

(4) The analytical methods and reporting levels to be used;

(5) The proposed frequency of reporting results to the city and COGCC.

(d) The plan shall be based on hydrologic studies or equivalent information showing the subsurface conditions and mobility of the groundwater aquifer(s) that will be affected by the oil and gas operations. The plan shall be prepared by an engineer registered in the State of Colorado with experience in groundwater monitoring and subsurface condition investigations.

(e) The procedures and provisions in the approved plan shall be implemented by the oil and gas well operators prior to any construction or operations on the site. Oil and gas well operators shall fund the development and implementation of the water quality monitoring plan and program for the duration of operations on the site and for a minimum of five years following completion of operations and abandonment of the well(s). All monitoring records related to the program shall be provided to the city as soon as they are available to the operator.

xi. *Waste and wastewater disposal and closed loop/pitless system.*

(a) *Minimum standard.* All water, waste, chemicals, fluids, solutions or other solid materials or liquid substances produced or discharged by the operation of the oil and gas well's facilities shall be treated and disposed of in accordance with all applicable rules and regulations of the governmental authorities having jurisdiction over such matters.

(b) *Recommended standard.*

(1) No pits, production, reserve, waste, or otherwise, shall be constructed or maintained on the site and any produced water or waste and chemicals, fluids, hydrocarbons, fracturing solutions or other solid materials or liquid substances of any kind shall not be discharged on the site and shall be discharged and held only in a "closed loop system" comprised of sealed storage tanks, commonly used for such purposes in the industry, which contents shall be promptly removed from the site and disposed of off of the site at a licensed disposal site, in accordance with COGCC or other applicable rules and regulations.

(2) Drilling or operation of any wastewater or other injection or disposal wells is prohibited. Except to the extent that materials are injected into a well as part of normal and ordinary drilling, completion and production operations, an operator shall not inject or re-inject any fluid, water, waste, fracking material, chemical or toxic product into any well.

xii. *Production site containment.* Berms or other containment devices shall be constructed around crude oil condensate, or produced water and waste storage tanks and shall enclose an area sufficient to contain and provide secondary containment for 150 percent of the largest single tank. Berms or other secondary containment devices shall be sufficiently impervious to contain all spilled or released material. No more than two storage tanks shall be located within a single berm in high density areas. All berms and containment devices shall be maintained in good condition. No potential ignition sources shall be allowed inside the secondary containment area.

xiii. *Spill, release, discharge.* The operator shall implement best management practices in compliance with applicable state and federal laws to avoid and minimize the spill, release or discharge of any pollutants, contaminants, chemicals, solid wastes, or industrial, toxic or hazardous substances or wastes at, on, in, under, or near the site. Any such spill, release or discharge, including without limitation, of oil, gas, grease, solvents, or hydrocarbons that occurs at, on, in, under, or near the site shall be remediated by the operator and notice provided by the operator in compliance with applicable state and federal laws, rules and policies.

xiv. *Stormwater management.* The construction and operation of oil and gas wells and production equipment, including access roads and storage areas for equipment and materials, shall meet all stormwater management and pollution prevention requirements of the Colorado Department of Public Health and Environment and any applicable requirements of LMC chapter 14.26

xv. *Pipeline and gathering systems.* The design, construction, cover, and reclamation of all pipelines and gathering lines for oil and gas operations shall be subject to the COGCC rules. The alignment location of any approved pipeline or gathering system shall be recorded against the respective property in the records of the county clerk and recorder. The location of any pipelines and gathering lines which are proposed for abandonment shall also be recorded against the respective property in the records of the county clerk and recorder upon abandonment.

xvi. *Air quality.*

(a) Air emissions from oil and gas well facilities and operations shall be, at a minimum, in compliance with the permit and control provisions of the Colorado Air Quality Control Program, C.R.S. tit. 25, § 7.

(b) The operator shall make reasonable efforts to minimize methane emissions by using all feasible "green completion" techniques, pursuant to COGCC Rules Section 805(3), and the installation of "low bleed" pneumatic instrumentation and closed-loop systems.

(c) To the maximum extent practicable, all fossil fuel powered engines used on site shall employ the latest emission-reduction technologies.

(d) The use of electric-power engines and motors, and pumping systems are recommended to reduce airborne emissions wherever practical given an oil and gas well facility's proximity to available electric transmission lines.

xvii. *Odor/dust containment.* Oil and gas facilities and equipment shall be operated in such a manner that odors and dust to do not constitute a nuisance or hazard to public health, safety, welfare, and the environment, including compliance with COGCC Rules section 805.b.(1), and LMC subsection 15.05.160.D regarding use of best available technologies to control odor.

xviii. *Wildlife and habitat.* Oil and gas facilities shall comply with federal and state requirements regarding the protection of wildlife and habitat, including the COGCC wildlife resource protection rules, and the provisions of LMC section 15.05.030, "Habitat and species protection". The applicant shall implement such procedures as recommended by the Colorado Division of Wildlife after consultation with the city natural resources staff.

xix. *Reclamation, re-vegetation and well abandonment.*

(a) *Site vegetation analysis.* Applications for oil and gas well facilities shall include an analysis of the existing vegetation on the site to establish a baseline for re-vegetation upon abandonment of the facility or upon final reclamation of the site. The analysis shall include a written description of the species, character, and density of existing vegetation on the site and a summary of the potential impacts to vegetation as a result of the proposed operation.

(b) *Re-vegetation.* Applications for oil and gas facilities shall include any COGCC accepted interim and final reclamation procedures and consultation with city natural resources staff regarding site specific re-vegetation plan recommendations.

(c) *Well abandonment.* Operators shall comply with COGCC rules regarding well abandonment. Upon the plugging and abandonment of a well, the operator shall provide surveyed coordinates of the abandoned well and a physical marker of the well location.

xx. *Transportation impacts, road and access.*

(a) *Transportation impact study.*

(1) Applications for oil and gas well facilities and operations may be required, as determined by the city, to include a transportation impact study, which shall clearly identify and distinguish the impacts to city roads and bridges related to facility construction, operations, and ongoing new traffic generation from other impacts. Transportation impact studies shall be prepared in accordance with the city standards requirements or other guidelines as provided by the city engineer. The process for mitigation of transportation impacts typically will include a plan for traffic control, evidence of the receipt of all necessary permits, ongoing roadway maintenance, and improving or reconstructing city roads as necessary, including providing financial assurance.

(2) A traffic control plan shall be prepared for each phase of operations where city roads will be utilized for transportation of materials in support of site construction and/or operations.

(3) In the event that public road improvements are required to accommodate an oil and gas well facility, engineered drawings prepared by a Colorado licensed civil engineer shall be approved prior to permitting work in the right-of-way. Such drawings shall conform to city standards. Financial assurance shall be required for the construction or reconstruction of all public roads.

(b) *Maintenance.* In the event that the activities of an operator cause any city roadway to become substandard, the city may require the operator to provide ongoing maintenance of the applicable substandard city roadway. Such maintenance may include dust control measures and roadway improvements such as graveling, shouldering, and/or paving as determined in the transportation impact study.

(c) *Site access.* Any access to a property from a city street requires a city-issued access permit. Permits are revocable upon issuance of a stop work order or if other permit violations occur. The permitting and construction of site accesses shall comply with the city design standards.

(d) *Private access roads.* For private access roads connecting oil and gas well facilities with a public street or state highway, the applicant shall provide written documentation as part of the application demonstrating that it has the legal right to use such road(s) for the purpose of accessing the facilities. All private roads used to access oil and gas well facilities shall be graded for appropriate drainage, and surfaced and maintained to provide adequate access for oil

and gas operation vehicles and emergency vehicles. The operator shall comply with city standards regarding vehicle tracking and dust mitigation. The operator shall also enter into an agreement with the private road owner regarding maintenance and reimbursement for damages.

(e) *State highway access.* If access is directly to a state highway, the applicant must have an approved state highway access permit for the proposed facility.

xxi. *Signs.* Oil and gas well facilities shall have signage consistent with the COGCC rules. In addition, each well site and production site shall have posted in a conspicuous place a legible sign of not less than three square feet and not more than six square feet bearing the current name of the operator, a current phone number including area code, where the operator may be reached at all times, and the name or number of the lease and the number of the well printed thereon. The sign shall warn of safety hazards to the public and shall be maintained on the premises from the time materials are delivered for drilling purposes until the well site and production site is abandoned.

x. *Definitions.* For purposes of these oil and gas well regulations only, the following words shall have the following definitions:

Accessory facilities means all of the equipment, buildings, structures, and improvements associated with or required for the operation of a well site, pipeline, or compressor facility. Ancillary facilities include, but are not limited to, roads, well pads, tank batteries, combustion equipment and exclude gathering lines.

Act means the Oil and Gas Conservation Act of the State of Colorado.

Best management practices (BMPs) are practices that are designed to prevent or reduce impacts caused by oil and gas operations to air, water, soil, or biological resources, and to minimize adverse impacts to public health, safety and welfare, including the environment and wildlife resources.

Centralized exploration and production (E&P) waste management facility means a facility, other than a commercial disposal facility regulated by the Colorado Department of Public Health and Environment, that: (1) is either used exclusively by one owner or operator or used by more than one operator under an operating agreement; and (2) is operated for a period greater than three years; and (3) receives for collection, treatment, temporary storage, and/or disposal produced water, drilling fluids, completion fluids, and any other exempt E&P wastes as defined by the COGCC rules that are generated from two or more production units or areas or from a set of commonly owned or operated leases. This definition includes oil-field naturally occurring radioactive materials (NORM) related storage, decontamination, treatment, or disposal. This definition excludes a facility that is permitted in accordance with COGCC Rule 903, pursuant to COGCC Rule 902.e.

COGCC means the Colorado Oil and Gas Conservation Commission.

Commercial disposal well facility means a facility whose primary objective is disposal of Class II waste from a third party for financial profit.

Completion. An oil well shall be considered completed when the first new oil is produced through well head equipment into lease tanks from the ultimate producing interval after the production string has been run. A gas well shall be considered completed when the well is capable of producing gas through wellhead equipment from the ultimate producing zone after the production string has been run. A dry hole shall be considered completed when all provisions of plugging are complied with as set out in these rules. Any well not previously defined as an oil or gas well, shall be considered completed 90 days after reaching total depth. If approved by the COGCC, a well that requires extensive testing shall be considered completed when the drilling rig is released or six months after reaching total depth, whichever is later.

Dedicated injection well means any well as defined under 40 C.F.R. § 144.5B, 1992 Edition, (adopted by the U.S. Environmental Protection Agency) used for the exclusive purpose of injecting fluids or gas from the surface. The definition of a dedicated injection well does not include gas storage wells.

Designated agent means the designated representative of any oil and gas well operator.

Designated outside activity areas means as defined in COGCC rules.

Exploration and production waste (E&P waste) means those wastes associated with operations to locate or remove oil or gas from the ground or to remove impurities from such substances and which are uniquely associated with and intrinsic to oil and gas exploration, development, or production operations that are exempt from regulation under Subtitle C of the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6921 et seq. For natural gas, primary field operations include those production-related activities at or near the well head and at the gas plant (regardless of whether or not the gas plant is at or near the wellhead) but prior to transport of the natural gas from the gas plant to market. In addition, uniquely associated wastes derived from the production stream along the gas plant feeder pipelines are considered E&P wastes, even if a change of custody in the natural gas has occurred between the wellhead and the gas plant. In addition, wastes uniquely associated with the operations to recover natural gas from underground storage fields are considered to be E&P wastes.

Flowlines means those segments of pipe from the wellhead downstream through the production facilities ending at: in the case of gas lines, the gas metering equipment; or in the case of oil lines the oil loading point or lease automatic custody transfer (LACT) unit; or in the case of water lines, the water loading point, the point of discharge to a pit, the injection wellhead, or the permitted surface water discharge point.

Gathering line means a pipeline and equipment described below that transports gas from a production facility (ordinarily commencing downstream of the final production separator at the inlet flange of the custody transfer meter) to a natural gas processing plant or transmission line or main. The term "gathering line" includes valves, metering equipment, communication equipment cathodic protection facilities, and pig launchers and receivers, but does not include dehydrators, treaters, tanks separators, or compressors located downstream of the final production facilities and upstream of the natural gas processing plants, transmission lines, or main lines.

Green completion practices mean those practices intended to reduce emissions of salable gas and condensate vapors during cleanout and flowback operations prior to the well being placed on production and thereafter as applicable.

Groundwater means subsurface waters in a zone of saturation.

Inactive well means any shut-in well from which no production has been sold for a period of 12 consecutive months; any well which has been temporarily abandoned for a period of six consecutive months; or, any injection well which has not been utilized for a period of 12 consecutive months.

Local government designee (LGD) means the office designated to receive, on behalf of the local government, copies of all documents required to be filed with the local government designee pursuant to these rules.

Mineral estate owner means the owner or lessee of minerals located under a surface estate that are subject to an application for development.

Multi-well site means a common well pad from which multiple wells may be drilled to various bottom hole locations.

Oil means crude petroleum oil and any other hydrocarbons, regardless of gravities, which are produced at the well in liquid form by ordinary production methods, and which are not the result of condensation of gas before or after it leaves the reservoir.

Oil and gas means oil or gas or both oil and gas.

Oil and gas well means a hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

Oil and gas well facility means 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.

Oil and gas well location means a definable area where an operator has disturbed or intends to disturb the land surface in order to locate an oil and gas well facility.

Oil and gas well operations means 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.

Operating plan means a general description of a facility identifying purpose, use, typical staffing pattern, equipment description and location, access routes, seasonal or periodic considerations, routine hours of operating, source of services and infrastructure, and any other information related to regular functioning of that facility.

Operator means any person who exercises the right to control the conduct of oil and gas operations.

Owner means any person with a working interest ownership in the oil and gas or leasehold interest therein.

Pit means a subsurface earthen excavation (lined or unlined), or open top tank, used for oil or gas exploration or production purposes for retaining or storing substances associated with the drilling or operation of oil and gas wells. Pits may include drilling pits, production pits, reserve pits and special purpose pits as defined in COGCC Rules

Plugging and abandonment means the cementing of a well, the removal of its associated production facilities, the removal or abandonment in-place of its flowline, and the remediation and reclamation of the well site.

Pollution means manmade or man-induced contamination or other degradation of the physical, chemical, biological, or radiological integrity of air, water, soil, or biological resource.

Production facilities mean all storage, separation, treating, dehydration, artificial lift, power supply, compression, pumping, metering, monitoring, flowline, and other equipment directly associated with oil or gas wells.

Production site means that surface area immediately surrounding proposed or existing production equipment, or other accessory equipment necessary for oil and gas production activities, exclusive of transmission and gathering pipelines.

Public water system means those systems designated by the COGCC. These systems provide to the public water for human consumption through pipes or other constructed conveyances, if such systems have at least 15 service connections or regularly serve an average of at least 25 individuals daily at least 60 days out of the year. Such definition includes:

(i) Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system.

(ii) Any collection or pretreatment storage facilities not under such control, which are used primarily in connection with such system.

The definition of "Public water system" for purposes of Rule 317B, does not include any "special irrigation district," as defined in Colorado Primary Drinking Water Regulations (5 C.C.R. 1003.1).

Reclamation means the process of returning or restoring the surface of disturbed land as nearly as practicable to its condition prior to the commencement of oil and gas operations or to landowner specifications with an approved variance under COGCC Rule 502.b.

Remediation means the process of reducing the concentration of a contaminant or contaminants in water or soil to the extent necessary to ensure compliance with the concentration levels in COGCC rules and other applicable groundwater standards and classifications.

Seismic operations means all activities associated with acquisition of seismic data, including but not limited to, surveying, shothole drilling, recording, shothole plugging and reclamation.

Sensitive area means an area vulnerable to potential significant adverse groundwater impacts, due to factors such as the presence of shallow groundwater or pathways for communication with deeper groundwater; proximity to surface water, including lakes, rivers, perennial or intermittent streams, creeks, irrigation canals, and wetlands. Additionally, areas classified for domestic use by the water quality control commission, local (water supply) wellhead protection areas, areas within one-eighth mile of a domestic water well, areas within one-fourth mile of a public water well, groundwater basins designated by the Colorado Ground Water Commission, and surface water supply areas are sensitive areas.

Sidetracking means entering the same well head from the surface, but not necessarily following the same well bore, throughout its subsurface extent when deviation from such well bore is necessary to reach the objective depth because of an engineering problem.

Spill means any unauthorized sudden discharge of E&P waste to the environment.

Subsurface disposal facility means a facility or system for disposing of water or other oil field wastes into a subsurface reservoir or reservoirs.

Surface water supply area means the classified water supply segments within five stream miles upstream of a surface water intake on a classified water supply segment. Surface water supply areas shall be identified on the public water supply area map or through use of the public water system surface water supply area applicability determination tool described in COGCC Rule 317B.b.

Tank shall mean a stationary vessel that is used to contain fluids, constructed of non-earthen materials (e.g., concrete, steel, plastic) that provide structural support.

Treatment facilities means any plant, equipment or other works used for the purposes of treating, separating or stabilizing any substance produced from a well.

Twinning means the drilling of a well within a radius of 50 feet from an existing well bore when the well cannot be drilled to the objective depth or produced because of an engineering problem, such as a collapsed casing or formation damage.

Waterbodies mean reservoirs, lakes, perennial or seasonally flowing rivers, streams, creeks, springs, irrigation ditches, aquifers, and wetlands.

Waters of the state means any and all surface and subsurface waters which are contained in or flow in or through this state, but does not include waters in sewage systems, waters in treatment works of disposal systems, water in potable water distribution systems, and all water withdrawn for use until use and treatment have been completed. Waters of the state include, but are not limited to, all streams, lakes, ponds, impounding reservoirs, wetlands, watercourses, waterways, wells, springs, irrigation ditches or canals, drainage systems, and all other bodies or accumulations of water, surface and underground, natural or artificial, public or private, situated wholly or partly within or bordering upon the state.

Well means an oil or gas well for purposes of exploration and production.

Well site means the areas that are directly disturbed during the drilling and subsequent operation of, or affected by production facilities directly associated with, any oil or gas well or injection well and its associated well pad.

All terms used in this section that are defined in the Act or in COGCC rules and are not otherwise defined in chapter 15.10 of this development code, shall be defined as provided in the Act.

All other words used in this section shall be given their usual customary and accepted meaning, and all words of a technical nature, or peculiar to the oil and gas industry, shall be given that meaning which is generally accepted in the oil and gas industry.

33. *Agricultural uses.*
    a. *Applicability.* Agricultural uses are permitted in the A (agricultural) zoning district, subject to the following requirements.
    b. *Existing uses.* Agricultural uses that legally exist at the time of annexation may continue, subject to the provisions of the annexation ordinance or annexation agreement, as applicable.
    c. *New or changed agricultural uses.* Agricultural uses established or changed after the property has been annexed shall comply with the definition of agricultural uses in section 15.10.020, or as allowed by the planning and development services director. Agricultural uses shall be subject to site plan review as outlined in chapter 15.02 and the applicant shall address the following items, as applicable, as part of the site plan (in addition to the other site plan submittal requirements):
        i. Odor, noise and other potential nuisance control;
        ii. Waste containment and disposal;
        iii. Animal containment;
        iv. Hours of operation.
    d. *Compliance with health regulations.* All agricultural uses shall comply with the requirements and regulations of the appropriate health department having jurisdiction in the matter, and all applicable federal, state, county, or local laws and ordinances.
    e. *Minimum parcel size for agricultural uses.* Parcels with agricultural uses shall be a minimum of five acres in area. No more than one principal dwelling shall be allowed on each parcel.
    f. *Setbacks for livestock uses.*
        i. Livestock uses shall be located the maximum distance practicable from any residential use on adjacent properties, but no less than 500 feet.
        ii. All buildings associated with livestock uses shall be located a minimum of 50 feet from all property lines in addition to the requirement in subsection B.33.f.i. of this section.
    g. *Minimum amount of open area for livestock use.* A minimum area of one acre of open pasture area is required for keeping of livestock.
    h. *Maximum number of livestock.* 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:

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.

    i. *Accessory agricultural uses.* Accessory uses in the A zoning district are subject to the provisions in section 15.04.030

34. *Animal care facilities and sales establishments.*
    a. All facilities are subject to applicable city, county, and state licensing requirements and standards;

b. Animal care facilities, animal kennels, and veterinary hospitals are subject to residential protection standards of subsection 15.04.020.B.24.;
c. Outdoor activity areas of animal care facilities shall not exceed the business indoor gross floor area and shall be located and designed to minimize visual impacts and other impacts on surrounding properties or uses;
d. Overnight boarding in animal care facilities shall occur indoors between the hours of 7:00 p.m. and 7:00 a.m.;
e. All facilities shall control odor, dust, noise, waste, drainage, and security so as not to constitute a nuisance, safety hazard or health problem to surrounding properties or uses.

(Code 1993, § 15.04.020; Ord. No. O-2001-78, § 1; Ord. No. O-2005-13, § 5; Ord. No. O-2006-69, § 3; Ord. No. O-2007-65, §§ 3, 4; Ord. No. O-2010-31, § 5, 8-10-2010; Ord. No. O-2011-77, § 8, 11-8-2011; Ord. No. O-2011-81, § 5, 11-8-2011; Ord. No; O-2012-25, § 2, 7-17-2012; Ord. No. O-2012-60, §§ 3, 4, 9-18-2012; Ord. No. O-2013-27, § 3, 6-25-2013; Ord. No. O-2015-07, § 4, 1-27-2015)

15.04.030. - Accessory uses and structures.

A. *General provisions and standards.*
1. *Accessory uses and structures included.* Principal permitted uses and approved limited and conditional uses may include the accessory uses, structures, and activities as stated in this section, unless specifically prohibited. Site plan approval or waiver, as provided in subsection 15.02.090.F, is required for accessory uses unless otherwise noted.
2. *Applicable regulations.* All accessory uses, structures, and activities shall be subject to the general, dimensional, operational, and use-specific regulations stated in this section 15.04.030, in addition to the same regulations that apply to principal use in each district. In the case of any conflict between the accessory use/structure standards of this section and any other requirement of this development code, the standards of this section shall control.
3. *General standards.* All accessory uses and structures shall meet the following standards:
   a. The accessory use or structure:
      i. Directly serves the principal use or structure and/or is reasonably and customarily incidental to the principal use or structure;
      ii. Is subordinate in area, size, height, extent, and purpose to the principal use or structure; and
      iii. Is located on the same lot as the principal use or structure.
   b. The principal use or structure, together with the accessory use/structure, does not violate the bulk, density, parking, landscaping, or open space requirements of this development code.
   c. No accessory use or structure, except for accessory dwelling units, shall be constructed or established prior to the principal use or structure.
   d. Any accessory structure that is attached to a principal structure by a shared wall or breezeway less than six feet in length shall be considered attached for the purposes of this code.

B. *Accessory structure and use standards.* The following standards shall apply to all accessory structures and uses:
1. *Location.* No accessory structure shall occupy a required front or corner street side setback or project beyond the front building line or side building line adjacent to a street of the principal building or structure, except as specifically allowed in this development code.
2. No accessory structure, including overhangs and projections, shall be located within any platted or recorded easement or over any known utility.
3. No accessory structure or use shall be located within a required sight distance triangle, as described in the city standards.
4. Maximum building or structure size on a residential lot or parcel.
   a. The total footprint of all accessory structures (including detached garages, carports and storage buildings), shall not exceed two-thirds of the principal dwelling's footprint (excluding the area of attached accessory structures).
5. No more than three accessory structures are permitted on a lot or parcel.
6. No accessory building or structure shall exceed the height of the principal structure, except where the development code otherwise limits the height of a specific type of accessory building or structure.
7. *Design.* Accessory buildings and structures shall be designed to be architecturally compatible, to the maximum extent practicable, with the principal building(s) in terms of building materials and colors, roof forms, and other architectural features.
8. *Dwelling units.* Except as otherwise expressly approved by the city for an accessory dwelling unit, no accessory structure shall include a dwelling unit.
9. *Water and sewer utilities.* Water and sewer lines may not be extended to a detached building or structure on a residential lot or parcel, except for plumbing used for a utility sink or in an accessory dwelling unit.

C. *Table of accessory uses.*
1. *Listed accessory uses.* Table 15.04-B below lists what types of accessory uses, structures and activities are permitted in all of the zoning districts.
2. *Interpretation of unlisted uses.* The director of planning and development services shall evaluate potential accessory uses that are not identified in Table 15.04-B on a case-by-case basis, under the written code interpretation procedures stated in section 15.02.110 of this development code. In making an interpretation, the director of planning and development services shall apply the following criteria and standards:
   a. The definition of "accessory use" stated in chapter 15.10 of this development code and the general accessory use standards stated in subsection B above;
   b. The additional regulations for specific accessory uses stated in subsection C below;
   c. The purpose and intent of the subject zoning district;
   d. Any potential adverse impacts the accessory use may have on other properties in the area, compared with other accessory uses permitted in the zoning district; and
   e. The compatibility of the accessory use, including the structure in which it is housed, with other principal and accessory uses permitted in the zoning district.
3. *Table 15.04-B: Table of Accessory Uses.*

MATRIX OF ACCESSORY USES

A = Allowed Accessory Use
Blank Cell = Prohibited Use
See section 15.04.030 and chapter 15.05 for additional regulations.

Specific	Zoning District	Additional Regulations

Accessory Uses	E1	E2	R1	R2	R3	MH	RLE	RMD	MD-O	C	CR	CBD	BLI	MI	GI	P	A	MU	RP	(Apply in All Districts Unless Otherwise Stated)
Accessory dwelling unit	A	A	A	A	A		A	A				A					A	A		§ 15.04.030.D.1
Automated teller machine (ATM)								A	A	A	A	A	A	A	A	A		A	A	Accessory to principal nonresidential uses only
Cafeteria, dining halls, and similar food services									A	A	A	A	A	A	A	A		A	A	Such facilities shall be operated primarily for the convenience of employees, clients, customers or visitors to the principal use
Vehicle wash bay										A	A	A	A	A	A	A		A	A	A single-bay car wash allowed as accessory to a permitted gasoline service station use, public vehicle storage and maintenance facility, or motor vehicle sales and rental uses only; § 15.05.080.N; MU: drive-up facility allowed in commercial core area only subject to drive-up facility standards in § 15.03.150.F.4
Day care centers accessory to a permitted religious assembly use			A	A	A		A	A		A		A	A	A		A				R1, R2, R3, RLE, RMD: See Table 15.04-A and requirements for review of religious assembly uses with accessory day care centers
Domestic animals, provided such animals are household pets and kennels are not maintained	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		
Dwelling unit for owner, caretaker, or employee						A				A	A	A	A	A	A	A	A	A	A	§ 15.04.030.D.2
Flagpoles	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	§ 15.04.030.D.9
Home occupation	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A		§ 15.04.030.D.4; Accessory to principal residential use only
Livestock uses for educational agencies and scientific research facilities															A	A				§ 15.04.030.D.5
Offices to operate principal use									A	A	A	A	A	A	A	A		A	A	

On-site day care centers (for employees' children)									A	A	A	A	A	A	A	A		A	A	
Outdoor sales, display of merchandise, or other activity that is part of or related to the principal use, but which is not specifically addressed in this matrix, provided such area does not exceed 10% of the gross floor area of the principal structure unless the director of planning and development services determines that a greater area does not have a negative impact on the surrounding community										A	A	A		A	A			A	A	§ 15.05.130, "Outdoor storage, equipment, loading and display"; MU: Only as allowed in district regulating plan
Outdoor storage, which shall not exceed 10% of the principal use gross floor area unless the director of planning and development services determines that a greater area does not have a negative impact on the surrounding community										A			A	A	A	A			A	§ 15.05.130, "Outdoor storage, equipment, loading and display"; Not allowed in MU district overlay
Patios, cabanas, porches, gazebos, and incidental household storage buildings	A	A	A	A	A	A	A	A				A					A	A		
Playlots, recreation facilities, on-site management office, laundry facilities for use by residents only			A	A	A	A	A	A		A		A	A	A				A		Accessory to allowed residential uses only
Private schools accessory to a permitted religious assembly use			A	A	A		A	A		A		A		A		A				R1, R2, R3, RLE, RMD: See Table 15.04-A and requirements for limited or conditional use review of religious assembly uses with

																			accessory schools
Production of fermented malt beverages, malt, special malt and vinous and spirituous liquors (brew pub)										A	A	A	A	A	A			A		As accessory to a allowed restaurant use only
Recycling collection point										A	A	A	A	A	A	A		A	A	§ 15.04.030.D.6
Residential garages, carports and storage sheds	A	A	A	A	A	A	A	A		A		A	A	A			A	A		§ 15.04.030.D.3; Accessory to allowed residential uses only
Restaurants, bars, news stands, gift shops, clubs, managerial offices and lounges									A	A	A	A	A	A		A		A		Only allowed when inside a building containing a permitted principal hotel or motel use, or accessory to a public golf course
Retail sales of goods as part of permitted industrial and warehouse uses													A	A	A				A	§ 15.04.030.D.7; Not allowed in MU district overlay
Retail sales of goods produced on-site as part of allowed agricultural uses																	A			§ 15.04.030.D.8
Satellite dishes and antennas	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	§ 15.04.030.D.9
Solar panels	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	§ 15.04.030.D.9
Storage or parking of trucks, cars or major recreational equipment, including, but not limited to, boats, boat trailers, camping trailers, motorized homes and house trailers	A	A	A	A	A	A	A	A				A				A	A	A		§ 15.04.030.D.10; CBD and A: Accessory to residential uses only
Swimming pools and hot tubs	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Urban agriculture uses	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	§ 15.10
Windmills	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	§ 15.04.030.D.9
Other accessory uses, as determined by the director of planning and development services to meet	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	See § 15.04.030.C.3

accessory criteria																			

———

D. *Specific accessory use regulations.*

1. *Accessory dwelling units.* Accessory dwelling units are allowed as an accessory use to a principal one-family dwelling use in all residential zoning districts except the MH zoning district, subject to site plan waiver and building code requirements (See subsection 15.02.090.F.) and the following standards:
   a. *Where permitted.*
      i. An accessory dwelling may be integrated into the principal dwelling structure or located in a detached, accessory structure such as a garage.
      ii. The accessory dwelling unit shall be located on the same lot as the principal one-family dwelling.
      iii. Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
   b. *Size of accessory unit.*
      i. *Minimum size.* None.
      ii. *Maximum size.* No accessory dwellings shall exceed one-half of the size of the gross floor area of the principal dwelling unit.
   c. *Height.*
      i. *Accessory dwelling units located in detached structures.* The maximum height of a permitted accessory dwelling unit that is located in a detached structure, like a garage, shall be 25 feet.
   d. *Limit on sale, tenancy and occupancy.*
      i. The property owner shall occupy either the principal or accessory dwelling unit.
      ii. Accessory dwelling units shall not be sold apart from the principal dwelling.
      iii. Accessory dwelling units shall not be leased or rented for tenancies of less than 30 days.
   e. *Density calculations.* Accessory dwelling units shall count toward any applicable maximum residential density requirement.
   f. *Limit on number.* Only one accessory dwelling unit is allowed on a lot in addition to the principal one-family dwelling.
   g. *Off-street parking.* At least one off-street parking space shall be provided for an accessory dwelling unit, in addition to the off-street parking provided for the principal one-family dwelling.
   h. *Setbacks.* Accessory dwelling units shall meet the following setback standards:
      i. For new accessory dwelling units located in a detached structure:
         Front: 20 feet or no closer than existing principal unit, whichever is less.
         Rear: 10 feet.
         Side: 5 feet.
      ii. Accessory dwelling units located in existing detached structures shall not be required to meet new setback standards unless the structure expands.
      iii. Accessory dwelling units that are attached to the principle structure shall meet setbacks for the principle structure.
2. *Dwelling unit for owner, caretaker or employee.*
   a. A dwelling unit for an owner, caretaker, or employee is one that is accessory to a nonresidential use, except for mobile home parks or subdivisions.
   b. Only one such dwelling unit per principal use shall be allowed.
   c. In nonresidential zoning districts, the dwelling unit shall be inside or attached to the principal building.
3. *Detached garages/carports for residences.*
   a. *Height.*
      i. The maximum height shall be 16 feet or the height of the principal structure, whichever is less.
   b. *Size.*
      i. 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.
4. *Home occupations.* It is the intent of this subsection to regulate home occupations so that the average neighborhood resident, under normal circumstances, will not be aware of their existence. Home occupations must meet all of the following criteria:
   a. 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 the inhabitants of the principal dwelling and no others. A person who does not reside within the principal dwelling or accessory dwelling unit cannot be employed in the home occupation.
   b. 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.
   c. 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 one-half (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.
   d. There shall be no advertising or other display or indications of a home occupation, with the exception of signage permitted per chapter 15.06 (Signs), of this development code.
   e. 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.

f. 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.

g. 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.

h. 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.*

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:

b. *Plan required.* A plan of operation shall be submitted to and approved by the director of planning and development services. 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 shall be kept a minimum 1,000 feet from any adjacent residential use.

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 in subsection D.5.f. below. For animals contained within a structure, the maximum number of animals permitted shall be determined by recognized livestock industry standards.

f. *Animal unit chart.* The animal unit charts is as follows:

Livestock	**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. *Recycling collection point.*

a. Recyclable materials shall be collected and stored in a completely enclosed building unless the director of planning and development services determines that completely enclosed containers located adjacent to or behind a building will be compatible with the surrounding businesses and neighborhood.

b. Notice shall be clearly posted on the building or containers that no materials shall be left outside of the building or containers.

c. Items left outside of the building or containers shall be removed each morning by 8:00 a.m.

7. *Retail sales of goods as part of permitted industrial and warehouse uses.*

a. All retail sales shall be conducted within the same structure housing the principal industrial or warehouse use, and no outdoor retail sales activity shall be allowed;

b. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.;

c. Items for sale shall either be manufactured by the principal use or part of the principal warehouse's stock;

d. Maximum gross floor area of the accessory retail use shall be either ten percent of the total gross floor area of the principal use or 5,000 square feet, whichever is less.

8. *Retail sales as part of allowed agricultural uses.*

a. All accessory retail sales shall be conducted inside a building or at an open stand.

b. Hours of operation shall be limited to 7:00 a.m. to 9:00 p.m.

c. Advertising signs shall be limited to the following:

i. One non-illuminated freestanding sign a maximum of 20 square feet in area and six feet in height with a setback from the property line equal to the sign height;

ii. One non-illuminated wall sign a maximum of 20 square feet in area on an approved wall area, and not exceeding the height of the building or stand where the sales occur or 20 feet, whichever is less.

d. Items for sale shall be agricultural goods produced on-site (excluding livestock of any type or form) as part of an allowed agricultural use.

e. The maximum area allowed for an accessory retail use shall be 1,000 square feet or ten percent of the area of all buildings on the parcel, whichever is less.

9. *Flagpoles, other antennas, solar panels and windmills.*
    a. The height shall not exceed the maximum structure height for the zoning district in which they are located.

(Code 1993, § 15.04.030; Ord. No. O-2001-78, § 1; Ord. No. O-2005-13, §§ 4(exh. B), 6; Ord. No. O-2006-69, § 4; Ord. No. O-2009-21, § 6(exh. 1), 6-9-2009; Ord. No. O-2011-81, § 4(exh. 1), 11-8-2011; Ord. No. O-2014-38, § 1, 7-8-2014)

15.04.040. - Temporary uses.

A. The following temporary uses shall obtain a temporary use permit under this code:
    1. Temporary event.
    2. Seasonal and holiday sales.
    3. Real estate sales office.
    4. Retail mobile food vending.
    5. Other temporary uses.

    See chapter 13.04 for work in right-of-way and chapter 13.37 for use of public places.

B. *Exempt activities.* The following events or activities are exempt from the requirements of this section, but remain subject to all other applicable provisions of this development code and the Longmont Municipal Code, including those governing noise control:
    1. Temporary events or activities occurring within, or upon the grounds of, a private residence or upon the common areas of a multifamily residential development.
    2. Natural disasters and emergencies. 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. *Definitions.*

"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.

D. *General standards applicable to all temporary uses.*
    1. *Traffic.* The proposed site must be adequately served by streets or drives having sufficient width and improvements to accommodate the type and quantity of traffic that such temporary use will or could reasonably generate.
    2. *Parking.* Adequate parking must be available, either on-site or at alternate locations, to accommodate vehicular traffic reasonably expected to be generated by such use.
    3. *Signs.* Permanent signs are prohibited. All signs shall conform to the provisions for temporary signs in chapter 15.06, and shall be removed when the activity ends.
    4. *On-site lighting.* All on-site lighting shall conform to the outdoor lighting provisions of section 15.05.140
    5. *Trash.* The owner of a temporary use is responsible for the storage and removal of all trash, refuse and debris on the site. All trash storage areas shall be screened from view from adjacent rights-of-way, and the site must be maintained in a clean and safe manner.
    6. *Noise.* All temporary uses shall meet day-time noise standards as defined in section 10.20.100 unless otherwise exempted.
    7. *Review criteria.* All temporary uses shall meet the requirements of subsection 15.02.090.G., "temporary uses."

E. *Specific use standards.*
    1. *Temporary events.*
        a. *Applicability.* These provisions apply to all temporary events held on private property within the City of Longmont.
        b. *Referral authorized.* A completed temporary use application shall be referred to other appropriate city departments or agencies for approval as needed.
        c. *Grounds for denial of permit.* An application for a temporary event permit may be denied upon the development services manager'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, trash 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.
        d. *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, including PUD-MU.

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. *Where allowed.* 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.

iv. 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 development services manager determines on-street parking is not sufficient.

g. *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 from the mobile retail food establishment or pushcart to the nearest edge of the building of a restaurant.

ii. They are not permitted in parks with permanent concession facilities when park concessions are in operation.

iii. Exception: Zoning and separation requirements do not apply to temporary event permits issued under subsection 15.04.040.E.1 or special event permits issued under section 13.37 of the Municipal Code.

iv. Exception: Ice cream vendors are permitted in residential zoning districts.

b. *Reserved.*

c. *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.

d. *Term of the permit.* All permits shall be valid for one year from the date of issuance.

5. *Other temporary uses.* Subject to this section, the development services manager 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.

(Code 1993, § 15.04.040; Ord. No. O-2001-78, § 1; Ord. No. O-2006-69, § 5; Ord. No. O-2009-21, § 6, 6-9-2009; Ord. No. O-2011-77, § 9, 11-8-2011; Ord. No. O-2013-45, § 8, 10-8-2013)

CHAPTER 15.05. - DEVELOPMENT STANDARDS

15.05.010. - Dimensional standards and density and intensity of use.

A. *General provisions and rules of measurement.*

1. *Residential density—Measurement.*

a. Residential density means the total number of dwelling units allowed per total gross area of land contained within the property lines of a specific development parcel, excluding existing right-of-way. "Gross land area" for purposes of density measurement shall include land to be dedicated to the public, such as rights-of-way, but shall exclude nonresidential portions of the development parcel and land area dedicated or reserved for public school sites and public parks.

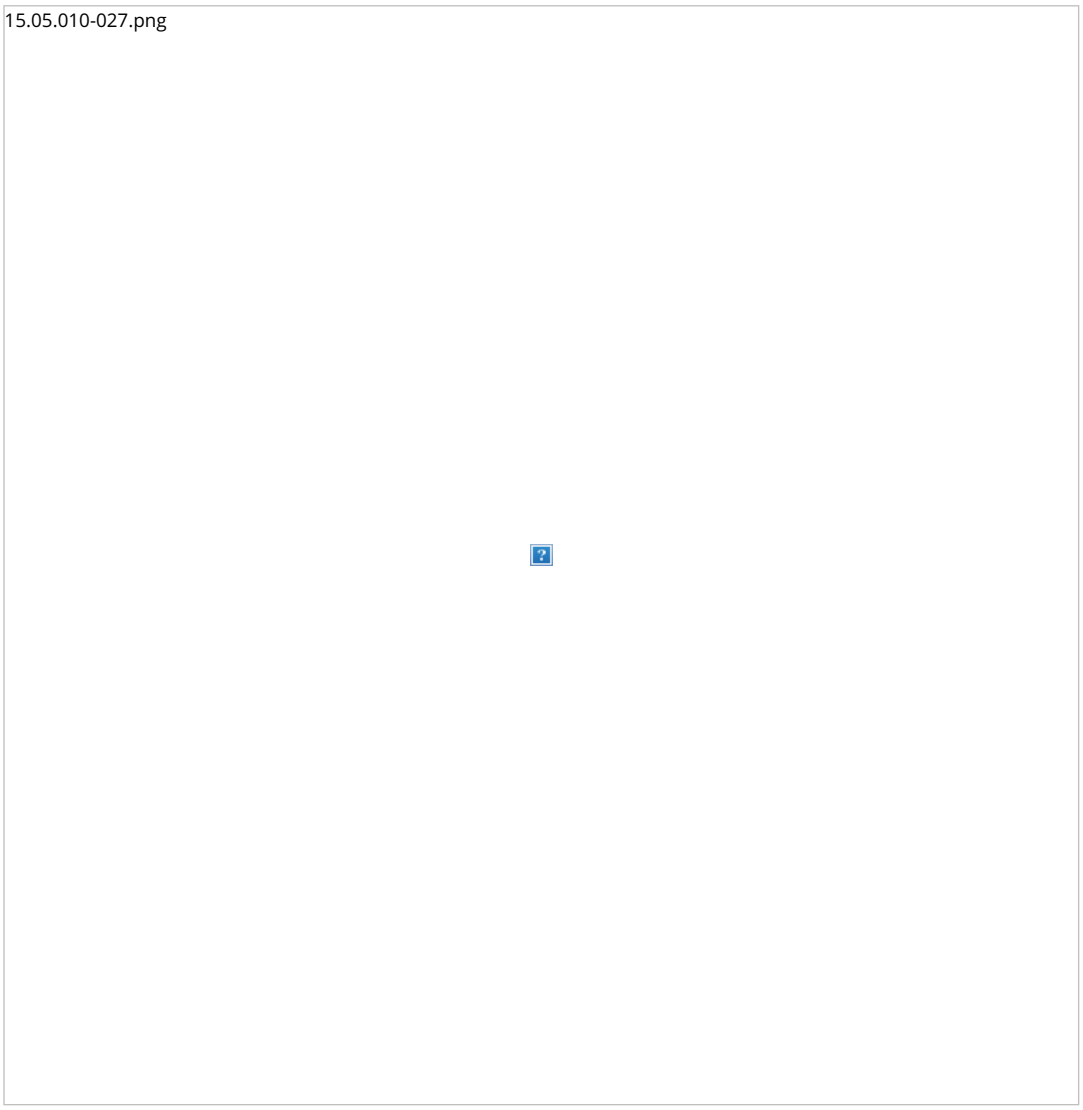
b. When applying a density standard to a parcel's gross land area, all resulting fractions of dwelling units shall be rounded down to the next lower whole number.

c. The number of dwelling units allowed on a site is subject to a development meeting all other applicable standards. The maximum density established for a zoning district (see Tables 15.05-A and 15.05-B below) is not a guarantee that such densities may be obtained, nor a valid justification for varying other dimensional or development standards.

2. *Building and structure setbacks.* All development shall comply with the following setback measurement provisions and general standards, including development in a PUD unless the city approves an alternative approach or standard in the PUD development plan.

a. *Setbacks from property lines or alleys—Measurement and obstructions.* Except for rear setbacks from non-dedicated alleys (see subsection (A)(2)(a)(i) below), 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.

15.05.010-027.png



i. The rear setback from alleys that are not dedicated shall be measured from the fence line, if applicable, or from the closest edge of the travel lane.

ii. Items listed in subsection (A)(2)(d) below are the only permanent features allowed within setbacks; otherwise, setbacks shall be unobstructed from the ground to the sky.

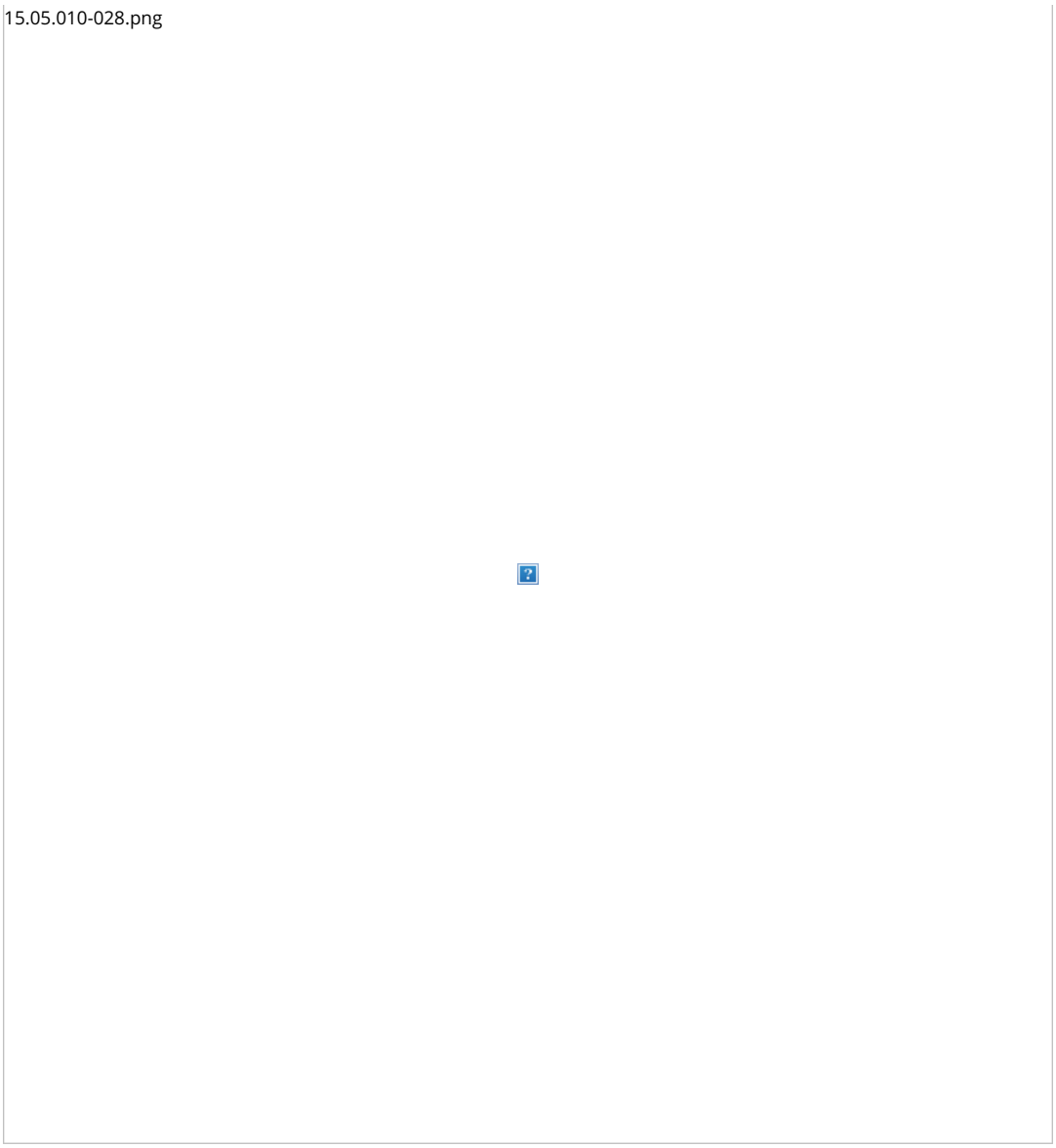
b. *Application to one building.* No part of a setback area required for any building for the purpose of complying with this chapter or development code shall be included as a setback for another building.

c. *Average front setback—Measurement.* 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.

i. Only lots with similar uses to the use proposed for development are included in the average setback calculation.

ii. 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.

15.05.010-028.png



d. *Permanent features allowed within setbacks.* The following features may encroach into a required setback, provided the encroachment does not adversely affect drainage or utilities:

i. Cornices, canopies, eaves, or other similar architectural features if they extend no more than two feet into a required setback and if they do not encroach into or overhang an easement;

ii. Driveways and sidewalks, provided that the edge of a driveway, other than a joint or shared driveway, shall be set back at least three feet from an adjacent property line;

iii. Fences or walls subject to height and other restrictions stated in this development code;

iv. Fire escapes may extend into a required setback or yard not more than six feet;

v. Patios, porches, and decks, uncovered and no more than 24 inches above grade, provided they do not extend more than 30 percent of the required setback distance into the required front or side yard setback;

vi. Steps or ramps to the principal entrance and necessary landings, together with railings, provided they do not extend more than six feet into the required setback;

vii. First-story, unenclosed, covered porches, decks, terraces, and patios attached to residential dwellings, if such items are between 24 inches and 15 feet in height above finished grade, may extend no more than five feet into a required front or rear setback or five feet into a required side setback adjacent to a street, provided they do not encroach into or hang over an easement or a property line and the encroachment does not obstruct sight distance requirements per city standards;

viii. Landscaping;

ix. Trees, vegetation, or other features of natural growth subject to certain planting restrictions stated in this development code;

x. Utility service lines to a structure;

xi. Utility lines, wires, and associated structures within a utility easement;

xii. Swimming pools and hot tubs/spas: subject to fencing and setback standards as outlined in section 15.04.030.A.12.; and

xiii. Window wells no more than three feet.

e. *Front setbacks on corner lots.* For corner lots, all sides of the lot with street frontage shall be required to meet the applicable front yard setback.

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

g. *Setbacks from oil and gas wells.* All buildings and structures shall be set back from oil and gas well facilities consistent with the current city-adopted Fire Code and oil and gas conservation commission regulations.

h. *Setbacks consistent with the adopted building and fire codes.* All buildings and structures shall comply with the setback requirements of the building and fire codes adopted by the city.

i. *Variation in setbacks.* Building and fire codes and site design standards may require setbacks greater than the minimum requirements in Tables 15.05-A and 15.05-B below if walls at the property line contain windows, doors, or eaves. Applicants shall consult with the building inspection division prior to development.

j. *Encroachments—Easements.* No portion of any buildings or structure shall encroach into or over an easement.

3. *Building and structure height.*

a. *Measurement.*

15.05.010-029.png

i. Building height is measured from the average of finished grade at the center of all walls of the building to the top of the parapet or highest roof beam (whichever is higher) on a flat or shed roof, to the top of the parapet or deck level (whichever is higher) of a mansard roof, or the average distance between the highest ridge and its eave of a gable, hip, or gambrel roof.

ii. Structure height (not including buildings) is measured from the average of finished grade of each support of the structure to the highest point of the structure.

iii. Finished grade shall be consistent with an approved grading and drainage plan, as applicable, and best management practices and shall be consistent and compatible with surrounding properties.

b. *Exemption for public utility and emergency service facilities.*

i. 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.

c. *Other height exceptions.* The following items are allowed to exceed the maximum height allowed in the zoning district by no more than ten feet, unless more strictly limited in the list below, provided the items are adequately screened to mitigate potential adverse visual impacts. All of the following items shall be typically associated with the structure to which they are attached. Applicants may request other exceptions to the height limitations stated in this section according to the height exception procedures in chapter 15.02 (Development Review Procedures) of this development code.

i. Chimneys, smokestacks or flues that cover no more than five percent of the horizontal surface area of the roof;

ii. Cooling towers and ventilators that cover no more than five percent of the horizontal surface area of the roof;

iii. Elevator bulkheads and stairway enclosures that cover no more than five percent of the horizontal surface area of the roof;

iv. Water towers and fire towers that cover no more than five percent of the horizontal surface area of the roof;

v. Utility poles and support structures that cover no more than five percent of the horizontal surface area of the roof; and

vi. Belfries, spires, steeples, cupolas, and domes associated with places of worship, provided they are not used for dwelling purposes.

d. *Minimum height—Dwellings.* All dwellings shall be constructed with at least 75 percent of the roof surface higher than ten feet from grade.

e. *Fence or wall height.* The height of a fence or wall is measured as the vertical distance between finished grade on the highest side of the fence or wall to the top of the fence or wall.

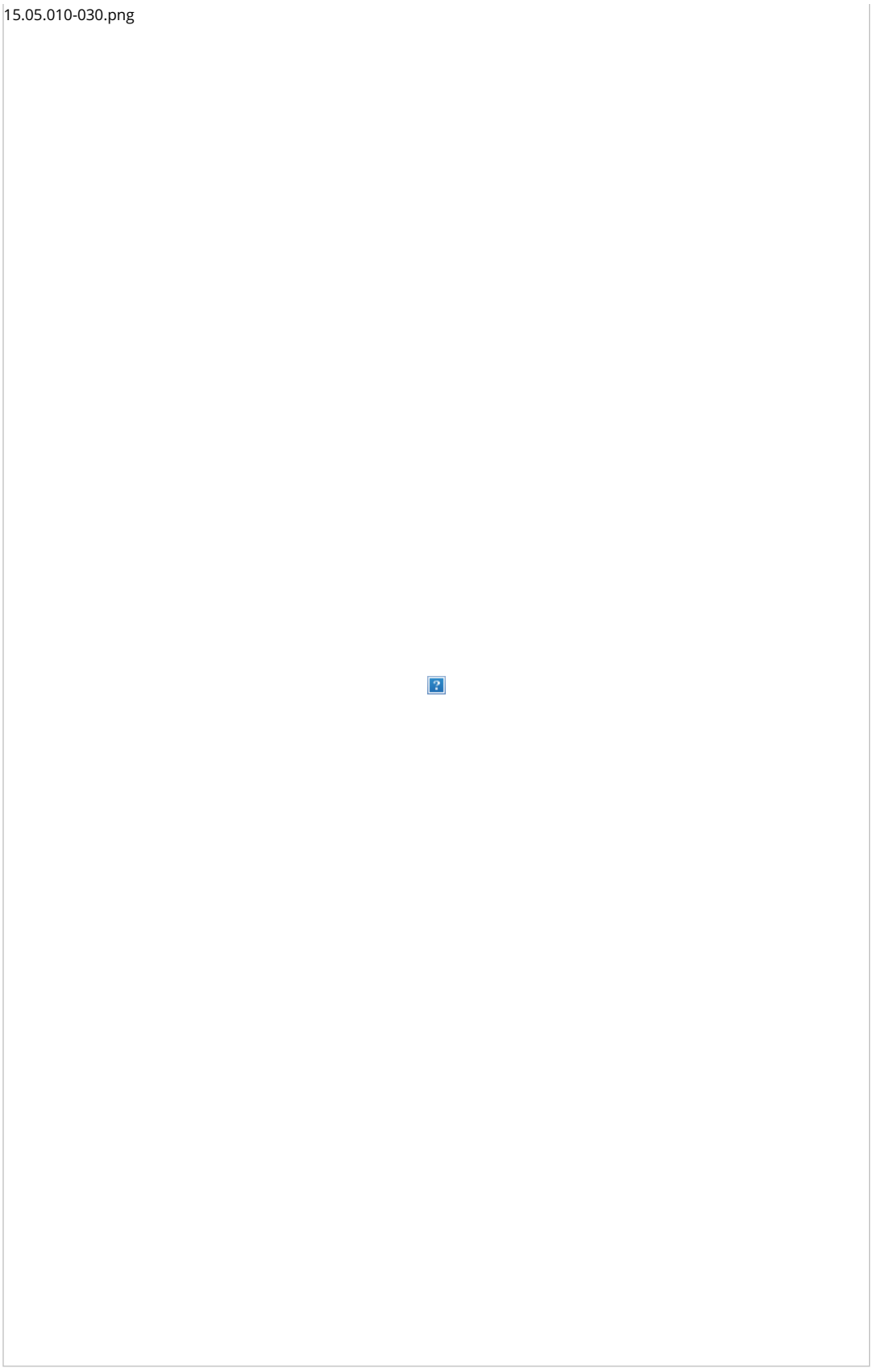
4. *Street frontage.* Street frontage is measured between side lot lines along the front lot line abutting the street. On corner lots (which have only one "front lot line"), street frontage also is measured along the side lot line dividing the lot from the street.

5. *Lot area.* Lot area is measured as the total area within the property lines of a lot or parcel, excluding adjacent right-of-way.

6. *Lot width.* 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.

7. *Floor area ratio (FAR).* Floor area ratio is measured as the ratio of gross floor area divided by gross lot or land area measured in square feet.
   a. "Gross floor area" includes total floor area located within the outside walls of a building excluding areas such as unfinished basements, cellars, garages, carports, and porches.
   b. For mixed use developments containing residential uses, the residential floor area is added to the nonresidential floor area for a total development FAR.
8. *Distance or spacing.* Whenever a regulation requires a proposed use or activity to be located a specified distance from an existing use, zoning district boundary, or activity, such distance or spacing requirement is measured as follows:
   a. When a proposed or existing use is located in a structure or building, the required distance is measured to the exterior wall of the structure or building.
   b. When a proposed or existing use is located within a building also occupied by other uses, such as within a shopping center, the required distance is measured from that portion of the building that includes the use.
   c. When a proposed or existing use/activity is not included in a structure or building, the required distance is measured to the lot or property line of the lot or parcel containing the use/activity.
   d. The required distance to a zoning district boundary or to a "residentially zoned property" is measured to the zoning district boundary (excluding right-of-way), as shown on the official zoning map, or to the lot or property line of the specifically zoned property.
   e. The required minimum distance is measured wherever the distance shall be the shortest between the proposed use/activity and existing use/activity. Drive-through lanes, drives for automobile service stations, and other similar areas accessory to a principal use subject to a distance or spacing requirement shall be located outside the minimum required distance.

15.05.010-030.png



9. *Two buildings as one structure.* For two buildings to be considered one structure on a lot or parcel, the buildings shall be attached for at least 50 percent of the width or length, as applicable, of the smaller building.

B. *Residential zoning districts—Density and dimensional standards.*

1. *Table 15.05-A.* All uses in the residential zoning districts shall comply with the dimensional and density standards stated in Table 15.05-A below. "Special Standards" indicated in the last column of Table 15.05-A refer to the provisions stated in subsection B.2. of this section; for example, special standard "2.a." refers to the provisions stated in section 15.05.010.B.2.a. below. See also section 15.07.040, "Cluster Lot Subdivisions," which allows reductions in maximum lot dimensions for lots platted in a permitted cluster lot subdivision; and section 15.05.220, "Affordable Housing," which allows bonus density for city-approved provision of affordable housing units.

TABLE 15.05-A
DENSITY AND DIMENSIONAL STANDARDS IN THE RESIDENTIAL ZONING DISTRICTS

Standard	Residential Zoning District								
	E1	E2	R1	R2	R3	MH [1]	RLE	RMD	Special Standards
Maximum development density (units per gross acre)	1	3	5	10	25		6	8	RLE and RMD: 2.a.
Minimum lot area (square feet):									
One-family dwelling (detached)	1 acre	10,000	5,500	5,000	5,000		5,500	5,000	R1: See section 15.05.110.B
Affordable housing—One-family dwelling	1 acre	10,000	4,500	4,000	4,000		4,500	4,000	
Two-family dwelling	N/A	N/A	N/A	8,000	6,000		8,000	8,000	
Affordable housing—Two-family dwelling	N/A	N/A	N/A	6,500	5,000		6,500	6,500	
Three- and four-family dwelling	N/A	N/A	N/A	Three-family: 12,000; Four-family: 16,000	Three-family: 8,000; Four-family: 10,000		Three-family: 12,000; Four-family: 16,000	Three-family: 12,000; Four-family: 16,000	
Affordable housing—Three- and four-family dwelling	N/A	N/A	N/A	Three-family: 9,500; Four-family: 13,000	Three-family: 6,500; Four-family: 8,000		Three-family: 9,500; Four-family: 13,000	Three-family: 9,500; Four-family: 13,000	
Multifamily dwelling (5 or more dwelling units)	N/A	N/A	N/A	20,000 (5 units)	12,000 (5 units)		N/A	N/A	2.b. Minimum lot size for more than 5 units subject to density limits
Affordable housing—Multifamily dwelling	N/A	N/A	N/A	16,000 (5 units)	9,500 (5 units)		N/A	N/A	Minimum lot size for more than 5 units subject to density limits
Nonresidential uses	Not Applicable (subject to setback and buffering requirements)								
Minimum lot width (feet):									
Affordable housing	160	80	50	50	50		50	50	
All other uses	160	80	60	60	60		60	60	
Minimum front yard setbacks (feet):	Note: For corner lots, all sides of the lot with street frontage shall be required to meet the applicable front yard setback. Also see section 15.05.110, "Residential Design Standards," which requires variation in front setbacks for adjacent one- and two-dwelling units.								

Principal residential building	30	30	20	20	20		20	20	2.c., 2.d., 2.e.
Principal nonresidential building	30	30	25	25	25		25	25	
Accessory building	60	50	40	40	40		40	40	2.c.
Attached residential garages	See section 15.05.110, Residential Design Standards								
Minimum side yard setbacks (feet)	Note: For corner lots, all sides of the lot with street frontage shall be required to meet the applicable front yard setback for each building type.								
Principal residential building	Affordable housing: 5 feet. All other: Ratio of one foot for every 2.5 feet of building height								2.c., 2.d.
Principal and accessory nonresidential building	25	25	25	25	25		25	25	
Accessory residential building, including garages	From internal side lot lines—Ratio of one foot for every 2.5 feet of building/structure height; except: Detached single-story garages: 5 feet. If the building/structure is screened from the adjoining property's view by an opaque fence five feet in height or greater, an accessory building/structure that is no taller than the height of the fence may be located up to the property line.								2.c.
Minimum rear yard setbacks (feet)									
Principal residential building	20	20	20	20	20		20	20	2.c.
Principal and accessory nonresidential building	25	25	25	25	25		25	25	
Garage with rear alley access:	Detached garage with the garage door facing the alley or attached garage with the garage door facing the alley and no living space above the garage								Subject to sight distance requirements
1. Alley ROW 20 ft. or more [2]	6	6	6	6	6		6	6	
2. Alley ROW less than 20 ft. [2]	10	10	10	10	10		10	10	
Other residential garages and accessory buildings	Ratio of one foot for every 2.5 feet of building/structure height; except: Detached single-story garages with garage door not facing an alley: 5 feet. If the building/structure is screened from the adjoining property's view by an opaque fence five feet in height or greater, an accessory building/structure that is no taller than the height of the fence may be located up to the property line.								
Minimum floor area per one-family dwelling (sq. ft.)	1,000	1,000	800	800	800		800	800	
Minimum floor area per principal dwelling unit (square feet)	1,000	1,000	800	650	400		400	400	
Maximum nonresidential floor area ratio (total floor area to lot area)	1:5	1:5	1:4	1:2	1:2		1:2	1:2	Applicable to nonresidential uses only
Maximum building/structure	30	30	30	30	40	20	30	30	RLE and RMD: No more than 2 stories

height (feet)									and see section 15.04.020.B.28

Notes to Table 15.05-A:

[1] Development and design standards for mobile home developments and mobile home parks, including density and dimensional standards not otherwise shown in this table, are found in section 15.05.180, "Mobile homes," of this chapter.

[2] For alleys not dedicated, the rear setback shall be measured from the fence line, if applicable, or from the closest edge of the travel lane.

2. *Special standards.*

a. *Maximum density in the RLE and RMD zoning districts.* The maximum densities shown for the RLE and RMD zoning districts in Table 15.05-A above, apply to each block in the zoning district. No individual use or development shall be approved that would result in the gross density of any one block in the zoning district exceeding the density limit in Table 15.05-A above.

b. *Minimum lot area for individual townhome dwelling units.* For townhomes, the minimum lot areas for multifamily uses shown in Table 15.05-A above apply to the townhome dwelling (the structure containing individual dwelling units). The minimum lot area for an individual townhome dwelling unit located within a townhome dwelling structure is 1,500 square feet per unit (1,000 square feet per unit for affordable townhome dwelling units).

c. *Setbacks—Arterial streets.* Applicable to lot lines adjacent to an arterial street:

i. Minimum front setbacks: 50 feet for principal buildings and 70 feet for accessory buildings or structures. If the lot is located in a scenic entryway overlay zoning district, see section 15.03.090, "SE-O Scenic Entryway Overlay District";

ii. Minimum side yard setback: 30 feet for principal buildings;

iii. Minimum rear yard setback: 30 feet for principal buildings.

d. *Front setbacks—Unenclosed covered porches.* As allowed by subsection 15.05.010.A.2.d, first-story, unenclosed covered porches, if between 24 inches and 15 feet in height above finished grade, may encroach up to five feet into a front or rear setback, or five feet into a side setback adjacent to a street, provided the porch does not encroach into or hang over an easement or a property line and the encroachment does not obstruct sight distance requirements per city standards.

e. *Front setbacks—Averaging allowed.*

i. *RLE and RMD zoning districts.* Where more than 50 percent of the lots on the same block face (i.e., on the same side of the street as the subject lot) are developed with dwellings, all new dwellings or additions on such block face shall use an average front building setback subject to the RLE and RMD zoning district standards. See subsection 15.05.010.A.2.c, "Average front setback—Measurement," for measurement of average front setback.

ii. *E1, E2, R1, R2 and R3 zoning districts.* Where more than 50 percent of the lots on the same block face (i.e., on the same side of the street as the subject lot) are developed with dwellings, all new dwellings or additions on such block face may use an average front building setback if the proposed dwelling or addition is compatible with the surrounding dwellings and does not exceed the average height of the dwellings on the same block face. See subsection 15.05.010.A.2.c, "Average front setback—Measurement," for measurement of average front setback.

f. *Lot and setback variation requirements.* Please see section 15.05.110, "Residential design standards" for provisions regarding lot and front setback variation requirements for residential subdivisions.

g. *Setback variations for cluster lots.* Please see section 15.07.040, "Cluster lot subdivisions" for provisions allowing reductions in setbacks and other lot dimensions for development in a cluster lot subdivision.

h. *Setbacks/location from existing and abandoned oil and gas wells and facilities.* Please see subsections 15.04.020.B.32.w(ii) and (iii) regarding setbacks/location of buildings and structures from existing and abandoned oil and gas wells and facilities.

3. *Number of principal buildings and uses per lot.*

a. *E1, E2, R1, RLE, and RMD zoning districts.* Only one principal building and one principal use are permitted on a single lot, including nonconforming lots combined for purposes of this development code under subsection 15.08.100.B., "Combination of lots."

b. *R2, R3, and MH zoning districts.* More than one principal building may be developed on a single lot or development parcel, provided the minimum lot area is met for each building type and the residential density for the zoning district is not exceeded.

C. *Commercial, industrial, mixed use, and public zoning districts—Density, intensity, and dimensional standards, Table 15.05-B.* All uses in the commercial, industrial, mixed use, and public zoning districts shall comply with the density, intensity, and dimensional standards stated in Table 15.05-B below. "Special Standards" indicated in the last column of Table 15.05-B refer to the provisions stated in subsection C.2. of this section; for example, special standard "2.a." refers to the provisions stated in subsection 15.05.010.C.2.a. below.

TABLE 15.05-B
DENSITY/INTENSITY AND DIMENSIONAL STANDARDS IN THE NONRESIDENTIAL ZONING DISTRICTS

Standard	Nonresidential Zoning District										Special Standards
	C	CR	CBD	BLI	MI	GI	P	A	MU	RP	
Minimum Front Setback:	See section 15.05.090, "Landscaping, Buffering, and Screening," for applicable buffer requirements.										
All districts except specified CBD blocks	20	20	20	20	20	20	20	20	[1]	20	Subject to larger landscape buffer standards for certain uses; 2.a., 2.b., and 2.d.

Minimum Rear Setback	10	10	10	20	20	20	10	20	[1]	20	Subject to larger landscape buffer standards for certain uses; 2.b.; 2.c.
Minimum side setback	See Special Standards 2.b. and 2.c. below. See section 15.05.090, "Landscaping, Buffering, and Screening," for applicable buffer requirements.										
Corner lots (setback same as front setback)	20	20	20	20	20	20	20	20	[1]	20	Subject to landscape buffer standards for certain uses; 2.b. and 2.d.
Residential uses (interior/non-street lot line)	5	N/A	5	N/A	N/A	N/A	N/A	10	[1]	N/A	Setback from interior (non-street) side lot lines—subject to all other applicable development and code standards
Nonresidential uses (interior/non-street lot line)	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10	[1]	N/A	Setback from interior (non-street) side lot lines—subject to all other applicable development and code standards including special standards 2.b. and 2.c. below and landscape buffering requirements
Maximum floor area ratio (total floor area to lot area)	2:1	1:1	3:1 where build-to lines required or allowed; 1:1 elsewhere	2:1	1:1	1:1	1:1	1:2	[1]	1:1	Subject to all other applicable development standards
Maximum residential density (units per gross acre)	25	N/A	25	25	25	N/A	N/A	N/A	[1]	N/A	Greater densities for urban dwelling units available with conditional use approval
Minimum floor area per dwelling unit (square feet)	400	N/A	400	400	400	N/A	N/A	400	400	N/A	
Maximum structure height	45	45	50 for lots fronting Main Street; 45 elsewhere	45	45	45	45	45	[1]	45/60	Subject to all other applicable development standards and criteria RP: refer to section

											15.03.160.E.3
Minimum lot/parcel area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	5 acres	N/A	N/A	Lots/parcels need to be sufficient size to comply with all applicable development standards
[1] MU District standards are subject to the development standards in section 15.03.150.E.											

2. *Special standards.*
   a. *Front yard setbacks, SE-O scenic entryway overlay district.* The minimum front yard setback on lots within the SE-O scenic entryway overlay district shall be 50 feet for all principal buildings and 70 feet for all accessory buildings or structures. See subsection 15.03.090.D, "Special development standards" (for the SE-O scenic entryway overlay district).
   b. *Setback averaging allowed.* Where more than 50 percent of the lots on the same block face (i.e., on the same side of the street as the subject lot) are developed with buildings with setbacks less than the minimum required by Table 15.05-B above, the setback for all new buildings or additions on such block face may be the average building setback of all developed lots on that block face.
   c. *Setbacks abutting a residential zoning district.* The minimum rear and side setbacks for principal and accessory nonresidential buildings and structures abutting a residential zoning district shall be 25 feet. The building setback may be subject to larger landscape buffer standards for certain uses as identified in section 15.05.090
   d. *"Build-to lines" in the CBD zoning district.*
      i. To preserve the consistent building line in portions of the CBD zoning district, new development on the following blocks in the CBD zoning district shall have a maximum zero foot building setback for at least 75 percent of the subject building's exterior wall along a street frontage (i.e., at least 75 percent of the front of the building must be "built to" the property line or back edge of the public sidewalk):
         (A) Main Street (Highway 287): Both sides of the 200 block, 300 block, 400 block, 500 block, and 600 block.
      ii. New development on the following blocks in the CBD zoning district may incorporate zero setbacks or build-to lines along the street frontage.
         (A) Coffman Street: Both sides of the 200 block, 300 block, 400 block, 500 block, and 600 block;
         (B) Kimbark Street: Both sides of the 200 block, 300 block, and 400 block; west side of the 500 block;
         (C) 2nd Avenue: One block east and one block west of Main Street; only north side of the avenue;
         (D) 3rd Avenue: Two blocks east and one block west of Main Street; both sides of avenue;
         (E) 4th, 5th, and 6th Avenues: One block east and 1½ blocks west of Main Street; both sides of the avenues;
         (F) Long Peak Avenues: One block east and one block west of Main Street; south side of the avenue.
   e. *"Build-to lines" and setbacks in the MU district.* Build-to line and setback requirements for the MU District are described in subsection 15.03.150.F.2.g.
   f. *Setbacks/location from existing and abandoned oil and gas wells and facilities.* Please see subsections 15.04.020.B.32.w(ii) and (iii) regarding setbacks/location of buildings and structures from existing and abandoned oil and gas wells and facilities.
3. *Number of principal uses or buildings per lot/mixed use developments.*
   a. Mixed use developments are encouraged in order to offer alternative living styles, to reduce the number of vehicle trips and commuting time, and to improve air quality. Accordingly, more than one principal use and more than one principal building may be developed on a single lot or development parcel.
   b. Mixed residential and nonresidential developments are encouraged in the CBD, C, BLI, MI and MU zoning districts. Uses may be mixed horizontally with different principal uses in more than one building, or uses may be mixed vertically with more than one principal permitted use in the same principal building. For example, a building in the CBD district may have retail on the ground floor and residential or office uses on the upper floors. In the BLI District, an example may be "live/work" buildings with studio/workshop space on the ground floor of the principal building and residential units located either above or behind the work space.

(Code 1993, § 15.05.010; Ord. No. O-2001-78, § 1; Ord. No. O-2004-03, § 2; Ord. No. O-2005-13, § 7(exh. C); Ord. No. O-2006-70, § 2; Ord. No. O-2009-21, § 7, 6-9-2009; Ord. No. O-2011-81, § 6, 11-8-2011; Ord. No. O-2012-25, § 4, 7-17-2012)

15.05.020. - Protection of rivers/streams/wetlands/riparian areas.

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, 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. *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 a 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 planning 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 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 planning director.

F. *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.

G. *Common open space/landscaping credit, density/floor area ratio (FAR) bonuses and buffer/setback modifications.*

1. River/stream corridor, riparian areas, and wetlands setback areas may be credited, to the extent allowed, toward any relevant common open space requirements or landscaping requirements. See common open space section 15.05.040.C.1.(a) for set-aside requirements and credit details.
2. In some instances, a development that provides enhanced setbacks along river/stream corridors, wetlands and/or riparian areas may qualify for density and FAR bonuses, and landscape buffer and building setback reductions. See section 15.05.040.H.(4) for eligibility and details.

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.

(Code 1993, § 15.05.020; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 3; Ord. No. O-2007-33, § 2; Ord. No. O-2011-53, § 5, 8-9-2011)

15.05.030. - Habitat and species protection.

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, 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 of the development code 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 planning director may require for review pursuant to this section.
   2. *Preliminary review/referral.* The planning 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 planning 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 planning director shall determine whether the applicant must submit a wildlife/plant conservation plan prior to approval of any development application. The planning 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 planning director may waive or approve minor modifications of any development standard or review criteria contained in this section if the planning 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 planning 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 planning 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 planning 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 planning 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 planning 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.

(Code 1993, § 15.05.020; Ord. No. O-2006-70, § 4; Ord. No. O-2001-78, § 1; Ord. No. O-2007-33, § 4))

15.05.040. - Landscape and open space regulations.

A. *Purpose:* These regulations are intended to achieve the following purposes:
1. Further the goals, policies, and strategies stated in the Longmont Area Comprehensive Plan (LACP);
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;
9. Conserve water, energy and other limited resources.

B. *Applicability:* These regulations apply to all subdivisions, construction and development.

C. *Design requirements:* In accordance with current state statutes all landscape plans must be designed by a licensed professional landscape architect except for the following:

1. Residential landscape design, consisting of landscape design services for single- and multifamily residential properties of four or fewer units not including common areas.

D. *Exemptions:* The following types of development are exempt from the specific regulations listed below:
   1. One- and two-family residential subdivisions of less than ten dwelling units are exempt from common open space and pocket park requirements.
   2. Multifamily residential developments less than 20 units are exempt from pocket park requirements.
   3. Property located on either side of Main Street north of 2nd Avenue and south of Longs Peak Avenue are exempt from common open space requirements, however urban dwelling units in this area are subject to the amenity requirements stated in subsection 15.04.020.B.31, "urban dwelling units."

E. *Modifications:* Common open space and landscape requirements may be modified for infill development, redevelopment, or change of use subject to the provisions of subsection 15.01.040.B., and any of the following:
   1. 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 minor that it would be impractical or unreasonable to meet the landscaping standards; or
   2. Developments shall provide increased quantities, sizes or types of landscaping or amenities to offset the reduced percentage of landscaped area; or
   3. Rights-of-way areas:
      a. Where it is not possible to meet the right-of-way landscaping standards, such as in the CBD or MU districts, an alternative landscape plan may be provided.
      b. The alternative landscape plan may include the use of tree grates within or adjacent to the concrete path or pedestrian walk.
      c. If right-of-way 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. 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.
   4. The development services manager may reduce or waive the amount of common open space required for development on the following streets and blocks in the CBD zoning district, based on consideration of the scale of the proposed development and proposed building setbacks:
      a. Coffman Street: Both sides of the 200 block, 300 block, 400 block, 500 block, and 600 block.
      b. Kimbark Street: Both sides of the 200 block, 300 block and 400 block; west side of the 500 block.
      c. 2nd Avenue: One block east and one block west of Main Street; only north side of the avenue.
      d. 3rd Avenue: Two blocks east and one block west of Main Street; both sides of the avenue.
      e. 4th, 5th, and 6th Avenues: One block east and one and one-half blocks west of Main Street; both sides of the avenues.
      f. Long Peak Avenue: One block east and one block west of Main Street; south side of the avenue.
   5. In the case of infill development, redevelopment or change of use within the scenic entryway corridor where strict compliance with the standards in subsection S. below are not possible or practical, the landscape standards may be modified subject to the provisions of subsection 15.01.040.B., and the following guidelines (a. through e.):
      a. The scenic entry corridor area, width, and landscaping shall be commensurate with the scope of the project, depending on the type of use proposed and extent of site changes.
      b. Negative impacts on adjacent properties and along the arterial, state or federal highway right-of-way shall be mitigated with the use of landscaping.
      c. The intent, purpose and spirit of this section is to improve the appearance of Longmont through landscape regulations, and to provide gateway entrances to the city that are attractive and provide an enhanced sense of community.
      d. Developments shall be required to mitigate a lesser setback of scenic entry corridor area, if proposed, by providing a higher quality or otherwise more desirable landscape improvement.
      e. If scenic entry corridor landscaping is not possible, the dollar value of the required landscaping shall be deposited into the city's tree planting fund.

F. *Alternative compliance with nonnumerical landscape standards:* Where existing vegetation, topography, land area, or other conditions reasonably preclude strict compliance with nonnumerical landscaping standards (e.g., location, material and improvements), an alternative landscape design and plan satisfying the purpose of this section may be approved by the project manager.

G. *Regulation structure:* The following landscaping regulations are organized into three categories for ease of use:
   1. *General regulations.* The following subsections contain regulations that apply to all development projects that are required to provide landscaping and open space:
      a. Common open space requirements (subsection H.).
      b. Buffers (subsection I.).
      c. Open space improvements (subsection J.).
      d. Maintenance requirements (subsection K.).
   2. *Development specific regulations.* The following subsections contain regulations that only apply to a specific type of development.
      a. Residential (subsection L.);
      b. Nonresidential (subsection M.); and
      c. Mixed use (subsection N.).
   3. *Site specific conditions.* The following subsections contain specific regulations for areas on or immediately adjacent to a specific property that the developer is required to construct.
      a. Preservation of existing trees (subsection O.).
      b. Parking areas (subsection P.).
      c. Stormwater systems (subsection Q.).
      d. Rights-of-way (subsection R.).
      e. Scenic entry overlay (subsection S.).
      f. Greenways and public open space (subsection T.).

H. *Common open space requirements:* The following regulations apply to all development:
   1. Landscape and open space improvements shall be designed, constructed and installed in accordance with the City of Longmont Design Standards and Construction Specifications Manual. If a standard for the improvement is not specified in the manual, then the accepted industry standard shall apply.

2. Concrete paths shall be designed in accordance with the city's design standards and construction specifications.
3. Xeriscape practice is required on all open space areas (e.g. plants, irrigation, water needs).
4. General landscaping requirements for all common open space areas:
   a. All landscaping materials shall be compatible with local climate.
   b. Trees and plants listed in the design standards and construction specifications manual are approved and required for use.
   c. Any plant selected should be appropriate for the specific location and purpose.
   d. At least 50 percent of the trees shall be deciduous canopy species and 25 percent of the trees shall be coniferous species. Conifers shall not be planted where they shade public street and sidewalk intersections during the winter months.
   e. Grading of landscape areas shall not exceed slopes greater than 4:1 where mowing is required (6:1 for pocket park areas), and 3:1 where shrub beds or native grasses are provided.
   f. Landscape areas shall be covered with live irrigated, lower water consuming ground cover over at least 75 percent of the landscaped area. Pedestrian walks and other hardscape landscape features (excluding parking spaces and drives) may comprise up to 25 percent of the landscaped area. No large open mulch or bare soil areas are allowed.
5. *Landscape and irrigation plans.*
   a. A preliminary landscape plan may be combined with a final landscape plan when the preliminary and final plats or PUD development plans of a project are being reviewed concurrently.
   b. All landscape and irrigation plans shall meet the submittal requirements of Appendix B of this Code and shall be in compliance with Section 600 of the Design Standards and Construction Specifications manual for the city.
   c. Landscape and irrigation plans are required for:
      i. All publicly owned or maintained areas,
      ii. All common open space areas (except irrigation plans are not required for nonresidential development), and
      iii. Pocket parks;
   d. The applicant shall be responsible for all costs associated with the installation of the irrigation system, including applicable tap fees. The city manager or designee may waive tap fees upon request when the irrigation system is used to water only city-owned property.
   e. A separate irrigation tap and system shall be provided for each legal lot or parcel unless otherwise approved by the city.
   f. Temporary irrigation components may be approved by the city to irrigate xeriscape areas if the city determines that all of the following standards are met:
      i. The plant material will be maintained in a healthy condition without regular irrigation after the plant establishment period.
      ii. Temporary irrigation shall provide reliable automated irrigation for the plants during the establishment period.
      iii. The applicant has demonstrated the ability to provide ongoing maintenance of xeriscape areas necessary to keep plant material healthy without irrigation.
6. Common open space is calculated by applying the required open space percentage (found in Table 15.05-A(2)) to the gross land area within the development. Common open space may include land developed as pocket parks and any required buffer area.

TABLE 15.05-A(2)

Minimum Common Open Space Required by Type of Use or Zoning District	Percentage of Gross Land Area Used as Open Space
Residential Uses	
One- and two-family (duplex) developments including mobile home subdivisions	10
Other residential developments including mobile home parks	30
PUD-R and PUD-MU zoned developments for one- and two-family dwellings	20
PUD-R and PUD-MU zoned developments for all other residential dwellings	30
Nonresidential Uses	
Nonresidential zoning	20
Residential zoning	30
PUD-MU, PUD-C and PUD-I zoning	20
RP zoning	10/20[1]
Mixed Use Developments	
Nonresidential zoning	20
PUD zoning	20

MU zoning (transit and commercial core areas)	10
MU zoning (transition areas)	20

[1] 10 percent for lots with a rail spur and 20 percent for lots without a rail spur. Open space requirements for the RP district are also subject to the applicable buffer and parking area landscaping requirements of section 15.05.040 and the RP District development standards of section 15.03.160.E.(4).

7. All required common open space shall be landscaped at the following rates:

———

TABLE 15.05-B(2)

Type of Use or Zoning District	Required Planting Ratios
Detached residential use	1 tree and 5 shrubs per 2,000 square feet
Attached residential use	1 tree and 5 shrubs per 750 square feet
Nonresidential use	1 tree and 5 shrubs per 750 square feet
Mixed use	1 tree and 5 shrubs per 750 square feet
MU zoning district	Decision-making body shall determine ratio based on location and type of common open space provided

———

8. Common open space shall be connected by a seven-foot walk to the following adjacent land uses with a minimum 20-foot wide access:
   a. Public parks or greenways;
   b. School sites;
   c. Other open space;
   d. Local and regional trails;
   e. Shopping and activity centers; and
   f. Employment centers.
9. The following areas may be counted as common open space at a one to one ratio for up to 25 percent of the requirement:
   a. Additional land dedicated and developed by the applicant as primary and secondary greenways,
   b. Riparian setback areas beyond the minimum primary greenway widths (see subsection 15.05.020.E.3., and
   c. River/stream corridor, riparian areas, and wetlands setback that are integrated with other open spaces and pedestrian access within the development.
10. The following existing natural areas shall be preserved, reserved or dedicated as common open space:
   a. Wetlands;
   b. Floodplains;
   c. Lakes, rivers, stream corridors, riparian area;
   d. Wildlife habitat and migration corridors;
   e. Steep slope areas;
   f. Significant stands of mature desirable trees and existing vegetation;
   g. Geologic hazard areas (e.g., expansive soils, rockfalls, faulting); and
   h. Significant views of the mountains, lakes and reservoirs visible from public rights-of-way (including greenways) and public parks.
11. The following do not count towards the common open space requirements:
   a. Private lots or yards in one-family, two-family and townhome developments;
   b. Street rights-of-ways, except for tree lawns that meet the requirements of subsection 15.05.060.C.3, "detached sidewalks";
   c. Lands reserved or dedicated to the city, or park improvement fees paid for public parks and other public open space;
   d. Parking areas and driveways;
   e. Land covered by structures;
   f. Designated outdoor storage areas; and
   g. Detention/retention ponds that do not comply with subsection Q.3., "stormwater facilities" below.

I. *Buffers:* The following regulations apply to all development:

1. Buffers may be interrupted for necessary pedestrian and vehicle access.
2. Buffers may contain a combination of landscaping, berms, and walls/fences, as determined by the decision-making body.
3. Landscape plantings shall be located in front of walls or fences to maximize the intent of the screening and buffering.
4. Landscaping in buffers may count toward the total landscaping required for the open space area.

TABLE 15.05-C: REQUIRED LANDSCAPE BUFFERS

Adjacent Land Uses					
Proposed Use that Requires Buffering	Arterial Street	Nonarterial Street	Primary Greenway	Detached Single-Family Dwelling	Other Residential Uses
PUD subdivisions	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.
Mobile home development or park in residential zones	30 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/500 s.f.	20 feet wide 1 tree and 5 shrubs/500 s.f.
Multifamily less than 3 stories	30 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/500 s.f.	N/A
Multifamily 3 or more stories	30 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/500 s.f.	N/A
Nonresidential use (residential zone district)	30 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/500 s.f.	20 feet wide 1 tree and 5 shrubs/500 s.f.
Nonresidential use (nonresidential zone district)	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/750 s.f.	20 feet wide 1 tree and 5 shrubs/500 s.f.	20 feet wide 1 tree and 5 shrubs/500 s.f.
Large nonresidential uses greater than 25,000 s.f.	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/500 s.f.	30 feet wide 1 tree and 5 shrubs/500 s.f.
Nonresidential uses 2 or more stories	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/500 s.f.	30 feet wide 1 tree and 5 shrubs/500 s.f.
Nonresidential buildings with service areas or mechanical equipment oriented toward residential uses	N/A	N/A	N/A	50 feet wide 1 tree and 5 shrubs/500 s.f.	50 feet wide 1 tree and 5 shrubs/500 s.f.
Manufacturing facilities, uses with outdoor storage or activities	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/750 s.f.	30 feet wide 1 tree and 5 shrubs/750 s.f.	50 feet wide 1 tree and 5 shrubs/500 s.f.	50 feet wide 1 tree and 5 shrubs/500 s.f.

J. *Open space improvements:*

1. *Plant selection, diversity and sizes.*
   a. All plant materials used in landscaping shall be from the approved materials list and meet the diversity requirements in section 600 of the design standards and construction specifications manual.
   b. All tree species prohibited within the city shall be removed by the applicant from their site unless approved by the parks and forestry division.
   c. All required trees and shrubs shall be installed at the following sizes:
      i. Deciduous canopy trees: Minimum two-inch caliper.

ii. Ornamental trees: Minimum one and one-half-inch caliper.
iii. Coniferous trees: Minimum six feet in height.
iv. Shrubs: Minimum #5 container.
d. Plants exceeding required quantities are not subject to size requirements.

2. *Restricted planting areas.* Landscaping or plant materials shall not:
a. Obstruct the operation and maintenance of utilities.
b. Interfere with the function, safety, and access to any public easement or right-of-way, or the flow of stormwater runoff.
c. Be installed within a specified sight distance triangle at street and driveway intersections (see section 205.02 of the design standards and construction specification manual).

3. *Ground covers.*
a. Irrigated lower water consuming grass or other comparable vegetation shall be the primary ground cover. Live irrigated plant material other than grass may be planted if it is suitable to the area.
b. Mulches and other inorganic ground cover shall be installed in shrub/planting beds to reduce water evaporation.

4. *Soil preparation.*
a. This subsection shall apply to new development of properties where a new water service is being installed.
b. Soil must be amended by the application of three cubic yards of organic matter or compost per 1,000 square feet of soil and tilled to a depth of at least six inches on all land not covered by impermeable surfaces.
c. A certificate of occupancy will not be issued until the applicant provides certification of compliance with this section on a form provided by the city.
d. Reimbursement is subject to the appropriation of funds.
i. One- and two-family dwellings. The city will reimburse the applicant for the cost of the soil preparation required by this section for all new one- and two-family dwellings in the amount of $10.00 per 1,000 square feet of total lot size, except that the reimbursement for all new affordable housing shall be as set forth in subsection 4.79.020.C.
ii. Multifamily residential, commercial and industrial. The city will reimburse the applicant for the cost of the soil preparation required by this section for all new multifamily residential, commercial and industrial construction in the amount of $10.00 per 1,000 square feet of landscaped area.

K. *Maintenance requirements.*
1. Property owner maintenance of landscaping.
a. The property owner, or property owners association, as applicable, shall maintain all on-site and common area landscaping, and all landscaping on adjacent rights-of-way as shown on an approved landscape plan, or as existing if no approved landscape plan exists.
b. Maintenance shall include all reasonable and regular:
i. Irrigation;
ii. Weed control;
iii. Fertilizing;
iv. Pruning;
v. Trash removal;
vi. Concrete path snow and ice removal;
vii. Treatment of plant materials that show signs of insect pests, diseases or damage; and
viii. Replacement of dead or damaged plant material to maintain approved landscape plan.
c. The city may agree to maintain trees in right-of-way areas, and, at its discretion, may add, remove, replace, or maintain landscaping within the right-of-way.

2. *City maintenance of landscaping.*
a. Subject to the requirements of subsection b. below, the city may agree to maintain the following types of landscaping:
i. Arterial right-of-way landscaping abutting the rear yards of one- and two-family dwellings where there is no property owners' association in the development or subdivision.
ii. Secondary greenway or other facilities.
iii. A detention area dedicated to the city.
b. *City maintenance criteria.*
i. The city determines that the public interest is served by city maintenance based on:
(a) Ease of maintenance, 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, or 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 section 600 of the current design standards and construction specifications manual.
iii. The applicant shall maintain the improvements for at least one year following construction acceptance by the city, or until the city has granted final acceptance for maintenance.
iv. Landscaping and facility design is compatible with the facility and its use and surrounding uses.

L. *Residential requirements.*
1. The following regulations apply to all residential development unless it is specifically exempted in subsection D., above.
2. Pocket parks may count toward the required common open space requirement in Table 15.05-C. Pocket parks shall be reserved, developed and designed according to the following standards:
a. All residential subdivisions and developments of ten or more one-family or two-family dwelling units and 20 or more multifamily dwelling units shall provide pocket parks.

b. Size.
   i. One acre for every 100 one- and two-family dwelling units and fraction thereof.
   ii. One acre for every 200 dwelling units of any other type and fraction thereof.
   iii. A minimum of one-half acre for developments of 50 or more one-family and two-family dwelling units.
   iv. A minimum of one-quarter acre for developments of 50 or more other types of dwelling units.
   v. For developments less than 50 dwelling units, the decision-making body shall determine the appropriate size of the pocket park(s).
c. Location.
   i. Shall be centrally located and accessible to the lots and dwellings they are intended to serve.
   ii. Shall front on a local or collector street.
   iii. Shall not be adjacent to riparian and other wildlife habitat areas.
d. Design standards.
   i. Access shall be a minimum of 20 feet wide.
   ii. Contain recreational amenities such as playgrounds, community gardens, tot lots, picnic areas, gazebos, game courts and playing fields, swimming pools, dog parks, or similar facilities.
   iii. Be landscaped at a ratio of at least one tree and five shrubs for every 2,000 square feet.
   iv. Contain irrigated, lower water-consuming grass over at least 75 percent of the area.
e. Drainage detention areas meeting the following requirements may comprise up to 50 percent of a pocket park.
   i. Slopes shall not exceed 6:1;
   ii. At least 90 percent of the total detention area must be useable for passive and active recreation.
   iii. Provide access for pedestrians, the physically disabled, and for maintenance equipment.
   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.
f. The following areas shall not be included within a pocket park:
   i. Primary and secondary greenways; and
   ii. Arterial and collector right-of-way landscaped areas.

3. Landscaping for new one- and two-family dwellings units.
   a. At least 60 percent of any yard adjacent to a street and 75 percent for all yards adjacent to a street on a corner lot, shall be landscaped within one year of occupancy.
   b. No parking shall be permitted in landscape areas.
   c. At least two trees and four shrubs shall be planted on every lot containing a one- and two-family dwelling. The required plantings shall be located as follows:
      i. At least one tree and four shrubs shall be planted in the front yard of non-corner lots.
      ii. At least two trees (one in the front yard, and one in the side yard adjacent to the street) and four shrubs (in the front or side yard adjacent to the street) shall be planted on corner lots.
   d. Trees required in the adjacent right-of-way may be used to meet the tree requirement above.
   e. The trees and shrubs 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.
4. Landscaping for attached residential uses (except two-family).
   a. At least 60 percent of a yard adjacent to a street and 75 percent for all yards adjacent to a street on a corner lot shall be landscaped within one year of occupancy.
   b. The applicant shall provide landscaping in the amounts required in Table 15.05-C above.
   c. No parking shall be permitted in required landscape areas.
5. Urban dwelling units shall provide amenities to residents as stated in subsection 15.04.020.B.31., of this code.

M. *Large nonresidential buildings (25,000 square feet or greater).*
1. A 13-foot buffer area shall be provided between the building and the parking area that meets the following standards:
   a. A six-foot wide landscape area along the entire length of the building.
   b. A seven-foot wide pedestrian walkway shall be provided next to a parking area.
2. Buffer landscaping is not required where features such as arcades, entryways or other design features are a part of the facade or site design.

N. *Mixed use zoning district standards.*
1. Developments shall provide or participate in public gathering spaces and pedestrian amenities that have been identified in the district regulating plan.
2. Public gathering spaces and private open space areas shall be oriented and designed to preserve significant vistas to the maximum extent practicable.
3. On-site open space landscaping can vary considerably, depending on the type of open space proposed for a development. Landscaping for on-site improvements shall be approved in conjunction with a site plan and shall be consistent with landscape standards in the district regulating plan.
4. Streetscapes shall be designed according to the following standards:
   a. Pedestrian sidewalks, gateways and other walkways 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 of [an] eight-foot wide path clear of obstructions for pedestrian access.
   b. Attached sidewalks shall be a minimum of 16 feet wide, and detached sidewalks shall be a minimum of nine feet wide in all areas, except that a sidewalk adjacent to exclusively residential at-grade uses along local or collector streets shall be a minimum of five feet wide, or as provided in the district regulating plan.
5. Open space shall be provided according to the following standards.
   a. Open space shall be accessible to the users of the development and be improved with seating, landscaping and other amenities.
6. Streetscapes in the right-of-way shall be landscaped according to the following requirements or as approved in the district regulating plan:

a. Trees in the right-of-way shall be spaced every 30 feet and, depending on the street type and adjacent uses, shall be planted in tree grates, in a tree lawn area, or in raised planters landscaped with ground covers, shrubs, annuals, or perennials.
b. Tree lawns, where applicable, shall be landscaped with irrigated lower water consuming sod and xeriscape planting areas for other ground cover, flowers and other low growing plant material.

O. *Preservation of existing trees.*
1. All trees in 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.
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 caliper lost on site or in the right-of-way adjacent to the property, in addition to meeting or exceeding the minimum tree planting requirements.
b. If the project manager 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.

P. *Parking areas.* All parking areas shall meet the following regulations except for one- and two-family dwelling units.

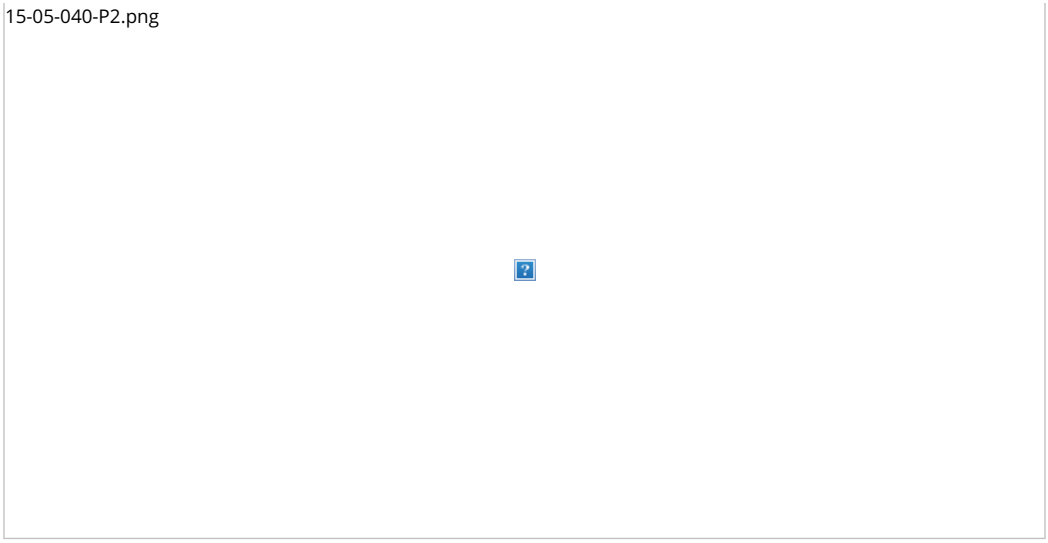
DIAGRAM 15.05-A

1. 15-05-040-P.png

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 applicable.
c. Parking areas shall include a landscape buffer at least ten 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 I. above.
d. For the MU district, the district regulating plan may dictate the parking area buffer width and landscaping requirements in lieu of these standards.
2. Landscape islands shall be provided within parking areas and comply with the following standards:
a. Shall be located within and at the end of each parking row so that there are no more than ten consecutive parking spaces without a landscape island separating them;
b. Shall be a minimum of nine feet wide 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 with and without walkways shall be provided within parking areas and comply with the following standards.
a. 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 illustration).

DIAGRAM 15.05-B

b. 15-05-040-P2.png



The first required landscape median shall contain a walkway and shall be designed as follows unless the building is less than 25,000 square feet:

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 decision-making body.

ii. The walk shall connect to the perimeter pedestrian walks, whenever possible, and include raised or striped crosswalks at all drive isle crossings. See section 15.05.060, "pedestrian and bicycle access and circulation."

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 decision-making body;

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 grass;

ix. Plantings with a mature height of six inches or more shall not be planted in the vehicle overhang area;

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. Landscape medians without a pedestrian walkway shall be ten 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.

Q. *Stormwater facilities.*

1. 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 section 800 of the city standards.
2. Drainage detention areas. A drainage detention area shall comply with the following standards:
   a. 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.
   b. Grass or other comparable vegetation shall be the primary ground cover. All detention pond areas within the five-year flood plain shall be covered with sod. 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.
3. Drainage detention areas used to meet open space requirements shall:
   a. Be irrigated;
   b. Contain lower water-consuming grass;
   c. Be landscaped at one tree and five shrubs per 2,000 square feet;
   d. Provide adequate access for pedestrians, the physically disabled, and maintenance equipment;
   e. Design and locate drainage structures to provide maximum recreational use of the detention area; and
   f. Indicate the ten-year and 100-year storm detention areas on the landscape plan.
4. Stormwater facilities dedicated to the city as a part of the development approval process shall comply with the following standards.
   a. The area must be useable for active or passive recreation.
   b. Must provide adequate access for pedestrians, the physically disabled and maintenance equipment.
   c. Design and locate drainage structures to provide maximum recreational use of the detention area.
   d. Install an irrigation system meeting city requirements.
   e. Landscape at one tree and five shrubs per 1,500 square feet.
   f. The applicant shall install amenities meeting city standards, such as benches, play equipment, gazebos, game courts and playing fields, unless the detention pond location does not reasonably accommodate the amenities.

R. *Rights-of-way.*

1. 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 edge of the right-of-way and the sidewalk.
   b. Deciduous canopy trees shall be planted in the tree lawn at a rate of one tree for every 50 linear feet of right-of-way.
   c. Live irrigated lower water-consuming grass or plants shall be the primary ground cover.
   d. Sixty-three percent of tree lawns that meet the above standards shall be credited toward the common open space requirement, provided that all other common open space standards (pocket parks, landscape buffers, etc.) have been satisfied.
   e. If right-of-way landscaping is not possible in the case of infill development, redevelopment or change of use, see subsection 15.05.040.E.
   f. For collector streets, a property owners' association or the adjacent property owner shall maintain the landscaping required for the collector street right-of-way.
2. Arterial street rights-of-way shall be designed per section 600 of the design standards and construction specifications manual, 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 50 linear feet 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.
3. Arterial or expressway right-of-way landscaping along a state or federal highway.
   a. 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.
   b. 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.
   c. 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 temporary irrigation until final acceptance by the city.
   d. 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. In that event, the applicant shall seed the right-of-way to establish a viable grass stand using a suitable grass seed mixture and temporary irrigation and shall maintain all such areas until final acceptance by the city. The applicant shall deposit with the city the dollar value of the required landscaping and other public improvements for future construction.
   e. Developments adjacent to State Highway 119/Ken Pratt Boulevard (east of Main Street) shall comply with the approved landscape plan for that portion of the highway.
4. Properties located in the Longmont Downtown Development Authority (LDDA) boundaries shall meet the adopted LDDA streetscape guidelines.

S. *Scenic entry overlay (SE-O) requirements:* The following regulations apply to all lots adjacent to a street with a SE-O district designation on the official zoning map.
1. A minimum 50-foot wide landscaped buffer shall be provided adjacent to a street designated as a SE-O.
2. The SE-O buffer shall be landscaped at a ratio of one tree and five shrubs for every 1,000 square feet of area.
3. Drainage or detention areas shall comprise no more than 50 percent of the SE-O buffer area.
4. Grouping of trees is allowed provided that minimum spacing is maintained.
5. To the maximum extent practicable landscaping shall not block existing views of Longs Peak and the Front Range mountain backdrop as seen from the public right-of-way.
6. Irrigated lower water consuming grass or other comparable vegetation shall be the primary ground cover. Live irrigated plant material other than grass may be planted if it is suitable to the area.
7. The city may require a concrete path within the scenic entry corridor to provide pedestrian access to or across the property.

T. *Greenways and public open space.*
1. Greenways that are a part of a development shall be integrated with other open space and pedestrian access within the development.
2. The applicant is responsible for landscaping and designing the primary greenways within or adjacent to their property. Primary greenways shall meet the following standards:
   a. At least 50 feet wide on each side of the centerline of an irrigation ditch or waterway;
   b. A least 50 feet wide where no irrigation ditch or waterway is present;
   c. At least 100 feet wide on each side of the St. Vrain River as measured from the ordinary high-water mark;
   d. Provide a concrete path along the length of the primary greenway meeting city standards and to other areas required for any utility needs;
   e. Provide a connection 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;
   f. All concrete path construction shall comply with section 15.05.030, "habitat and species protection;"
   g. Fences adjacent to a greenway shall not exceed 48 inches in height;
   h. Provide required signage, trash receptacles, floodgates, and other requirements; and
   i. 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:
      i. At least 75 percent of the trees shall be deciduous canopy and 25 percent of the trees shall be conifers.
      ii. 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;
   j. Irrigated lower water-consuming grass shall be the primary ground cover except for shrub bed areas;
   k. A greenway irrigation system shall be provided separate from the irrigation system on adjacent private or common property;
   l. Greenways abutting residential lots shall include a separately zoned irrigation system along the boundary with those lots; and
   m. Greenways shall comply with any applicable wetlands and stream/river corridor protection standards (see section 15.05.020).
3. Private or common property adjacent to a primary greenway shall use landscaping to:
   a. Define the right-of-way and maintenance boundaries between public and private open space;

b. Reduce the potential for trespassing by defining where private property begins; and
c. Control domestic animals from entering the greenway areas without the owner.

4. Secondary greenways shall be designed and installed by the applicant and meet the following standards:
   a. Provide connections between residential neighborhoods, parks, open space, commercial uses, work places, and primary greenways.
   b. Be at least 20 feet wide, with a minimum eight-foot-wide concrete path.
   c. Fences adjacent to the greenway shall not exceed 48 inches.
   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 comparable vegetation. Live irrigated plant material other than grass may be planted if it is suitable to the area.
5. 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 subsection 15.05.020.E.3., for guidance on when modifications to greenway standards may be appropriate.
6. Density and floor area ratio bonus/landscape buffer and building setback reduction for developments dedicating additional area as primary greenway.
   a. *Applicability.* The development services manager may increase the maximum permitted residential density or nonresidential floor area ratio (FAR) or reduce landscape buffer and building setback requirements for a development which dedicates additional area beyond what is set forth in subsection 15.05.040.H.1. as primary greenway, and where the additional area dedicated exceeds the minimum open space requirements.
   b. *Maximum density or FAR bonus permitted.* The increase in density or FAR shall not exceed 20 percent of the maximum residential density or nonresidential FAR allowed in the applicable zoning district.
   c. *Maximum landscape buffer and building setback reduction permitted.* The reduction to landscape buffers and building setbacks shall not deviate more than 20 percent from the standards of the applicable zoning district and any reduction in landscape buffer or building setback shall not be adjacent to the greenway.
   d. *Review criteria.*
      i. The development with the requested density or FAR bonus or buffer/setback reductions must satisfy all applicable review criteria and development standards stated in this development code.
      ii. In determining the amount of density or FAR bonus or buffer/setback reductions, the development services manager shall consider, at a minimum, the following factors:
         (a) The amount of additional greenway area dedicated;
         (b) The significance and quality of the wildlife habitat or movement corridor;
         (c) The design and landscaping of the greenway.
7. Roadway intersections.
   a. The applicant shall construct 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 grade-separated under/overpasses along primary greenways at nonarterial street, railroad, 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.
8. Developments adjacent to public parks and open space shall meet the following design criteria:
   a. Be reasonably accessible, taking into consideration specific areas designated for protection, such as wildlife habitat and movement corridors.
   b. Private lots shall not be immediately adjacent to a public park or public open space, but should be separated by public streets.
   c. Access to public open space shall be a minimum of 20 feet wide.
   d. The following land uses located within a development should connect to public open space:
      i. Pocket parks;
      ii. Common open space;
      iii. Shopping and activity centers; and
      vi. Employment centers.
9. Additional greenway dedications: 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 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 subsection 15.05.020.E.1.

(Code 1993, § 15.05.040; Ord. No. O-2001-78, § 1; Ord. No. O-2003-05, § 17; Ord. No. O-2003-06, §§ 1—3; Ord. No. O-2006-70, § 5; Ord. No. O-2007-33, § 4; Ord. No. O-2007-46, § 4; Ord. No. O-2009-21, § 8, 6-9-2009; Ord. No. O-2011-53, §§ 6, 8, 8-9-2011; Ord. No. O-2011-81, § 7, 11-8-2011)

15.05.050. - Streets and vehicle access and circulation.

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.

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 15.02.090.I., "Exceptions to street/road and access standards," of this development code.

C. *Consistency required.* The layout of streets and highways shall comply with the street classification and configuration designated in the LACP, with all adopted major street plans or transportation 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. 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).
b. 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.
   i. 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.
c. 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.
d. Gated developments are prohibited where access to a public street would be restricted.

3. *Consideration of existing topography.* The topography of the land shall be respected and all streets shall be designed to avoid steep grades and deep cuts to the maximum extent feasible given each site's natural topography.
4. *New intersections and curb cuts.* The number of intersections and curb cuts on streets and highways shall be minimized consistent with the basic needs of ingress and egress. 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 the following standards:
   a. In residential zoning districts, the minimum width of a curb cut shall be 12 feet and the maximum width shall be 24 feet. Driveways to serve detached or recessed garages for one-family and two-family dwellings shall be a minimum of ten feet wide.
   b. In public and nonresidential zoning districts, the minimum width of a curb cut shall be 12 feet and the maximum width shall be 30 feet. If a curb cut serves more than one principal use, the maximum width may be increased to 40 feet.
   c. For lots with 100 feet or less of 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 having frontage in excess of 100 feet. These restrictions are in addition to other applicable city standards.
   d. New curb cuts for direct access from lots onto arterial streets and highways are prohibited, unless an exception is granted under section 15.02.090.I., "exceptions to street/road and access standards."
5. *Private streets prohibited.* Streets held in private ownership, yet used as a public way for provision of public access and services, are prohibited, unless an exception is granted under section 15.02.090.I., "exceptions to street/road and access standards." Private drives that provide access across a lot are allowed.
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 500 feet, measured from the center of the intersection to the center of the turnaround.
   b. *Pedestrian and bicycle connections.*
      i. All cul-de-sacs greater than 250 feet shall 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.
      ii. On all other cul-de-sacs, the decision-making body may require pedestrian ways and bicycle access routes connecting the cul-de-sac to an appropriate street when necessary to permit easy pedestrian/bicyclist circulation and access to adjacent transit service, community facilities such as parks or schools, or employment centers.
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 temporary turnaround easement at the end of the street with a diameter meeting city standards shall be provided.
8. *Alleys.*
   a. *General standards.* Alleys are encouraged for residential or mixed use development. Alleys may not be used to satisfy the requirement for public street frontage stated in this section and/or in the city standards. Where alleys are used:
      i. They must meet all applicable city standards for design, and construction, and improvement (paving);
      ii. Connect through the block to a publicly dedicated street on each end, with or without turns; and
      iii. Provide rear access to at least 50 percent of the garages on residential lots adjacent to the alley.
   b. *Density bonus for use of alleys.*
      i. The decision-making body may approve a density increase up to ten percent above the maximum density allowed in the applicable zoning district in one-family and two-family residential developments that include alleys. To qualify for the bonus density:
         (A) The development must provide rear alley access to at least 50 percent of the total number of dwellings in the development.
         (B) Alleys must meet the general standards stated in subsection D.8.a. of this section.
      ii. The decision-making body may grant an exception to reduce street width for local streets within the development. See section 15.02.090.I., "exceptions to street/road and access standards."
      iii. The decision-making body may grant variances to reduce lot areas for the development below the minimum required in the applicable zoning district if necessary to fit the bonus units on the site. See section 15.02.060.F., "variances."
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 in the residential zoning districts and in the CBD and C zoning districts shall not exceed 1,200 feet in length between intersections, except where topography or other constraints require longer blocks. Block length requirements in the MU District are described in subsection 15.03.150.F.9.
2. Blocks that exceed 600 feet in length shall provide a pedestrian and bicyclist access route through the center of the block where practical. All such access routes shall meet the requirements stated in section 15.05.050, "Streets and Vehicle Access and Circulation," below.

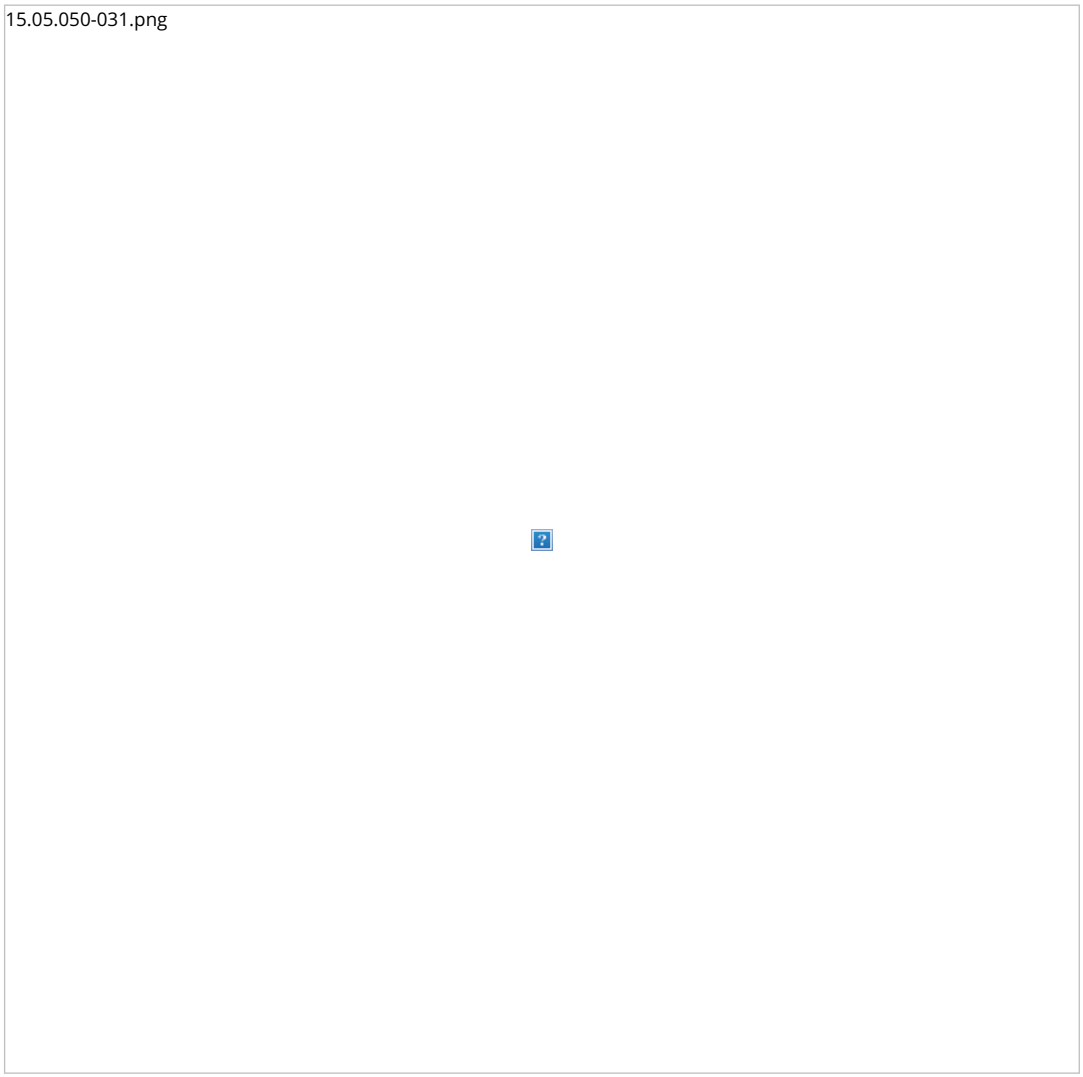
F. *Vehicle access and circulation.*
1.

Access design—General. Primary vehicle access points to a development shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian, and bicycle traffic. 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.

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) or section 15.05.050.F.7. (Loop lanes) below.
   b. *Limits on access to streets.*
      i. New direct access from a lot to an arterial street is prohibited, unless an exception is granted under section 15.02.090.I., "Exceptions to Street/Road and Access Standards."
      ii. New direct driveway access from a residential lot to a collector street is prohibited, unless an exception is granted under section 15.02.090.I, "Exceptions to Street/Road and Access Standards."
      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, or as approved by the decision-making body.
   d. *Location of access to public streets.*
      i. In new multifamily 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 planning director, with the director of public works and water utilities' approval, may approve a minor modification of these regulations based on submittal of an acceptable alternative circulation plan, giving due 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. See section 15.02.090.H. for the minor modification procedures.
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 body without application for exception as provided by section 15.02.090.I., "Exceptions to Street/Road and Access Standards," 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.
      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 chief.
   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 water utilities director and the fire chief, 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 in the amount of 125 percent of the cost of construction of the second principal access according to the requirements of section 15.05.210, "Improvement Guarantees," 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.* 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, the city may require access roads.
6. *Auto courts.* Auto courts may be approved as an alternative subdivision design. However, the use of auto courts should 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 15.02.060.E., 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.
   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.
   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.
   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.

15.05.050-031.png

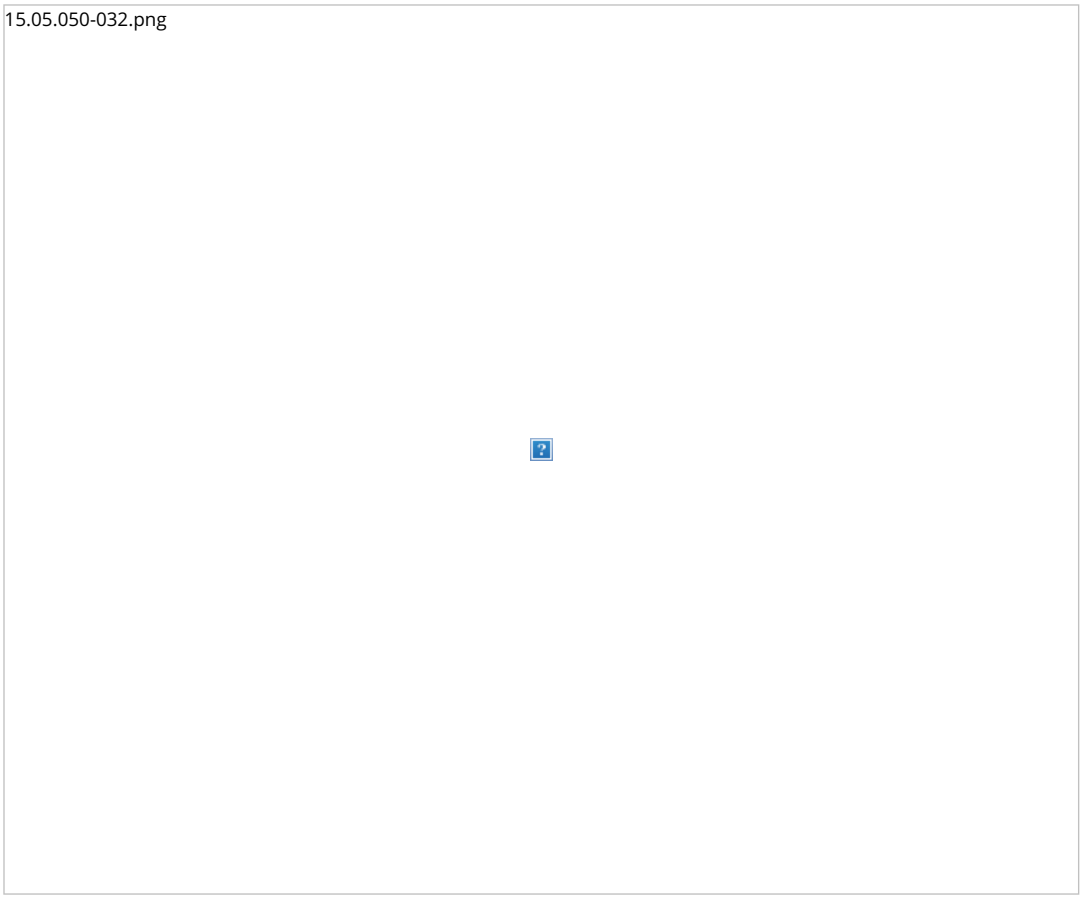


7. *Loop lane.* Loop lanes may be approved as an alternative subdivision design. However, the use of loop lanes should be limited to minimize the impact on city services and utilities and on maintenance responsibilities on home owners and property owner associations. Up to 12 one-family dwelling units may share access to a public street through the use of a loop lane layout approved through the preliminary subdivision plat review process described in section 15.02.060.E., provided that the loop lane complies with the following standards:
   a. The surface of the loop lane shall be at least 20 feet wide, and shall be surfaced with concrete.
   b. The common area surrounded by the loop lane shall be at least 60 feet wide.
   c. No portion of the loop lane shall extend more than 250 feet from the closest edge of the adjacent public street to which the loop lane gives access.
   d. The loop lanes shall have a minimum turning radius of 30 feet inside and 50 feet outside.
   e. Individual driveways leading from the loop lane to each home shall be at least 20 feet long, as measured from the front of the garage or carport to the closest edge of the loop lane.
   f. The design of the loop lane shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction using either the individual driveway (but not the individual driveways of any other residence), the loop lane, or the intersecting public street. The AASHTO turning template for a "P" ("passenger") design vehicle shall be used to confirm that these standards are met.
   g. The loop lane design shall comply with all off-street parking requirements applicable to one-family dwellings. In addition, each loop lane 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.
   h. No parking shall be allowed on the shared driveway.
   i. Maintenance and repair of both the loop lane surface and the common area surrounded by the loop lane 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.
   j. The loop lane shall not connect with a cul-de-sac bulb.
   k. Each dwelling on a loop lane shall have at a minimum a two-car garage.
   l.

A concrete pedestrian path at least five feet wide shall be provided along the entire outside (lot side) of the loop lane connecting to the sidewalk along the public street.

m. The loop lane shall comply with all other city standards including fire and emergency access, and utility provision.

15.05.050-032.png



(Code 1993, § 15.05.050; Ord. No. O-2006-70, § 6; Ord. No. O-2007-46, § 5; Ord. No. O-2009-21, § 9, 6-9-2009)

15.05.060. - Pedestrian and bicycle access and connectivity.

A. *Purpose.* These standards are intended to implement the city's multi-modal transportation plan and to provide for a safe and convenient system of well-connected pedestrian ways and bikeways 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, limited uses, rezonings, and annexations.

C. *Detached sidewalks.*

1. Detached sidewalks meeting city standards shall be installed along all streets, except where attached walks are allowed or required in the CBD and MU districts (see section 15.03.150.F. for the MU district).
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.
3. Landscaped tree lawns along local streets that meet city standards shall be credited toward the common open space requirements in section 15.05.040.C., "Common Open Space," above. Sixty-three percent of the tree lawn area shall be credited toward meeting common open space requirements, provided that all other common open space standards (pocket parks, landscape buffers, etc.) have been satisfied.

D. *On-site pedestrian and bicycle access.*

1. *General standards.* All new development shall provide on-site pedestrian and bicycle systems that comply with the following standards:
   a. On-site bicycle systems shall connect to the city's existing and planned concrete path and bike lane network. Safe and convenient bicycle and pedestrian access from the site shall be provided to designated concrete paths or greenways located adjacent to the development.
   b. On-site connections shall be made at points necessary to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the adjacent neighborhood(s). In order to provide direct pedestrian connections to these adjacent destinations, the city may require additional on-site and off-site sidewalks, walkways, or concrete paths not associated with a street, or the extension of a sidewalk from the end of a cul-de-sac to another street or walkway.
   c. The city may require, when necessary to assure public safety, pedestrian and bicycle facilities (i.e., 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 multifamily structure, shall have direct access (i.e., 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, "Nonresidential Design Standards," for additional pedestrian connection requirements.

15.05.060-033.png

3. *Bicycle connections.* In developments containing nonresidential uses or multifamily 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 constructed of concrete, shall be at least eight feet wide, and shall comply with applicable city

standards.

4. *Bicycle parking.*
   a. *Amount.* Commercial, industrial, civic, employment, and multifamily residential uses shall provide bicycle facilities to meet the following standard:
      i. A minimum number of bicycle parking spaces shall be provided, equal to five percent of the total number of automobile parking spaces provided by the development, but not less than one space.
   b. *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 automobile parking areas. For multifamily 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.
   c. *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 design standards), unless the decision-making body approves an alternative design. The inverted U rack is equivalent to two bicycle spaces.
   d. *Off-street parking credit for bicycle parking.* In commercial and industrial zoning districts, provision of bicycle parking spaces that meet the requirements of this subsection may reduce the off-street vehicle parking requirements of section 15.05.080 by one parking space for each four bicycle parking spaces up to a maximum of ten percent of the total off-street vehicle parking requirement. In order to qualify for this credit, the total off-street parking requirement shall be no less than ten spaces.
5. *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.
6. *Transit access circulation.* Nonresidential and multifamily 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 multifamily 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.
7. *Pedestrian street crossings.* Pedestrian access and safety shall be emphasized when a pedestrian walkway crosses drive aisles or internal roadways. 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. The pedestrian crossings shall be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, and/or landscaping.
8. *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 to the maximum extent practicable in pedestrian settings to increase visibility and security. 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," below for additional standards.

(Code 1993, § 15.05.060; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 7; Ord. No. O-2007-46, § 6; Ord. No. O-2009-21, § 10, 6-9-2009)

15.05.070. - Underdrains.

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.
   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 director or designee.
      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 director or designee.
      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.*
      a. 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 director or designee.
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 open space 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 and maintains a use of public places permit 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. *Variances.*
1. Requests for variances to this section 15.05.070 shall be submitted in writing to the public works and natural resources director or designee. The request shall state the variance requested, the justification and supporting data for the variance. 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 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. All variances 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. Approval of plans by the city, which contain design elements not in compliance with this code, and for which a variance request has not been specifically requested and approved, does not imply approval of a variance from these requirements.
5. Written, approved variances will not be subsequently rejected during construction.

(Code 1993, § 15.05.070; Ord. No. O-221-78, § 1; Ord. No. O-2006-70, § 8; Ord. No. O-2009-53, § 1, 9-8-2009)

15.05.080. - Off-street parking and loading.

A. *Access and parking lot requirements.* All vehicular use areas in any proposed development shall be designed to be safe, efficient, convenient and attractive, considering use by all modes of transportation that will use the system, including, without limitation, cars, trucks, buses, bicycles and emergency vehicles.
1. *Pedestrian/vehicle separation.* To the maximum extent feasible, pedestrians and vehicles shall be separated with a sidewalk or walkway. Where complete separation of pedestrians and vehicles is not feasible, potential hazards shall be minimized by using landscaping, bollards, special paving, striping, lighting and other means to clearly delineate pedestrian areas.
2. *Access.* Unobstructed vehicular access to and from a public street shall be provided in a safe manner for all off-street parking spaces.

3. *Pavement.* All parking and driveway areas, primary access to parking facilities, and other vehicular use areas shall be surfaced with asphalt, concrete, or other material in conformance with city specifications, except that driveways with primary access to residential uses shall be surfaced with concrete.
4. *Maintenance.* 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 regulations in the landscape section 15.05.040 "Landscape and open space regulations."

B. *General parking lot layout.*
1. *Circulation routes.* Parking lots shall provide well-defined circulation routes for vehicles, bicycles and pedestrians. Parking lots of over 100 spaces shall include walkways to maximize connectivity.
2. *Traffic control devices.* Standard traffic control signs and devices shall be used to direct traffic where necessary within a parking lot.
3. *Orientation.* Notwithstanding subsection I below, parking stalls in lots over 100 spaces shall be perpendicular to the land uses they serve.
4. *Points of conflict.* The lot layout shall provide continuous, direct pedestrian access with a minimum of 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.

C. *User needs.* 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 where needed, especially for land uses that serve children or seniors.

D. *Parking lots—Required number of off-street spaces for type of use.*
1. *Residential and institutional parking requirements.*
a. Residential and institutional uses shall provide a minimum number of parking spaces as defined by the standards in Schedule A.1 below:

SCHEDULE A.1: Residential/Institutional Uses Minimum Parking Requirements

Type of Dwelling Unit	**Minimum Parking Spaces (per Dwelling Unit unless otherwise specified) (includes guest parking)**
Single- and Two-Family Detached Dwellings and Day Care Homes	2 + 1 on-street
Accessory Dwelling Units	1 per bedroom up to 2 spaces maximum
Three-, Four- & Multifamily Dwellings except for Urban Dwelling Units:	
a. Efficiency or One Bedroom	a. 1.75
b. Two Bedrooms	b. 2.00
c. Three Bedrooms	c. 2.25
d. Four Bedrooms and above	d. 3.00
Urban Dwelling Units	1
Live/Work Dwellings	1.5
Mobile Home Parks & Subdivisions	2
35%+ units either restricted to over 60 year olds or permanently affordable housing	1
Boarding or Rooming House	1 per guest room + 1 per dwelling unit
Foster & Family Care Homes	1 per 4 beds or 2 per dwelling unit
Group Care Homes	1 per 4 beds
Group Care Institutions	1 per 2 beds
Schools (Elementary & Junior/Middle)	2 per classroom
High Schools	1 per 4 students at design capacity
Colleges, Universities, and Trade or Vocational Schools	1 per 2 enrolled students
Special Schools	1 per each 8 students
Places of Worship and/or Assembly	1 per 4 seats

b. Parking on an internal street fronting on a lot or tract containing two-, three-, four-, or multifamily dwellings or within a mixed use zoning district may satisfy the parking requirements.

c. Off-street guest parking spaces in three-, four-, and multifamily developments shall be distributed proportionally to the dwelling unit locations that they serve.

d. *Guest parking.* Guest parking spaces shall comprise at least 25 percent of the total parking requirement described in Schedule A.1 for a multifamily project and shall be no more than 500 walkable feet from the building they serve.

e. *Parking maximum.* The minimum off-street parking requirements shall not be exceeded by more than 20 percent.

f. *Garages serving multifamily dwelling units.* Garage parking serving multifamily dwelling units shall only count toward the total parking requirement described in Schedule A.1 if the garage is included as part of the sale or rent of the unit.

2. *Nonresidential parking requirements.* Nonresidential uses will be limited to a maximum number of parking spaces as defined by the standards defined below.

a. Schedule A.2 below sets forth the number of allowed parking spaces based on the square footage of the gross leasable area or the capacity of specified uses:

SCHEDULE A.2: Nonresidential Uses Maximum Parking Requirements

Use	**Maximum Parking Allowed per 1,000 gross square-feet (unless otherwise noted)**
Restaurants:	
a. Fast-Food (drive-through/food served at counter)	a. 16
b. Standard (food served at table)	b. 12
Bars, Taverns and Nightclubs	16
Theatres/Auditoriums/Conference Centers/Funeral Homes	0.3 per seating capacity
Outdoor Recreation	0.3 per person capacity
Limited Indoor Recreation/Bowling Alleys	5
Shopping Centers/Grocery Stores	5
Medical Office	5
Vehicle Service & Maintenance	5
Convenience Store/Full-Service Car Wash	5
General Office/Financial Services	4
Personal Service Shop	4
General Retail Sales and Rentals	4
Motor Vehicle Sales Office	3 (does not include the display area)
Day Care Center	3
Retail Sales—Low Intensity, furniture/appliance sales, repair services	3
Workshops and Industrial Buildings under 2,500 sq. ft.	3
Lodging Establishments	1 per unit
Hospitals	1 per bed
Long-Term Health Care Facilities	0.5 per bed + 1 per two employees (max shift)
Industrial/Warehouse/Manufacturing	0.75/employee

b. For uses that are not specifically listed above, 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 "Specific use standards" or as approved in an alternative parking plan described below.

c. *Parking plans.* A parking plan is necessary if the PDSD finds one necessary to demonstrate that parking will not have an adverse impact on surrounding properties and neighborhoods.

d. Shared parking is encouraged so as to use parking areas efficiently while allowing flexibility for additional development.

3. *Alternative parking plan.*

a.

Scope. An alternative parking plan is a proposal to meet vehicle parking needs by means other than providing parking according to the ratios established in Schedules A.1 and A.2 above, 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.* An alternative parking plan is required for development in the mixed use zoning district. Also, applicants who wish to: (1) provide fewer off-street parking spaces than required under parking minimum standards; (2) provide additional parking required under the parking maximums of this section; (3) provide parking off-site; or (4) deviate from any of this section's off-street parking design standards shall secure approval of an alternative parking plan according to the standards of this subsection or shall seek a variance.

c. *Contents.* Alternative parking plans shall be submitted in a form established by the PDSD. At a minimum, such plans shall detail the type of alternative proposed and the rationale behind the proposal.

d. *Review and approval procedure.*

i. The PDSD shall approve, approve with conditions, or deny alternative parking plans through the procedures and review criteria for minor modification for developments that provide at least 80 percent of the required number of minimum or no more than 20 percent above the maximum off-street parking spaces. The PDSD shall approve any other alternative parking plan if and only if the proposal meets the review criteria below.

ii. All other alternative parking plans shall require review and approval according to the variance procedures.

e. *Review criteria.* The PDSD shall approve the proposed plan if it will not adversely impact surrounding neighborhoods, maintains traffic circulation patterns, and promotes quality urban design as well as or better than a plan that strictly complies with otherwise applicable off-street parking standards.

E. *General design standards for off-street parking and loading areas.*

1. Curb definitions shall be maintained, prohibiting continuous vehicular access to parking areas along the street frontage of the site.
2. All off-street parking and loading areas in nonresidential zoning districts shall meet the following design standards:
   a. 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.
   b. 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 and earth berms. See section 15.05.040 for off-street parking and loading area landscaping and screening requirements.
   c. 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.
3. *Off-street loading design standards.*
   a. An 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 and shall not be construed as supplying off-street parking spaces, which shall be provided separately.

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 may be located within the front yard setback area on a hard-surfaced driveway approved by the city, but not within any required side yard setback adjacent to the street. See also section 15.04.030, "Accessory uses".
2. *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 abutting lots within 500 walkable feet from the proposed building or use.
   b. In all nonresidential zoning districts, 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. Wherever practicable, off-street parking and loading areas shall be located to the rear of buildings, or where that is not possible, to the side of buildings. See section 15.05.120, "Nonresidential design standards" for additional details.
3. See section 15.05.020, "Protection of rivers/streams/wetlands," for required parking area setbacks from delineated river/stream corridors and wetlands.

G. *Use of required parking spaces.*

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 may not be used for the display of goods for sale or lease, for motor vehicle repair or service work (except for minor vehicle repair or service), or for long-term storage of recreational vehicles, boats, motor homes, campers, mobile homes, or building materials.

H. *Vehicle stacking areas and design standards for drive-through uses.* 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 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 as measured from the service window or unit to the entry point into the drive-through aisle.
   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.* Drive-through aisles are subject to the following design and layout standards:
   a. *Design.*

i. Drive-through aisles shall be separated from other internal driveways by raised medians if the city traffic engineer deems the median necessary for traffic movement and safety.

ii. Drive-through aisles adjacent to public streets or sidewalks shall be separated from such streets or sidewalks by walls or landscaping with berms.

b. *Layout.*

i. 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.

ii. To the maximum extent practicable, drive-through aisles shall not be located between the primary structure and adjacent public streets or sidewalks. If this is not possible, drive-through aisles and facilities shall be set back a minimum of 20 feet from any adjacent public street or sidewalk. The entire 20-foot setback must be landscaped and have berms to screen the drive-through aisles and facilities from adjacent streets.

iii. In addition to any buffering required by section 15.05.040, "Landscape and open space regulations," drive-through aisles adjacent to residential uses on another lot shall be separated from such uses by an opaque wall at least six feet high, located so that required buffer landscaping is between the wall and the adjacent residential use.

4. Car wash facilities and gas station auto service bays shall be located on the side or rear of principal structures and shall face away from public streets.

l. *Design of off-street parking spaces.*

1. *Minimum dimensional requirements.* All off-street parking spaces, including required accessory parking areas and commercial parking lots, shall comply with the minimum dimensional standards stated in Table 15.05-D below:

TABLE 15.05-D
MINIMUM AISLE AND SPACE DIMENSIONS BY ANGLE OF PARKING SPACE

Type of Space	A	B	C	D	E	F
	Parking Angle	Stall Width (feet)	Stall to Curb (feet)	Aisle Width (feet)	Curb Length (feet and inches)	Overhang (feet and inches)
Standard 9' × 18' space	45°	9	19	13	12' 8"	1' 5"
	60°	9	20	13	10' 5"	1' 8"
	90°	9	18	24	9	2
Parallel space	0°	8	8	12	24	0

15.05.080parking.png

a. Valet parking spaces are exempt from the minimum space dimensional standards in this table.
b. When a parking space abuts a landscape island or planter, the front two feet of the required parking space length may overhang the planter, provided that wheel stops or curbing with a minimum height of six inches are provided to protect the landscape area.

2. *Parking area layout.* Developments with 100 or more parking spaces shall be designed with 90-degree parking in order to provide safer and more comprehensible parking layout.
3. *Accessible parking and passenger loading for the physically disabled.*
   a. *Applicability.* The provisions of this section shall apply to all new developments and redevelopments of nonresidential and multifamily residential uses.
   b. *Amount—General rule.* Accessible parking shall be provided for the physically disabled according to the following schedule. The total number of required accessible spaces for the physically disabled in Table 15.05-E below shall be a subset of, and not in addition to, the total number of off-street parking spaces for the site, as regulated in subsection D above.

TABLE 15.05-E
ADA PARKING REQUIREMENTS

Total Number of Parking Spaces in Off-Street Parking Area	Required Minimum Number of 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% of total
1,001+	20 plus 1 for each 100 over 1,000 total spaces

c. *Amount—Facilities providing medical care and other services for physically disabled persons.* In such facilities, accessible parking spaces for the physically disabled shall be provided in the following amounts:
   i. Hospital outpatient facilities (including, but not limited to medical clinics and offices): Ten percent of the total number of off-street parking spaces.
   ii. Rehabilitation facilities that specialize in treating mobility-related conditions and outpatient physical therapy facilities: Twenty percent of the total number of off-street parking spaces.

d. *Slope.* Accessible parking spaces and access aisle widths shall be level with surface slopes not exceeding 1:50 in all directions.

e. *Accessible space dimensions.* Accessible spaces for people with physical disabilities shall be eight-foot × 18-foot with a five-foot wide access aisle adjacent and parallel to the space. Van-accessible spaces shall be 11-foot × 18-foot with a five-foot wide access aisle adjacent and parallel to the space. Alternately, van-accessible spaces may be eight-foot × 18-foot with an eight-foot aisle. The access aisle may be shared with the adjacent space, except for diagonal parking spaces.

f. *Van-accessible spaces.* One in every six accessible parking spaces, but no less than one space per site, shall be van-accessible.

g. *Signage.* All accessible parking spaces shall be appropriately signed with a freestanding or wall-mounted sign, in conformance with the Manual on Uniform Traffic-Control Devices, using the standard uniform words or symbols that signify the space as parking for the physically disabled only. Van-accessible spaces shall have a sign located below the accessible sign indicating the space to be van-accessible. Surface markings are advised per the standards of the Americans with Disabilities Act.

h. *Location.* Accessible parking spaces shall be located as near to the entrance of the use as possible and shall be so designed, unless it is impossible to do so, that circulation between the vehicle and the building shall not involve crossing any area used for vehicular circulation. Ramps shall be provided for differences in grade between the accessible parking spaces and the uses of the site and must be constructed to meet or exceed city standards.

i. *Continued compliance.* All developments approved or previously approved subject to these accessible parking and loading requirements for physically disabled persons shall remain in compliance with these standards.

J. *Passenger loading zones.*
   1. Passenger loading zones shall be provided for licensed medical and long-term care facilities.
   2. Where passenger loading zones are provided, the zones shall provide an access aisle at least five feet wide and 20 feet long that is adjacent and parallel to the vehicle pull-in space.
   3. All passenger loading zones shall be marked and signed for such purpose.
   4. Ramps shall be provided for differences in grade. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.

K. *Shopping cart storage areas.* In addition to required off-street parking spaces, each tenant or owner of a structure that provides shopping carts for customer use shall incorporate at least one shopping cart storage area the size of one parking space in the off-street parking area for each 50 off-street parking spaces.

L. *Bicycle parking areas.* Bicycle parking shall be provided according to section 15.05.060

(Code 1993, § 15.05.080; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 9; Ord. No. O-2009-21, § 11, 6-9-2009; Ord. No. O-2011-81, § 8, 11-8-2011; Ord. No. O-2014-53, § 2, 10-14-2014)

15.05.090. - Reserved.

Editor's note— Sec. 1 of Ord. No. O-2012-24, adopted May 8, 2012, repealed § 15.05.090, which pertained to landscaping, buffering and screening, and derived from the 1993 Code; Ord. No. O-2001-78; Ord. No. O-2003-05; Ord. No. O-2004-43; Ord. No. O-2006-70; Ord. No. O-2007-33; Ord. No. O-2007-46; Ord. No. O-2009-21, adopted June 9, 2009; and Ord. No. O-2009-89, adopted Dec. 22, 2009.

15.05.100. - Fences and walls.

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. *Prohibited fences or walls.*
   1. *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.
   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 districts zoned for industrial or commercial uses, barbed wire may be allowed 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. *Other prohibited fences/walls.* Fences or walls shall be constructed of masonry, stone, brick, iron, steel, vinyl, wood, wood composite, or other comparable materials that meet the purpose of these fence and wall standards. 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 Code or the decision-making body determines that an alternate design meets the purposes of these fence and wall standards.
   4. *Chain-link or woven-wire fences.* See subsection G.3. of this section.

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 15.02.130, "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 in its entirety; in addition, perimeter fences and walls located adjacent to an arterial or collector street shall comply with the provisions stated in subsection F of this section.
   1. *Applicability.* This subsection applies only to "perimeter fences and walls," as that term is defined is chapter 15.10 (Definitions).
   2. *Perimeter fence and wall design.*
      a. Open-style fences or walls or privacy fences or walls constructed of stone, brick, and other masonry materials, combined with steel and iron, are preferred materials for fences or walls constructed along the perimeter of subdivisions or developments.
      b. Wood and wood composite perimeter privacy fencing, where allowed, shall be constructed with three rails and shall include two-foot by two-foot masonry fence posts located no further than 60 feet on-center, and with sloped column caps to drain water to the sides of the posts. Perimeter wood privacy 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 open space, and other public areas, as applicable.
      c. Perimeter fence or wall designs shall be approved with all subdivision plats, site plans (including limited and conditional uses) or development 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.

F. *Perimeter fences and walls located adjacent to arterial and collector streets.* Perimeter fences or walls located in new residential developments with frontage on an arterial or collector street shall comply with the following standards:
   1. The fence or wall shall include an adequate number of openings for pedestrian access, landscaping, parks and open space. Perimeter fences between pocket parks and common open space 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.
   2. The fence or wall shall be set back an adequate distance from the sidewalk in the right-of-way to allow for landscaping according to the following standards:
      a. Along detached sidewalks, perimeter fences or walls shall be set back at least four feet from the back of the sidewalk, and the area between the sidewalk and the fence shall be landscaped with lower water-consuming ground cover or shrubs with a variety of species for seasonal color and plant variety.
      b. Along attached sidewalks, perimeter fences or walls shall be set back at least eight feet from the back of the sidewalk, and the area between the sidewalk and the fence shall be landscaped with lower water consuming ground cover and five shrubs and one deciduous tree for every 50 linear feet of fence.

G. *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.

H. *Perimeter or individual lot or parcel fences or walls adjacent to open space areas.* Fences or walls constructed adjacent to common open space, pocket parks and public parks and open space shall be consistent with the design standards specified in section 15.05.040, "Open space, including parks and greenways."

I. *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:
      a. The fence or wall is at least 50 percent transparent (not opaque) and does not exceed 42 inches in height; or
      b. In the front yard of one- or two-family dwellings, the fence is an open style that is at least 50 percent transparent and does not exceed 42 inches in height;
      c. All fences shall have the finished (smooth) side facing the public right-of-way, common open space, 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 and replacement of existing (nonconforming) fences.
      b. In a nonresidential 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 if the city finds that extraordinary and unusual circumstances exist that require such a fence to meet reasonable requirements for public safety.

J. *Normal corner lots—Street line fences.* On any normal 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.

K. *Reverse corner lots—Street line fences.* On any reverse corner lot in any residential zone, no fence, barrier, wall or other obstruction shall be placed or constructed between the street right-of-way line and the front setback line of the adjacent lot fronting on such street, except for the following:
   1. The fence or wall shall be not less than 50 percent transparent;
   2. The fence or wall shall not exceed 42 inches in height;
   3. The fence or wall shall be located outside the right-of-way and set back a minimum of one foot from any sidewalk along the street;
   4. Gates in the fence or wall shall open toward the yard, rather than the sidewalk; and
   5. The fence or wall shall comply with city sight distance requirements.

L. *Corner lots—Obstruction-free area.* 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.

M. *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 all other fences and walls, unless the decision-making body determines that a higher fence or wall is necessary on nonresidential property to provide adequate screening or buffering.

N. *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.

O. *Fence and wall clearance from fire hydrants and other utilities.*

1. *Clearance from fire hydrants.* No fence shall be constructed that hinders or obstructs access to any fire hydrant or that encroaches within a radius of six feet from any fire hydrant. The decision-making body 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 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.

(Code 1993, § 15.05.100; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 11)

15.05.110. - Residential design standards.

A. *Applicability/purpose.* The design standards stated in this subsection are intended to implement LACP strategies for residential development and promote quality design of an urban environment. Except as expressly exempt by this section, in all residential development (including PUDs and development on individual lots or parcels), a mixture of different lot sizes, dimensions, and housing models shall be provided, as described in this section, to avoid monotonous streetscapes. In addition to the design standards in this section, for residential development in the MU district see subsection 15.03.150.F.

B. *Modifications to residential design standards.* In the case of infill development or redevelopment where strict compliance with the residential design standards stated in this section is not possible or practical, the standards may be modified subject to the provisions of subsection 15.01.040.B.

C. *Mixture of different lot areas required.*

1. *General rule.* No more than 20 percent of all lots within a subdivision of ten or more lots containing one-family dwellings shall be similar in lot area. For purposes of this subsection, "similar" shall be defined as within 1,000 square feet of each other. A table listing lot areas shall be included with all subdivision plats.
2. *Exceptions.*
   a. Lots that comply with the affordable housing requirements of this development code are exempt from this lot area variation requirement.
   b. One-family dwellings in PUD developments are exempt from this lot area variation requirement.
   c. Up to 30 percent of the lots within the subject subdivision may be similar if the decision-making body finds that, notwithstanding deviation from the 20 percent standard stated above, lot areas and dimensions are sufficiently varied, for different housing types, to avoid monotonous streetscapes. The applicant shall incorporate at least five different lot area categories, each with a range of 1,000 square feet and each comprising at least ten percent of the total number of lots.
3. *Dispersion of lot areas required.* Similar lot areas shall be distributed throughout a subdivision rather than consolidated in one area of a subdivision.

D. *Variation of front yard setbacks required.* New developments with one-family and two-family dwellings shall comply with the front setback variation requirement in subsection D.1. of this section, unless the decision-making body waives the requirement based on a finding that the development provides sufficient variety of high-quality architectural dwelling designs to offset the need for setback variation.

1. Front setbacks on adjacent lots shall vary by at least 2½ feet.
2. A building envelope plan and a table listing setbacks for each lot shall be included with all subdivision plats.
3. All setbacks shall conform to the requirements of section 15.05.010.B. of this chapter, or as approved in a PUD development plan.

E. *Garages and porches.* To prevent residential streetscapes from being dominated by protruding garage doors, the following standards shall apply to all new residential development (including PUDs containing residential uses and development on individual lots or parcels). For the purpose of this section, street-facing shall include one-family dwellings facing onto auto courts and loop lanes as described in subsections 15.05.050.F.6. and 7. of this chapter, or facing onto any other common private driveways.

1. At least 50 percent of the dwellings located on any block face shall have garages that are either:
   a. Recessed or flush with the street-facing facade of the living area of the dwelling, provided the living area is at least 12 feet wide;
   b. Recessed or flush with the street-facing facade of an unenclosed, covered porch, provided the area of the porch is at least 60 square feet; or
   c. Side-loaded (garage doors are perpendicular to the front lot line).
2. No garage with street-facing doors shall protrude more than six feet from the street-facing facade of a first-story living area (measuring at least 12 feet wide) or from a first-story unenclosed, covered porch (measuring at least 60 square feet and at least ten feet wide). No more than three adjacent dwellings located on the same block face shall have a protruding garage with street-facing doors.
3. When garage doors are other than street-facing (e.g., the doors face a side or rear lot line), the side of the garage facing the street shall include windows or other architectural details that mimic the features of the living area portion of the dwelling.
4. Garage doors shall not comprise more than 50 percent of the street-facing linear building frontage, except that garage doors located on the side of a dwelling facing a side yard street may comprise up to two-thirds of the street-facing linear building frontage. For purposes of this provision, the width of the garage door(s) shall be measured as the linear distance between the outer edges of the door(s), including any wall area separating two or more garage doors that is less than two feet wide.
5. For new development on a lot or parcel where the existing dwelling has been removed, the replacement dwelling and garage shall comply with the standards stated in subsections E.2. through E.4. of this section.
6. Applicants for building permits shall demonstrate on the application that the garage for a dwelling complies with these standards.
7. The planning director may accept alternative garage orientation or design, through review of a minor modification 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.
8. Porches. To encourage the use of porches in residential neighborhoods, unenclosed covered porches may encroach into a setback adjacent to a street a maximum of five feet, subject to the limitations stated in subsection 15.05.010.B.2.d.

F. *Mix of different housing models required.*

1. To provide a diversity of housing types within residential developments, subdivisions of ten or more lots containing one-family and two-family dwellings shall contain a sufficient number of different housing models of varying style and architectural features so that no more than 20 percent of the lots contain the same housing model.
2. One-family or two-family dwellings on adjacent lots fronting on the same street shall contain different housing models of varying style, architectural features, and exterior color. Adjacent lots shall include abutting lots, or those lots separated by a street, alley, auto court, loop lane, or other common private drive. A note shall be added to all subdivision plats with this requirement. Architectural elevations shall be submitted with all subdivision plats and development or site plans.

3. Applications for building permits shall demonstrate that the dwelling complies with these standards.

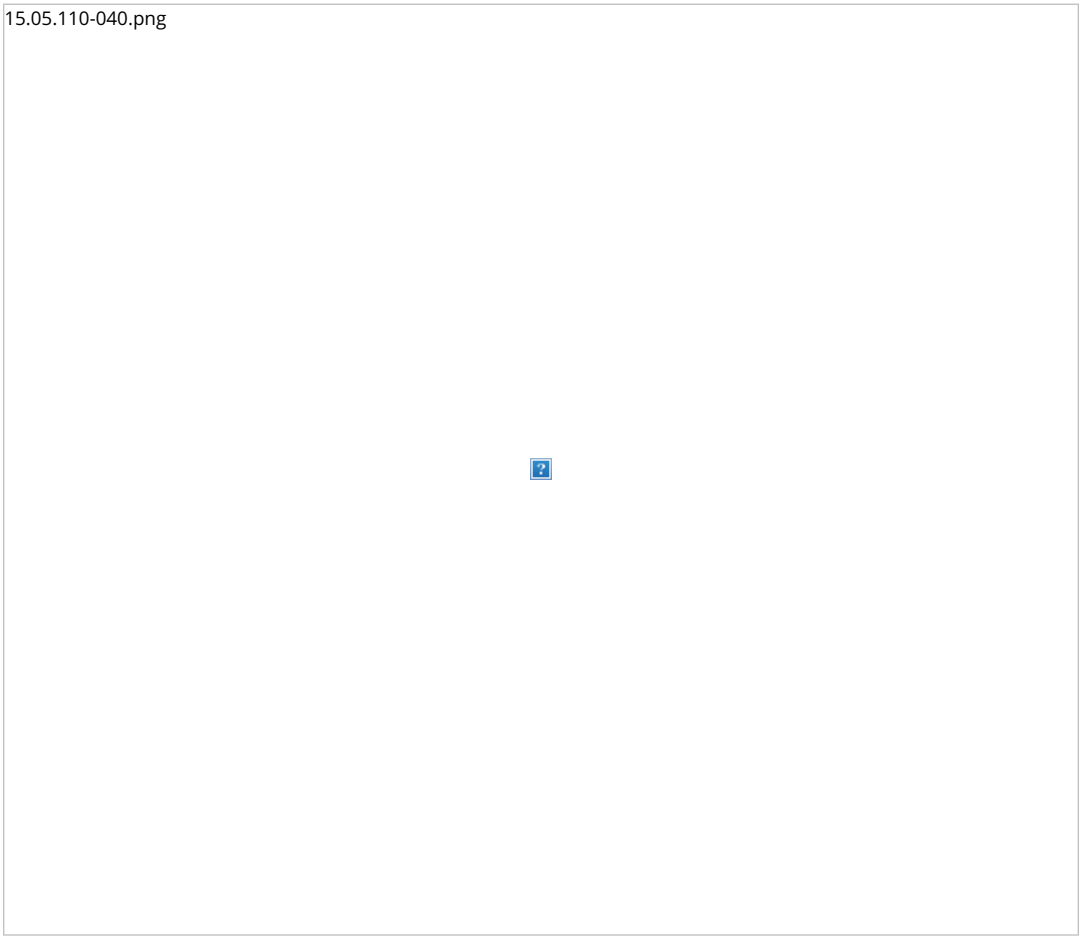
G. *Exterior colors of residential dwellings.* Residential subdivisions and developments shall include a variety of exterior color palettes to provide diversity within the subdivision or development. Color palettes shall be included in the design guidelines submitted with a subdivision or development. Fluorescent or intense colors shall not be used on any wall or roof of any dwelling or accessory structure.

H. *Architectural design of dwellings.* 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.

I. *Variation in architectural design of three-family, four-family, and multifamily dwellings.* All three-family, four-family, and multifamily developments, including any detached garages, shall provide quality architectural design that includes variation in the design of the dwellings and garages, including changes in roof lines, facade planes, building materials and colors, trim and accent features, window and door placement, inclusion of prominent entry features, or other features that provide sufficient variation in design.

15.05.110-040.png



(Code 1993, § 15.05.110; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 12; Ord. No. O-2009-21, § 13, 6-9-2009)

15.05.120. - Nonresidential design standards.

A. *General design standards.*

1. *Purpose and applicability.* The design standards stated in this subsection are intended to implement LACP strategies for commercial and other nonresidential development and promote quality design of an urban environment. These design standards apply to development containing commercial (retail and office), industrial, and public/institutional/civic principal uses. In addition to the design standards in this section, for nonresidential development in the CBD district see subsection 15.03.040.B.3, for nonresidential and mixed use development in the MU district see subsection 15.03.150.F, and for nonresidential development in the RP district see subsection 15.03.160.E.
2. *Modifications to nonresidential design standards.* In the case of infill development, redevelopment or change of use where strict compliance with the nonresidential design standards stated in this section is not possible or practical, the standards may be modified subject to the provisions of subsection 15.01.040.B.
3. *Pedestrian access and circulation.* Nonresidential developments shall provide adequate pedestrian connections with surrounding areas, including:
   a. All principal structures shall have direct pedestrian connections that meet ADA requirements:
      i. From each principal structure entrance used by residents, employees, or the public to perimeter public sidewalks (see also subsection 15.05.060.C.2. above regarding required pedestrian connections);
      ii. Between each principal structure in the development;
      iii. To sidewalks on adjacent properties; and

iv. To existing or planned transit stop or park-n-ride locations identified by RTD and the city.

b. A development that has parking areas extending more than 250 feet from the principal structure shall provide a designated pedestrian walkway extending from the row of parking located furthest from the principal structure to a principal structure entrance, or to a sidewalk leading to such entrance. Such walkways shall be distinguished from surrounding parking areas and drives by changes in materials, color and texture, raised surfaces, or landscaped edges. See also section 15.05.060, "Pedestrian and bicycle access and circulation," above.

c. All development shall provide:

i. An unobstructed walkway at least seven feet wide extending across each facade of a principal structure that features a customer entrance or that abuts a public parking area (See also subsection 15.05.080.K.4. regarding landscaping between the building and walkway); and

ii. Weather protection and architectural features such as awnings or arcades at each structure entrance.

4. *Pedestrian gathering spaces.* Outdoor spaces for pedestrians, such as plazas and outdoor seating areas, with connecting pedestrian paths shall be included in nonresidential developments to the maximum extent practicable, particularly for commercial and public/institutional/civic developments.

5. *Parking area screening and layout, and driveway access.*

a. Parking areas for nonresidential uses shall be screened from adjacent streets and properties to the maximum extent practicable. No more than 50 percent of the off-street parking shall be located between the facade of the principal building and the facing primary street or highway, unless the parking is located within a parking structure, or the decision-making body determines that the applicant has provided a more appropriate design, or demonstrated that it is not practical to distribute the parking in this manner, and the applicant has provided additional parking area landscaping or other amenities to mitigate a concentration of parking areas.

15.05.120-041.png

b. Driveways shall be consolidated to the maximum extent practicable to reduce the number of sidewalk/driveway crossing points.

6. *Use of reflective glass.* Any glazing materials shall have a maximum of 15 percent outside visual light reflectivity value.

7. *Building orientation.* To the maximum extent practicable, building setbacks from adjacent streets should be minimized to establish pedestrian-oriented street fronts. Building entrances should be oriented toward pedestrian walkways and plazas, with direct, continuous connections to the street without requiring pedestrians to walk through parking areas.

8. *Building facade articulation.* Building facades shall include a variety of elements to the maximum extent practicable, including but not limited to, materials, colors, textures, wall plane projections or recesses, entry features, window and door placement, roof forms, canopies, and arcades.

9. *Roof design and screening.* All buildings shall have fully enclosed roofs or articulated roof forms that shield roof-mounted mechanical systems from public view to the maximum extent practicable.

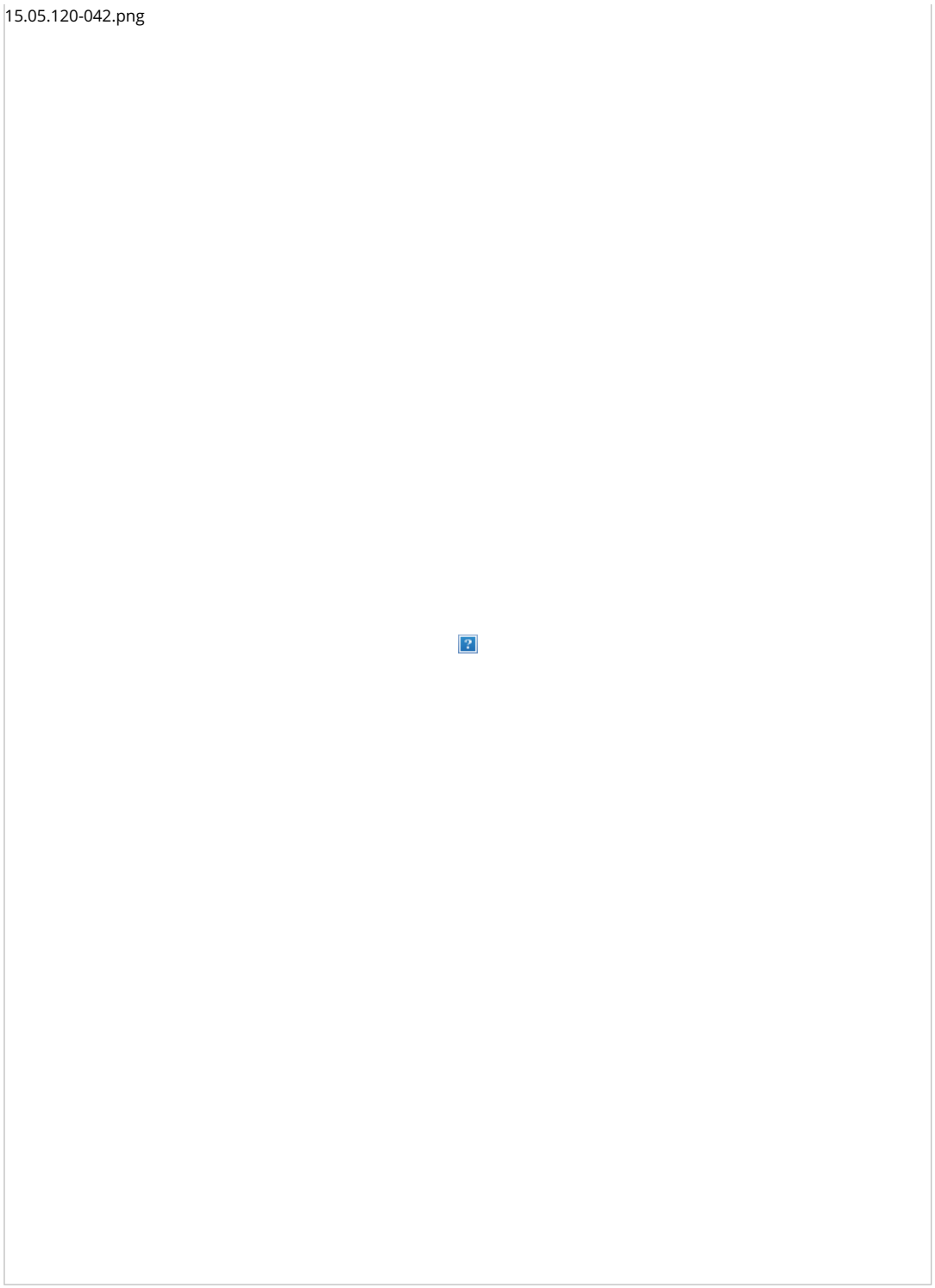
10.

Building/roof color. Intense, bright or fluorescent colors shall not be used as the predominant color on any wall or roof of any principal or accessory structure. These colors may be used as building accent colors provided they are compatible with the building design and other primary colors on the building, and providing they do not constitute more than ten percent of the area of each elevation of a building, excluding windows, doors, and wall signs.

11. *Building materials.*
    a. A variety of exterior facade building materials are required for nonresidential buildings. Allowed materials include brick, stone, split-face and ground-face masonry units, decorative architectural tile, stucco, integrally colored concrete, decorative concrete, glass, or other compatible quality materials.
    b. Metal may be used on the exterior of buildings for architectural features, but it shall not be the primary exterior surface material on buildings. Metal may be used as architectural features covering no more than ten percent of the facades of a building, unless the decision-making body determines that additional metal in the design creates a high-quality or unique building design that meets the purpose and intent of the standards in this section. Standing seam (not corrugated) metal roofs are allowed and are exempt from the limitation on percentage of metal.

B. *Additional design standards for retail sales, office, financial, restaurant and hotel establishments.*
    1. *Purpose and applicability.*
        a. These design standards are intended to implement LACP strategies for new commercial development design, including promoting designs that produce facilities with human scale, that are pedestrian friendly, and that allow for alternative means of transportation.
        b. The standards stated in this subsection B apply to all new retail, office, financial, restaurant and hotel uses, defined as uses housed in a single structure or series of attached structures. These design standards are in addition to the general design standards for nonresidential uses stated in subsection A of this section.
    2. *Building facades.* The following standards are intended to avoid long, unbroken, monolithic walls visible to the public from streets or adjacent land uses.
        a. Each building facade greater than 100 feet in length shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least 20 percent of the length of the facade. No uninterrupted length of any facade shall exceed 100 horizontal feet. The decision-making body may approve alternative designs that feature innovative use of high-quality building materials to break up building facades.
        b. Each building facade shall incorporate at least three changes including, but not limited to, materials, colors, textures, wall projections or recesses.
        c. Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings, or other such features along at least 60 percent of the horizontal length.
        d. The sides and rear of buildings that are visible to the public shall be as visually attractive as the front of the building through the use of similar architectural features, detailing and building materials, and design of landscaping features.

15.05.120-042.png



3. *Parapets.* 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.

15.05.120-043.png

4. *Building entryways.* Customer entrances shall be highly visible and shall incorporate at least one element from each of the following groups of features (for a minimum of two features per customer entrance):
    a. Group 1:
        i. Roof overhangs, raised cornice parapets, or peaked roof forms;
        ii. Recessed or projecting wall sections; or
        iii. Arcades, canopies, or arches.
    b. Group 2:
        i. Outdoor patios with seating areas;
        ii. Display windows;
        iii. Other architectural details.

(Code 1993, § 15.05.120; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 13; Ord. No. O-2009-21, § 14, 6-9-2009; Ord. No. O-2011-81, § 9, 11-8-2011)

15.05.130. - Outdoor service, storage, equipment, loading and display.

A. *Outdoor service, storage, and loading areas.*

1. *General design standards.*
    a. In all development except for one-family and two-family dwellings, 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-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 a minimum of six feet high. 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/refuse/recycling areas.* 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 trash collection or compaction area, and designated recycling collection area, which shall be located and designed to ensure adequate on-site maneuvering area for 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 collection/compaction and recycling 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 collection/compaction and recycling 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 and gates shall be constructed of the same materials as used in the principal structure. 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. 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.
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 at least six feet high. 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.* The following standards apply to outdoor display areas that shall be occupied for more than 30 consecutive days, unless a different standard is explicitly stated in an approved PUD plan or temporary use permit:
   1. No outdoor retail display area shall be located in a required off-street parking area.
   2. No outdoor retail display area shall be located in a required landscaped or buffer yard area.

(Code 1993, § 15.05.130; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 14)

15.05.140. - Outdoor lighting.

A. *Purpose.* These outdoor lighting regulations are intended to achieve the following purposes:
   1. Further the goals, policies, and strategies stated in the Longmont Area 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.

C. *Design requirements.* Developments and redevelopments must submit a photometric site plan (lighting plan) designed by a licensed professional engineer or architect. The lighting plan must contain the items noted in subsection J below.

D. *Exemptions.* The following are exempt from the regulations in this section unless noted otherwise.
   1. One-family and two-family developments are exempt from the lighting plan requirement; however, residential uses, including one-family and two-family homes, shall be 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 from the pole 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 PDSD may waive or modify a requirement in this section upon making one of the following findings:
   1. The request complies with the standards for a minor modification; 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.
   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 PDSD 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 PDSD 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 or the community.
   2. All new and replacement light fixtures shall be full cutoff.
   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. Preferred lighting types include color-correct (white light) types such as LED, halogen or metal halide, or high-pressure sodium. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited in all areas.
   11. Light sources in the interior of nonresidential buildings shall be shielded to the maximum extent practicable to minimize glare and visibility from the exterior of the building.
   12. Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam or light that shall not extend beyond the illuminated object.

13. Light produced from architectural, landscape, and decorative uplighting shall not be visible above the building roof line.

H. *Lighting levels.*

1. Table 15.05-J provides the maximum illuminance of various activity areas as follows:

TABLE 15.05-J

Activity Area	Average Footcandles (Maximum)
All site lighting on a parcel of land in a nonresidential zoning district	2.0
All site lighting on a parcel of land in a residential zoning district	1.0
Gasoline fueling areas, drive-up window areas, ATM areas, car wash bays, and loading and service areas adjacent to nonresidential uses (1)	15.0
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

(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.

2. Table 15.05-J 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.

I. *Height standards for lighting.*

1. Light fixtures mounted to a building or structure shall not exceed the height of the building or structure.
2. Freestanding light fixtures located in residential zoning districts shall be mounted no higher than 16 feet from the ground.
3. Freestanding light fixtures located in nonresidential zoning districts shall be mounted no higher than 25 feet from the ground.
4. 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 PDSD 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.
5. Lighting fixture heights greater than the maximum zoning district height may be approved only through a minor modification or height exception.

J. *Lighting plan requirements.* Lighting plans shall meet the following requirements:

1. Existing and proposed lighting locations shall be depicted on a lighting plan, indicating the projected hours of use.
2. Lighting plans shall:
   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.

(Code 1993, § 15.05.140; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 15; Ord. No. O-2014-54, § 2, 10-14-2014)

15.05.150. - Quality of life benchmarks/adequate public facilities standards.

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;

b. The fire chief approves an equivalent means to insure adequate fire response; or

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;

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;

c. The fire chief approves an equivalent means to insure adequate emergency medical response; or

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, adopted by subsection 15.02.150.G. of this Code, states the level of service and minimum approval requirements for school capacity.

(Code 1993, § 15.05.150; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 16; Ord. No. O-2007-27, § 2)

15.05.160. - Operational and performance standards.

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 to the maximum extent practicable.

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 Longmont 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 an application for preliminary plat or plan approval, or an application for a site plan, whichever application is made first.
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 15.05-L 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.

TABLE 15.05-L
STEADY-STATE VIBRATION LIMITS

Vibration Limit	Peak Particle Velocity (Inches per Second) Daytime	Peak Particle Velocity (Inches per Second) Nighttime
At a Residential Parcel	0.03	0.01
At a Commercial, Institutional/Public, or	0.06	0.06

Industrial Parcel		

Note: Nighttime shall be considered to prevail from 10:00 p.m. to 7:00 a.m.

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 areas used predominantly 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 only 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;
   2. Location on a site of activities that generate potential adverse impacts on adjacent uses such as noise, odor and glare;
   3. Placement of trash 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.

(Code 1993, § 15.05.160; Ord. No. O-2001-78, § 1; Ord. No. O-2006-70, § 17; Ord. No. O-2009-89, § 5, 12-22-2009; Ord. No. O-2012-89, § 8, 12-18-2012)

15.05.170. - Wireless telecommunication facilities.

A. *Standards for all wireless telecommunication facilities.*
   1. The standards in this section apply to all applications for a permitted, limited use, 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. The city may permit a wireless telecommunication facility on property designated as a historic landmark or within a historic district upon council approval after review by the landmark designation committee.
   3. Building/structure mounted wireless telecommunication facilities meeting the standards of this section 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.
   4. The city encourages co-location of wireless telecommunication facilities to minimize the number of telecommunication sites.
      a. No wireless telecommunication facility owner or operator shall unfairly exclude a telecommunication competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence why co-location is not possible.
      b. If a telecommunication competitor attempts to co-locate 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 co-location.
   5. The applicant shall design all wireless telecommunication facilities to mitigate or camouflage visual impacts to the maximum extent practicable. 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.
   6. Wireless telecommunication facilities shall not reduce the parking and landscaping to less than the minimum requirement for other uses on the parcel.
   7. In addition to the other 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 public utility or street lighting poles or emergency communication facilities to the maximum extent practicable. Wireless telecommunications facilities proposed to be placed on replacement or new public utility or street lighting poles, or emergency communication facilities shall be limited in size (including the pole height and diameter) to the maximum extent practicable, and shall not exceed the height limit of the zoning district in which they are located or border on, as regulated in subsection A.7.b above.
      d. They shall not conflict with existing or planned utilities or facilities in the right-of-way and shall conform to sight distance requirements.
      e. Antennas and accessory equipment shall be limited in size to the maximum extent practicable. Antennas shall be of a cylinder, whip, or stealth-type design to minimize the visual impact of the antennas.
   8. 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.

9. 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.

B. *Standards for freestanding wireless telecommunication facilities.*
1. Unless exempted, a freestanding wireless telecommunication facility shall meet the greater of the following minimum setbacks from all property lines:
   a. The setback for a principal building within the applicable zoning district; or
   b. The facility height, including antennas.
2. A freestanding wireless telecommunication facility shall not exceed the maximum structure height within the applicable zoning district.
3. Only one freestanding wireless telecommunication facility shall be allowed on legal parcel (excluding lease parcels).
4. A freestanding wireless telecommunication facility shall accommodate co-location of facilities unless the city approves an alternative design.
5. Antennas, support structures, accessory equipment, and all other appurtenances shall be limited in size to the maximum extent practicable.
6. Antenna shall be mounted flush to the support structure to the maximum extent practicable.
7. A freestanding wireless telecommunication facility shall comply with the compatibility standards in subsection (A)(4) of this section.

C. *Standards for building or structure mounted wireless telecommunication facilities.*
1. Antennas shall be mounted on a building wall or side of a structure to the maximum extent practicable. If the applicant demonstrates that it is not feasible to mount the antennas on a building wall or side of a structure, the antennas may be mounted on the roof or top of the structure, provided the facility complies with all other applicable standards.
2. A building or structure mounted wireless telecommunication facility shall not be located on a building with residential uses.
3. Antennas may encroach into a setback a maximum of two feet, but shall not extend over a property line.
4. 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 to the maximum extent practicable and shall not extend above the roof line or parapet of the building or top of the structure; and
   b. Antennas, support structures, accessory equipment, and all other appurtenances shall be limited in size to the maximum extent practicable.
5. A wireless telecommunication facility located on a building roof or top of a structure shall not exceed the maximum structure height within the applicable zoning district.
6. A wireless telecommunication facility located on a building roof or top of a structure shall comply with the following standards:
   a. Antennas, support structures, accessory equipment, and all other appurtenances shall be completely screened to the maximum extent practicable, and screening material and color shall be compatible with the building or structure to which the facility is mounted;
   b. Antennas, support structures, accessory equipment, and all other appurtenances shall be limited in size to the maximum extent practicable and all wireless telecommunication facilities shall not exceed an aggregate total area of 25 percent of a building roof area;
   c. Whip antennas shall extend no more than ten feet above the parapet of the roof or the structure to which they are mounted;
   d. Panel and microwave antennas shall extend no more than five feet above the parapet of the roof or the structure to which they are mounted; and
   e. Accessory equipment structures shall extend no more than five feet above any parapet of the roof or the structure to which they are mounted.
7. Accessory equipment for a building or structure mounted wireless telecommunication facility shall comply with compatibility the standards in subsection (A)(4) of this section.

D. *Standards for wireless mesh networking facilities.*
1. Wireless mesh networking facilities may be located in any zone district and in public rights-of-way attached to existing facilities in the right-of-way.
2. The wireless mesh networking facility must comply with applicable Federal Communication Commission regulations regarding radiated power. Maximum radiated power for these devices shall not exceed eight watts of effective isotropic-radiated power (EIRP) per channel.
3. The antenna or power-radiating components of a wireless mesh network facility must be mounted a minimum of 12 feet above ground.
4. Wireless mesh networking facilities may not extend more than 36 inches above the facility or structure on which they are mounted.
5. Wireless mesh networking facilities mounted on public facilities in rights-of-way are exempt from individual site plan review requirements. Site plan review may be required for overall network installations, and the site plan may also be waived after review by the planning director.
6. Wireless mesh networking facilities located on private property shall comply with applicable site plan review requirements unless otherwise waived by the planning director.
7. Accessory equipment for wireless mesh network facilities may be located as permitted uses in all zones and on public or private property. Site plan requirements may apply as noted in subsections (D)(5) and (6) of this section.

E. *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.

F. *Legislative history.* This section was originally codified by Longmont Ordinance number 0-96-34.

(Code 1993, § 15.05.170; Ord. No. O-96-34; Ord. No. O-2001-78, § 1; Ord. No. O-2004-03, § 3; Ord. No. O-2006-70, § 18)

15.05.180. - Mobile homes.

A. *Purposes.* 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 home parks and developments;
3. Minimize potential impacts on surrounding land uses.

B. *Qualifying manufactured housing exemption.* Manufactured housing, as defined by C.R.S. § 31-23-301, 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, cited in this section, as may be amended.

C.

Location in approved mobile home developments. Mobile homes shall be located only in mobile home developments and parks approved by the city per the procedures stated in section 15.02.060(H), "Mobile Home Parks and Subdivisions." 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 lots.* 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. At such time as any individual nonconforming mobile home existing on a private lot is removed from such lot or is vacated, the use shall be deemed to be discontinued.

E. *General regulations for mobile homes.*

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, notwithstanding other sections of this development code.
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. *Minimum distance between mobile home units—Existing parks.* Any mobile home unit replacing a unit in an existing mobile home park shall be subject to the minimum distance between mobile home units requirements of Table 15.05-N.

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 by the city departments, and approved per the development procedures stated in section 15.02.090(D), "Final Mobile Home Subdivision Plat/Development 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.

G. *Development and design standards for mobile home subdivisions.* Unless otherwise addressed in the following provisions, mobile home developments shall comply with all applicable development and design standards in this development code, including requirements for common open space (section 15.05.040(C)) and landscaping (section 15.05.090), and all other applicable city standards and regulations stated in the Longmont Municipal Code.

1. *Number per lot.* Only one residential mobile home dwelling unit is allowed on each lot.
2. *Density and dimensional requirements.* The following are minimum requirements for mobile home subdivisions. Site constraints and facility design may necessitate exceeding the minimums specified.

TABLE 15.05-M
DENSITY AND DIMENSIONAL REQUIREMENTS FOR MOBILE HOME SUBDIVISIONS

Parcel size	5 acres
Single-wide unit lot size	4,000 square feet
Single-wide unit lot street frontage	40 feet
Double-wide unit lot size	5,000 square feet
Double-wide unit lot street frontage	50 feet
Front setback	10 feet
Front setback, garage	20 feet
Rear setback	15 feet, except that on the outside perimeter of the development, where the rear setback shall be 20 feet
Side setback	One 5 feet, other 10 feet; except that on the outside perimeter of the development, where the side setback shall be 20 feet
Perimeter setback	20 feet on all sides of development parcel or property
Corner lot	See § 15.050.010.A.2.e, "Front Setbacks on Corner Lots"

3. *Street design standards.* All streets in a mobile home subdivision shall be publicly dedicated and designed and constructed according to the city standards.
4. *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.
5.

Building code requirements. 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 and shall meet all the current adopted building code requirements. A building permit is required for initial on-site preparation and construction for the mobile home, and a certificate of occupancy must be issued prior to any occupancy of the mobile home. Permits shall be required for remodeling, additions, fences, accessory structures, etc., conforming with other provisions of this development code and the adopted building code.

H. *Development and design standards for mobile home parks.* 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. *Density and minimum dimensional requirements.* The following are minimum requirements for mobile home parks. Site constraints and design may necessitate exceeding the minimums specified.

TABLE 15.05-N
DENSITY AND DIMENSIONAL REQUIREMENTS
FOR MOBILE HOME PARKS

Parcel size	5 acres
Parcel width/frontage	200 feet
Area per mobile home site	3,000 square feet
Lot width per mobile home site	40 feet
Setback of any building or mobile home from a lot line of the park	30 feet
Minimum distance between mobile home units	10 feet between the longer sides; 6 feet between the shorter sides; and 8 feet between a longer side and a shorter side

2. *Number of units per site.* Only one residential mobile home dwelling unit is allowed on each individual mobile home site.
3. *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.
4. *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.
   c. No mobile home shall be occupied until it is connected to public utilities, such connections to be inspected by the city prior to occupancy.
   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.
5. *Building code requirements.*
   a. Mobile homes in mobile home parks shall not be required to meet adopted building code requirements, but shall be installed to meet the sections of the adopted electrical code regarding stabilizing devices, support systems, anchoring equipment, ground anchors and anchor installation.
   b. No permanent additions shall be built onto or become a part of any mobile home except:
      i. Skirting of mobile homes, but such skirting shall not attach the mobile home permanently to the ground or create a fire hazard;
      ii. Unenclosed cabanas, patios or porches of which at least one side must be open, except for screening for insects; however, an area up to or equaling ten percent of the square-foot area of the mobile home may be entirely enclosed for storage purposes only;
      iii. All additions must comply with the approved site plan; a building permit shall be required for any addition as permitted above;
      iv. Jacks or stabilizers may be placed under the frame of the home to prevent movement on the springs while the home is parked and occupied.
6. *Landscaping and open space.*
   a. Each mobile home site shall be provided with one tree meeting the size requirement of the landscape standards of this development code.
   b. All required common open space shall meet the standards in section 15.05.040, "Open space."
7. *Outdoor living area.*
   a. As part of the common open space requirement, an outdoor living area shall be provided on each site equal to at least ten percent of its area, provided that in no case shall such area be less than 300 square feet or required to be more than 500 square feet. The minimum dimension of such area shall not be less than 15 feet, except that in the case of attached units, the requirement for least dimension shall equal the width of the unit if less than 15 feet.
   b. Such outdoor living area shall be properly drained, located for convenience and optimum use, and walled, fenced or planted to provide reasonable privacy. Within such area, a section suitably surfaced for garden furniture shall be provided, not less than 100 feet in area or ten feet in minimum dimension. This section may be covered in whole or in part by a roof.
8. *Walkways and lighting.* Concrete walkways not less than four feet wide shall be provided from mobile home sites to service buildings and along all access drives. All walkways shall be lighted at night with a minimum illumination consistent with the "Outdoor lighting" standards of section 15.05.140

(Code 1993, § 15.05.180; Ord. No. O-2001-78, § 1; Ord. No. O-2002-13, §§ 2, 3; Ord. No. O-2006-70, § 19)

15.05.190. - Use of public rights-of-way.

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 15.05.090, "Landscaping, buffering and screening" of the Municipal Code.

(Code 1993, § 15.05.190; Ord. No. O-2001-78, § 1; Ord. No. O-2011-54, § 5, 8-9-2011)

15.05.210. - Reserved.

Editor's note— Ord. No. O-2012-42, § 2, adopted July 10, 2012, repealed § 15.05.210, entitled "Improvement guarantees", which derived from: Code 1993, § 15.05.210; Ord. No. O-2001-78, § 1; Ord. No. O-2004-04, § 2; Ord. No. O-2006-70, § 21; and Ord. No. O-2007-46, § 8.

15.05.220. - Affordable housing.

A. *Findings.* The city council, based on a review of a recent housing study, finds as follows:
   1. The lack of an adequate supply of housing affordable to those wage earners employed in jobs in the city and the county makes it difficult for those individuals to find housing resulting in decreased productivity and higher labor costs for Longmont employers.
   2. Current residents are burdened by increased traffic as commuters residing in other communities congest local streets to get to work. Increased traffic congestion leads to increased air pollution, which increases health concerns and problems leading to higher health care costs, and a diminished quality of life.
   3. The lack of an adequate supply of affordable housing leads to increased social service costs, particularly with respect to individuals at the lower income levels.
   4. A lack of affordable housing leads to a lack of cultural and socio-economic diversity that can impact the health and vitality of the community.

B. *Purpose.* The purposes of this subsection are to:
   1. Implement the housing goals of the Longmont Area Comprehensive Plan;
   2. Promote the construction of housing that is affordable to the community's workforce;
   3. Retain opportunities for people that work in the city to also live in the city;
   4. Maintain a balanced community that provides housing for people of all income levels; and
   5. Promote availability of housing options for low- and moderate-income residents, for special needs populations and for a significant proportion of those who both work and wish to live in the city.

C. *Affordable housing—Annexations.*
   1. *Applicability.* Every residential development required to provide affordable housing by an annexation agreement shall do so by either constructing the affordable units or by payment of an in-lieu fee, according to this subsection.
   2. *Construction of affordable dwelling units.*
      a. *Ten percent.* At least ten percent of the total residential dwelling units, by type, shall be constructed in each phase of the development as affordable housing, and identified as such on the concept plan and on the final plat or final plan. This requirement may be satisfied by constructing the affordable units on another property or of a different type acceptable to the city, on a case-by-case basis, provided that such units are constructed concurrently with the development of each phase of the applicant's development.
      b. *Reduced percentage.* The council may decide, on a case-by-case basis and depending on the need and market for affordable units, to reduce the required percentage of units if all of the affordable units are priced for sale to significantly lower income households, as determined by area median income (AMI). The percentage of required affordable units shall be based on the following chart. Depending on market circumstances, the council may choose to approve other options that are either higher or lower than those shown. If a nonprofit housing corporation is building or otherwise providing the homes at these significantly lower incomes, then the fully buildable lots (meaning all needed off-site infrastructure is in place) or already built homes must be donated to the nonprofit so that they can meet the lower price structure. Notwithstanding subsection E.2.a. below, these homes shall be maintained as affordable for a minimum period of 20 years.

REQUIRED PERCENTAGE OF AFFORDABLE UNITS BY AMI

	For Single-Family Detached Homes	For Multifamily Attached Homes (Condos and Townhomes)
80—61 percent AMI	10%	10%
60—51 percent AMI	9%	10%
50—41 percent AMI	7%	9%
< 40 percent AMI	5%	7%

   3. *Payment of in-lieu fee.* Before issuance of any building permit for the annexation parcel, the applicant may request that the city council allow the applicant to make a payment of a fee in lieu of constructing the affordable housing units. The city council shall consider the following issues, among others, in making this determination: the reasons the applicant desires to pay the fee-in-lieu; the types of housing proposed for the development; the difference in price between the affordable units and the market-priced units; and the public benefit that would be obtained by not building the units on-site. The applicant shall pay for the number of affordable housing dwelling units, or partial units, that subsection C.2 above, would otherwise require, according to the following fee schedule. The fee schedule shall be reviewed by council every three years. The city shall use money received under this subsection only to provide or promote affordable housing.
      a. For single-family detached housing, $111,692.00 for each unit;
      b. For multifamily rental housing, $61,562.00 for each high-density unit (ten to 25 units per acre) or $77,604.00 for each medium density unit (five to ten units per acre);
      c. For owner-occupied townhomes or condominiums, $75,528.00 per unit.

4. *Payment in lieu of fractional unit.* Notwithstanding any other provision of this section, if the applicant intends to construct the affordable units and the required percentage of affordable units results in a fractional unit, the applicant may make a payment in lieu of that fractional unit only without city council approval upon notice to the city's affordable housing coordinator that it intends to do so. By way of example only, if the applicant is required to provide ten percent of the total residential units as affordable housing for a 56-unit project, for a total of 5.6 affordable units, the applicant may either construct six affordable units, or construct five affordable units and make a payment in lieu of the remaining 0.6 unit.
5. Except as stated herein, effective October 1, 2011, the requirement to construct affordable housing units or to pay a fee-in-lieu pursuant to this subsection C., or as otherwise stated in an annexation agreement, is terminated. Without limiting the foregoing, any affordable housing unit identified on any plat, site plan, or development plan that has not been constructed or sold as of that date is released from the requirements of this subsection. Exception: The provisions of this subsection shall not apply to those annexations listed in attachment 1 to Ordinance No. O-2011-57, the owners of which, as an inducement for annexation to the city, agreed to provide affordable housing in excess of the ten percent requirement of this chapter or to provide their housing to specific populations or in a different manner. Upon application, the city council will determine, on a case-by-case basis, whether to agree to amend or release the affordable housing requirements in those annexation agreements.

D. *Affordable housing—Inclusionary zoning.*
1. *Applicability.* This subsection's requirements for inclusion of affordable housing shall apply to any subdivision plats, site plans, or development plans for residential development of five dwelling units or more.
   a. *Exception.* This subsection shall not apply to subdivision plats with lots that allow fewer than five dwelling units, site plans, or development plans not required to provide affordable housing by an annexation agreement, other agreement with the city, or ordinance, and with preliminary approval or vesting approval under C.R.S. title 24, ch. 68 (C.R.S. § 24-68-101 et seq.) prior to July 10, 2001.
2. *Inclusion of affordable housing.*
   a. The percentage of the total for-sale residential dwelling units, by type, as provided in subsection C.2., above, shall be constructed in each phase of the residential development as affordable owner housing, and identified as such on the site plan or development plan and final subdivision plat, as applicable.
   b. Alternately, this requirement may be satisfied by constructing affordable units of a different type or on another property as provided in subsection C.2., above, or by the payment of a fee-in-lieu for owner-occupied dwelling units as provided in subsections C.3., or C.4., above.
3. Effective July 1, 2011, the requirement to construct affordable housing units or to pay a fee-in-lieu pursuant to this subsection D, is terminated. Any affordable housing unit identified on any plat, site plan, or development plan that has not been constructed or sold as of that date is released from the requirements of this subsection. Attachment 1 to this ordinance [Ord. No. O-2011-34] is a list of those approved plats, site plans or development plans to which this provision applies.

E. *Generally applicable standards.* All affordable housing, whether provided voluntarily or as required by an annexation agreement or by the inclusionary zoning requirements of subsection D above, shall comply with the following standards:
1. *Type of affordable housing allowed.* In the E1, E2, and R1 zoning districts, affordable housing shall be one-family detached dwelling units only. In all other zoning districts, affordable housing may be of any type permitted in the zoning district, such as one-family detached dwellings; two-, three-, or four-family dwellings; townhome dwellings; or multifamily dwellings.
2. *Duration of affordable housing.*
   a. *Affordable rental housing.* Affordable rental housing units must be rented for a period of not less than 20 years to income-qualified persons, unless a different time period is approved by the city council on a case-by-case basis.
   b. *Affordable owner housing.* Affordable owner housing shall be deed-restricted to assure their affordability for sale for a term of at least ten years from the date of each sale or resale, unless a different time period is approved by the city council on a case-by-case basis. The city attorney is authorized to obtain and record releases from all agreements imposing deed restrictions from all current affordable housing owners.
3. *Eligibility for purchasers or renters of affordable housing.* The city manager shall promulgate rules and regulations governing the affordable housing programs, including the eligibility for purchasers or renters of affordable housing units. Those rules and regulations shall govern household size, household makeup, and household income, and shall be consistent with one or more of the following: (a) The U.S. Department of Housing and Urban Developments section 8 Program Income Eligibility Determination Guidelines, or (b) the Colorado Housing Finance Authority's rent limits. Sales prices for affordable units will be determined based on these same references. The income limits, sales prices, and rental rates 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 and building inspection divisions.
4. *Dispersion of affordable housing required.* Where the affordable housing is part of a residential development also containing market-rate housing, the affordable housing shall be mixed with the other residential units and not clustered together or segregated in any way from market-rate housing in the development. The applicant shall indicate the location of the affordable housing on the final plat. The city, in all instances, shall have discretion to approve the final location and distribution of affordable housing in the development.
5. *Similar appearance/design required.* Affordable housing shall be substantially similar in exterior appearance and design to market-rate housing in the same development. This requirement includes the use of substantially similar exterior materials.
6. *Dimensional lot standards.* Affordable housing as part of residential developments shall comply with the applicable dimensional standards stated in section 15.05.010.B.,, "Residential Zoning Districts—Density and Dimensional Standards."
7. *Offer to non-profit entities.* At least ten percent of the affordable units in each development must first be offered, in good faith, for purchase or for affordable master lease to non-profit entities which the city manager finds to have a demonstrated commitment and capability to provide affordable housing in the Longmont market. If, within a reasonable time, as determined by the city manager, a non-profit entity and the developer cannot reach an acceptable agreement, the city manager may approve the sale or lease of the affordable units to an otherwise eligible purchaser or tenant. The affordable units purchased or master leased by the non-profit entity shall be subject to all homeowners' association covenants, or comparable requirements of a rental development, and shall be permanently affordable.

F. *Density bonus for affordable housing not required by annexation agreements or inclusionary zoning.*
1. *Applicability.* The decision-making body may increase the maximum permitted residential density for a development including affordable housing that is not otherwise required by annexation agreement or by the inclusionary zoning requirements in subsection D above.
2. *Maximum density bonus permitted.* The increase in density shall not exceed 20 percent of the maximum residential density permitted in the applicable zoning district.
3. *Review criteria.*
   a. The development with the requested density bonus must satisfy all applicable review criteria and development standards stated in this development code.
   b. In determining the amount of density bonus, the decision-making body shall consider, at a minimum, the following factors:

i. The amount of affordable housing provided;
ii. The duration of the deed restriction;
iii. The potential market and demand for the affordable housing; and
iv. The design of the affordable housing and the quality of exterior materials used.

(Code 1993, § 15.05.220; Ord. No. O-2001-78, § 1; Ord. No. O-2002-23, § 1; Ord. No. O-2003-43, §§ 1, 2; Ord. No. O-2007-55, § 2; Ord. No. O-2009-03, § 2; Ord. No. O-2011-34, § 2, 6-14-2011; Ord. No. O-2011-57, § 2, 8-23-2011)

CHAPTER 15.06. - SIGNS

15.06.010. - Title.

The regulations and requirements of this chapter shall be officially known and cited as the "City of Longmont Sign Code," although it may be referred to hereinafter as the "sign code."

(Code 1993, § 15.06.010; Ord. No. O-2001-78, § 1)

15.06.020. - Applicability and purpose.

A. *Applicability.*
1. All signs and sign support structures shall conform to the requirements of this sign code and all other applicable provisions of the Longmont Municipal Code.

B. *Purpose.* The purpose of this sign code is to promote the public safety and welfare by regulating signs in keeping with the following objectives:
1. To improve the visual environment and foster economic development while providing adequate standards for the display of signs;
2. To ensure that the design, construction, installation, repair and maintenance of signs will not interfere with traffic safety, or otherwise endanger public safety;
3. To ensure that city rights-of-way are used in a manner consistent with the public interest;
4. To minimize incompatibility between signs and their surroundings.

(Code 1993, § 15.06.020; Ord. No. O-2001-78, § 1)

15.06.030. - Conflicts with other provisions.

Nothing contained herein 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 and/or applicable regulations shall comply with all such ordinances and regulations. If there is a conflict between this section and any other ordinance or regulation, the more stringent shall apply. Nothing contained herein shall conflict with the provisions of the Colorado Outdoor Advertising Act (C.R.S. § 43-1-401 et seq.).

(Code 1993, § 15.06.030; Ord. No. O-2001-78, § 1)

15.06.040. - Sign contractor licenses.

No person, firm, partnership or corporation shall engage in the business of installing, altering, or repairing any sign within the corporate limits of the city without obtaining a sign contractor's license issued in compliance with the adopted building code provisions of the LMC, except in the case of signs exempt from permits.

(Code 1993, § 15.06.040; Ord. No. O-2001-78, § 1; Ord. No. O-2006-71, § 2)

15.06.050. - Sign permits.

A. *Applicability.* 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 this section. No permit shall be issued unless the applicant demonstrates that the proposed sign meets the requirements of this code. All face changes, except changeable copy signs, require a permit. Minimum submittal requirements and sign permit applications are available in the building inspection division. Fees for permits and installation shall be established and from time to time revised by resolution of the city council.

B. *Permits to be withheld—Illegal or prohibited signs on parcel.* When a sign permit is requested for a parcel where illegal or prohibited signs exist, no sign permit shall be issued until all such signs are removed or brought into conformance with this sign code. All existing and proposed signs on the property shall be shown on a sign permit application.

C. *Exemptions from permit requirement.* The following non-illuminated signs may be erected in compliance with this sign code without the issuance of a sign permit. Such signs may be permitted in addition to all other signs permitted and shall conform to setbacks, height, and other requirements of this sign code.
1. Real estate signs;
2. Construction signs;
3. Election signs;
4. Yard/garage sale announcements;
5. Public signs;
6. Ideological signs;
7. Memorial signs;
8. Flags;
9. Holiday decorations (may be illuminated);
10. On-site information signs;
11. Window signs.

(Code 1993, § 15.06.050; Ord. No. O-2001-78, § 1)

15.06.060. - General sign regulations.

A. *Location on lot or parcel of use advertised required generally.* All signs allowed per this sign code shall be located on the lot or parcel of the use that they advertise, unless otherwise specifically provided for in this sign code. Under-canopy, under-awning, and downtown breezeway signs shall advertise uses immediately adjacent to their location. No signs are permitted on public right-of-way or property without authorization of the city. Open house and yard sales may have up to two off-site signs with the permission of the off-site property owner.

B. *Signs for single-use developments.*

1. No one use is allowed more than three signs per street frontage, and no one use is allowed more than a total of five signs. The following number of each type of sign is allowed for any one use provided the total number of signs does not exceed five;
2. No more than two wall signs, one per approved wall area;
3. No more than one projecting sign. Projecting and wall signs shall not be combined on the same approved wall area.
4. No more than one freestanding sign per street frontage, except as allowed in section 15.06.070, "Specific Sign Regulations";
5. Pedestrian-oriented under-awning or under-canopy signs and signs exempt from permit are not counted toward the maximum.

C. *Signs for multiple-use developments.*
   1. *Applicability.* Signs for new developments, redevelopments, or changes of use containing more than one principal use or business are allowed only according to a master sign plan approved by the city. An approved master sign plan shall govern all business/use signs as well as signs for the overall structure(s) or development.
   2. *General design standards.* All signs in a master sign plan shall provide a consistent design and shall be proportional and compatible to the size and design of the building, utilizing comparable materials and color. Master signs plans, as outlined in section 15.06.080, shall address the following standards for all signs in a development:
      a. Style of wall and freestanding signs (including freestanding sign bases);
      b. Location and height of wall and freestanding signs;
      c. Material and color palettes for signs, raceways, cabinets, bases, etc.;
      d. Illumination devices and brightness levels for signs;
      e. Narrative describing compliance with the city signs standards.

      A master sign plan shall be submitted and reviewed in conjunction with a development application, as applicable.
   3. *Project and joint identification freestanding signs.* Multiple-use developments are allowed no more than one freestanding project identification sign or one joint identification sign per street frontage, except as allowed in section 15.06.070, "Specific sign regulations." Additional sign standards are as specified in section 15.06.070, "Specific sign regulations."
   4. *Individual business/use signs.* No individual use in a multiple-use building or development is allowed a separate freestanding sign (see joint identification signs in subsection C.3. of this section). The total sign area allowed for all signs on a multiple-use building is equal to one square foot of sign per linear foot of approved wall area for all approved wall areas (a 25 percent increase in sign area may be allowed subject to city approval based on a finding that the scale and design of the sign is appropriate, for buildings 300 feet or more away from the property line the sign is facing). Uses in multi-use structures are permitted a maximum of two wall signs or one wall sign and one projecting sign. Wall and projecting signs shall not be combined on the same approved wall area. Approved wall area is based on the length of the exterior wall of an individual use. Alternately, in instances where a building contains a use or uses not having an exterior wall, allowed sign area for all uses in the building may be calculated on a floor area basis. Each business or use is permitted one wall sign, with the allowed sign area on an approved wall area of the building the same proportion as the floor area of the use to the total building floor area. Wall signs may be placed above the first story (if a second story exists) only approved as part of a master sign plan. Additional sign standards are as specified in section 15.06.070, "Specific sign regulations."
   5. *Project/building identification wall signs.* Multiple-use developments are allowed no more than one project/building identification wall sign on each wall facing an adjacent public right-of-way. Additional sign standards are as specified in section 15.06.070, "Specific sign regulations."

D. *Signs for planned unit developments.*
   1. *Applicability.* Signs for buildings or developments within planned unit developments are allowed only according to a master sign plan approved by the city. An approved master signage plan shall govern all tenant signs as well as signs for the overall development.
   2. *General design standards.* All signs in a master sign plan shall provide a consistent design and shall be proportional and compatible to the size and design of the building(s), using comparable materials and color. Master sign plans, as outlined in section 15.06.080, shall address the following standards for all signs in a development:
      a. Style of wall and freestanding signs (including freestanding sign bases);
      b. Location and height of wall and freestanding signs;
      c. Material and color palettes for signs, raceways, cabinets, bases, etc.;
      d. Illumination devices and brightness levels for signs;
      e. Narrative describing compliance with the city sign standards.

      The master sign plan shall be submitted and reviewed in conjunction with a development application.

E. *Signs within the scenic entryway overlay district and mixed use district.* All signs within the scenic entryway overlay district and the mixed use district are subject to the sign standards of subsection 15.03.090.D.8., SE-O scenic entryway overlay district, and subsection 15.03.150.F.8., MU mixed use district, in addition to the provisions of this chapter, whichever is more restrictive.

F. *Signs within historic districts, the central business district, and the Longmont Downtown Development Authority (DDA) boundaries.* All signs within a historic district, the central business district, or the DDA boundaries shall be proportional in scale and compatible with the massing and architectural design of the building(s) using comparable materials and color. Signs shall also comply with adopted design guidelines for historic districts, the central business district, and the DDA boundaries, as applicable. See section 15.06.130, "Downtown sign design standards."

G. *Back-to-back signs permitted.* All signs other than wall signs may be back to back, and each side may have an area not to exceed the maximum stated for each respective type of sign.

H. *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.

I. *Freestanding and wall signs.*
   1. *Freestanding sign separation.*
      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 standards. 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 development parcel on the same street frontage shall be separated as required in section 15.06.070, "Specific sign regulations" or section 15.03.090, "SE-O scenic entryway overlay district."

c. 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, or as allowed in section 15.06.070, "Specific sign regulations" or section 15.03.090, "SE-O scenic entryway overlay district."

d. Freestanding signs shall be set back from the nearest principal building on the same lot or parcel at least the height of the sign.

2. *Freestanding sign design.*

a. All permanent freestanding signs shall be of a monument design including a monument base attached to the ground with no or minimal space between any sign cabinet and the monument base.

b. The decision-making body may allow signs of a design compatible with the buildings/structures of the development, and 35 square feet or less in area, to be supported by poles on each end of the sign. Other pole style signs, with the exception of directional signs approved with the development are not allowed as freestanding signs unless a modification or variance is approved by the decision-making body.

c. Monument bases shall be constructed of brick, stone, wood or metal material consistent and compatible with an exterior material and color of the principal building unless the decision-making body determines that an alternative base design will provide an equal or more compatible design.

d. Monument bases shall be equal or greater (up to 20 percent greater) in width and length than the sign cabinet, as applicable. Sign cabinets for freestanding signs shall not exceed 24 inches in width.

e. Freestanding signs, including cabinets/faces shall be consistent and compatible with the design of the building, structures and other features of the development.

3. *Landscaping around freestanding signs.*

a. Landscaping shall be provided around the base of freestanding signs, unless an alternative plan is approved as part of a flexible sign plan, minor modification, or variance.

b. Two square feet of landscaping shall be provided for each square foot of sign area.

c. Landscape areas shall include groundcover, shrubs, or flowers, and a method of irrigation.

4. *Wall sign design.* Wall signs shall be designed to be consistent and compatible with the building to which the signs are attached, including proportional scale and compatible design, materials and color.

J. *Freestanding menu boards for restaurants and other uses with drive-in facilities.* A restaurant or other use with a drive-in facility may have one additional freestanding sign (beyond what would normally be permitted) for a menu board sign along the drive-through lane. Menu board signs shall not exceed six feet in height and 35 square feet in area and shall be limited to one face. The design, color and materials of the menu board shall be consistent with other freestanding signs associated with the use.

K. *Projecting signs.* Projecting signs must be located on an approved wall area, but are not permitted on the same wall as a wall sign. See also subsection 15.06.060.Q., "Projecting signs in the central business district," as applicable.

L. *Public signs.* Public signs are exempt from the standards specified in this code, but must be consistent with the design standards specified in this code to the extent practical and may not include any signs prohibited by this code.

M. *Signs within or facing residential zoning districts.* Signs within or facing residential districts shall be designed to be as compatible with the residential area as practical, in terms of sign size and type of illumination and hours of illumination. Generally, signs within or facing a residential district shall be located, shielded, and screened to prevent direct light or glare onto adjacent uses or properties, and shall be illuminated only during business hours. Exposed neon and LED lighting is prohibited on signs within or facing a residential zoning district.

N. *Banners across rights-of-way—Standards.*

1. Banners shall only be used to provide awareness of local civic or community events or activities.

2. Banners shall be made out of reinforced fabric suitable for adverse weather conditions and shall be capable of withstanding winds of 90 miles per hour without tearing. Banners shall be constructed from materials that allow wind to pass through, reducing wind-load effects.

3. Banners shall have metal grommets spaced every three feet along the top and bottom edges to provide attachment points to the support cables.

4. Maximum dimensions of the banner shall not exceed 18 inches in height and 30 feet in length, unless the banner is of the perforated or vented type, in which case the maximum dimensions shall not exceed three feet by 30 feet. The banner shall not weigh more than 30 pounds.

5. No banner may be installed without a permit from the building inspection division.

6. Banners must be delivered to Longmont Power and Communication (LPC) Department, with a copy of the permit, a minimum of five days prior to the permit date.

7. All banners shall be installed by LPC consistent with all applicable existing statutes, ordinances, rules and regulations. If the banner is damaged or is in a state of disrepair due to natural causes, the city shall remove the banner or the applicant may provide a replacement banner if prior to expiration of the permit.

8. Banners shall be installed and maintained at least 21 feet above the roadway or surface or ground unless a street closure permit is obtained. LPC will install banners only at approved banner locations that have special supporting structures. One approved location is across Main Street, just north of the St. Vrain River Bridge and another approved location is across Sixth Avenue, at the alley east of Main Street.

9. Banners are also permitted at ground level only when a street closure permit is obtained. Installation of this type of banners will be the responsibility of the person obtaining the permit.

10. Banners shall be displayed for no more than ten consecutive calendar days per event; or no more than 25 nonconsecutive days in one year per event. Banners displayed over streets that have been closed to vehicular traffic shall be limited to the days associated with the civic function. Once removed, the banner will be retained by LPC for applicant pickup for a maximum of 30 days.

11. The permittee shall agree to hold harmless, defend, and indemnify the city from and against any and all claims of liability arising from the installation, maintenance or failure in any manner of the banner.

O. *Signs on municipal golf courses, parks and airports.* Commercial endorsements are allowed in all municipal golf courses, parks, and airports of the city, subject to the following standards:

1. The community development director finds that the number and size of signs would directly serve the public interest and the particular public property sought for placement;

2. The terms and conditions of any such placement are subject to a use of public places permit as specified in chapter 13.37 of the LMC, and a revocable permit conforming with article 12.7 of the Municipal Charter.

P. *Signs in downtown breezeways, rights-of-way and other public property.* The Longmont Downtown Development Authority (DDA) may install banners attached to light and utility poles in the breezeways, rights-of-way and other public property within the DDA boundaries to promote the downtown and DDA events. The DDA may also place temporary special event signs (including wind signs, flags and banners) in the public rights-of-way for DDA or downtown events. All such signs must be approved by the director of the downtown design board (DDB). Special event signs may be displayed one day prior and throughout the duration of a special event.

Q. *Signs located in or extending into public property.* Signs allowed under this sign code that are located on or extend into public property required approval of a revocable use of public places permit. See also subsection 15.06.060.F., "signs within historic districts," the central business district, and the Longmont Downtown Development Authority (LDDA) boundaries.

R. *Portable signs and special event banners on public property.* To facilitate businesses in the downtown and other areas of the city where buildings are allowed or required to be placed at the property line to create a pedestrian environment, portable signs and special event 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. Approval of portable signs on public property is subject to a determination by the city that there is adequate space to accommodate pedestrian access and public property maintenance.
3. Portable signs are allowed only on public property immediately abutting the property where the business being advertised is located.
4. Portable signs are limited to one per street frontage except that for multiple use buildings or developments, one additional portable sign may be allowed on any street frontage for buildings having more than 25 feet of street frontage.
5. Special event banners shall be attached flat to a building wall, unless another location is approved. 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.
6. Portable signs and special event banners in other areas of the city shall be compatible with the aesthetic and design characteristics of the surrounding area.
7. Portable signs and special event banners shall be located to minimize potential hazards for pedestrians and shall not restrict pedestrian access.
8. Portable signs shall be located to not restrict vehicle access or create a potential hazard for motorists.
9. Portable signs may be displayed any day of the year but shall be displayed only during business hours.
10. Businesses shall place a city-provided decal in their window indicating that the business has received approval for a portable sign or special event banner.

S. *Discontinued use or change in use or business name.*

1. Whenever a property's use is discontinued for more than 90 days, signs pertaining to the use shall be removed or obscured by the person owning or having possession of the property after the discontinuance of such use. Sign removal shall be completed by a qualified person or company holding adequate liability insurance. Once a business resumes after 90 days, all signs associated with the business or use shall comply with current sign standards.
2. Whenever a permit is requested to change a sign or sign face to a different business name, the sign and support structure shall comply with current sign standards. Legal nonconforming joint identification (multi-tenant) signs and support structures shall comply with the current sign standards when at least 50 percent of the total area of sign has changed business names from the date of adoption of this standard. The applicant shall be responsible for demonstrating compliance with this standard.

T. *Legal nonconforming signs.* A legal nonconforming sign or sign structure on-site or within the right-of-way 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 subsection 15.06.060.R., "Discontinued Use or Change in Use or Business Name," above.
2. Whenever a site plan is submitted for changes to the site improvements involving construction of things such as additional parking area, reconfigured landscaping or building additions;
3. Whenever the sign is damaged more than 50 percent of its total replacement value, destroyed, or becomes obsolete or substandard under any applicable ordinance of the municipality to the extent that the sign becomes a hazard or a danger;
4. 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, excluding normal repair or maintenance;
5. Whenever public improvements are made in the right-of-way or city property and the improvement is affected by the location of the sign.

U. *Modifications to existing structural support(s) of nonconforming signs.* Modifications to existing structural supports of nonconforming signs are not allowed, except to bring the signs into conformance with the current sign standards.

V. *Sign colors and lighting.*

1. Fluorescent colors 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 consistent and compatible with the building design and color.
2. Neon and LED lighting is prohibited on any portion of a building or structure except for within the lettering on a freestanding sign and within the lettering or logo of a wall sign, or as further restricted in section 15.03.090, "SE-O scenic entryway overlay district."
3. Sign lighting levels shall be minimized to mitigate impacts and shall include night-time setbacks when the use/business is not open or in operation. Sign lighting levels shall not exceed a maximum of 600 candela/square meter within or adjacent to residential districts, scenic entryway corridors, or sensitive wildlife habitat or natural areas, or a maximum of 800 candela/square meter in other areas. The applicant shall verify that the sign(s) comply with these lighting levels.

W. *Bus stop signs.*

1. Bus stop signs are advertising signs located on a bus stop shelter placed in the public right-of-way or on private property adjacent to a public right-of-way at a bus stop pursuant to a written agreement with the city which sets forth the regulations for the size, placement, design, and materials used in the construction of such signs, benches and shelters.
2. Bus stop signs on shelters are permitted on expressway, arterial and collector street rights-of-way, as designated on the Longmont Area Comprehensive Plan, except that bus stop signs are not permitted adjacent to or facing a lot containing a residential dwelling of four or fewer dwelling units when the front of the dwelling faces the expressway, arterial or collector street right-of-way.
3. Bus stop signs on a shelter are limited to two sign faces (facing in opposite directions) per structure with a maximum of 24 square feet per face. Sign faces shall not exceed seven feet in height and shall not extend above the roof eave of a shelter. Sign faces shall not extend beyond the outside dimensions of the shelter. Sign faces shall be mounted flush to the shelter and shall face a public street right-of-way.
4. Lighting of bus stop signs on a shelter may be allowed in nonresidential zoning districts not facing an adjacent residential zoning district, except that lighting of bus stop signs is not permitted within a scenic entryway overlay zoning district. Bus stop sign lighting shall not flash or blink, and is limited to four 70-watt bulbs for internal illumination of each sign face.

X. *Sign heights.* Freestanding and wall sign height is measured from the elevation of the nearest sidewalk adjacent to the sign, or where there is no sidewalk, from the lowest point of finished grade located within 25 feet of the sign to the top of the sign structure. Freestanding signs may be up to six feet in height where the elevation of the nearest sidewalk is so below the level of the base of the sign as to preclude a sign of that height.

(Code 1993, § 15.06.060; Ord. No. O-2001-78, § 1; Ord. No. O-2003-35, § 1; Ord. No. O-2006-71, § 3; Ord. No. O-2009-21, § 15, 6-9-2009; Ord. No. O-2011-54, §§ 6, 7, 8-9-2011; Ord. No. O-2014-20, §§ 3—7, 5-6-2014)

15.06.070. - Specific sign regulations.

A. *Permitted signs by zoning district.* Types of signs permitted in the respective zoning districts of the city are shown in the following Tables 15.06-A through Table 15.06-E. If a specific sign style or type is not included in the following tables, it is prohibited in the indicated zoning districts.

B. *Table 15.06-A: Freestanding Signs in Residential Zoning Districts.*

Table 15.06-A
Residential Zoning Districts including the residential portion of a PUD District. Refer to Section 15.03.090 regarding SE-O District sign standards and Section 15.03.150 regardubg MU district sign standards.
FREESTANDING SIGNS

Sign Type	Minimum Setback from Right-of-Way (feet) (subject to sight distance requirements and SE-O District setbacks, as applicable)	Max. Height (feet)	Max. Area (square feet)	Number of Signs	Sign Separation (feet)	Duration	Illuminated Signs Allowed	Sign Located in Landscape Area
Construction	Equal to sign height	10	32	1 per street frontage per project (up to 4 signs total)	100 between signs on separate street frontages	Completion of project	No	No
Election	1	4	8	1 per candidate or issue per street frontage	N/A		No	No
Ideological	1	6	12	1 per street frontage (subject to sign separation requirements)	100 between signs on separate street frontages		No	No
Memorial	1	6	12	1 per street frontage	N/A	Permanent	No	Yes
Business use or Joint Identification (excluding home occupations)	Equal to sign height	6	32	1 per street frontage (subject to sign separation require-ments)	200 between signs on separate street frontages (also refer to section 15.06.060.I.1)	Permanent	No	Yes
On-Site Information	1	4	4	As approved on site/development plan		Permanent	No	Yes
Project Identification	Equal to sign height	6	32	2 per street frontage for residential developments 1 per street frontage (subject to sign separation	200 between signs on separate street frontages 50 between signs on same street	Permanent	Yes (external only)	Yes

				requirements) for nonresidential developments	frontages for residential develop-ments (also refer to section 15.06.060.I.1)			
Real Estate:								
Model Home	1	4	8	1 per model home		Until completion of sale	No	Yes
One-Family to Four-Family	1	4	8	1 per street frontage	100 between signs on separate street frontages	Until completion of sale	No	No
Other for Sale	Equal to sign height	10	32	1 per street frontage	100 between signs on separate street frontages	Until completion of sale	No	No
Open House	1	4	8	1 per street frontage and 2 off-site	100 between signs on separate street frontages	1 hour before and after open house	No	No
Wind (special event only)	Equal to sign height	20, except balloons to maximum height of district	32 for single sign 50 for all signs	1 per street frontage	100 between signs on separate street frontages	14 days in any 6-month period (minimum 30 days between events)	No	No
Yard Sale	1	4	8	1 per street frontage and 2 off-site	100 between signs on separate street frontages	1 hour before and after sale	No	No

C. *Table 15.06-B: Wall Signs in Residential Zoning Districts.*

Table 15.06-B
Residential Zoning Districts including the residential portion of a PUD District. Refer to Section 15.03.090 regarding SE-O District sign standards.
WALL SIGNS

Sign Type	Maximum Height (feet)	Maximum Area (square feet)	Number of Signs	Duration	Illumination Allowed
Construction	15, or below 2nd story floor, whichever is less	32	1	Completion of project	No
Bus Stop Sign (shelter), subject to section 15.06.060.U	7, or below the roof eve of shelter, whichever is less	24	2	Permanent	No

Election	10	8	1 per candidate or issue per street frontage		No
Home Occupation	8	2	1	Permanent	No
Memorial	8	2	1	Permanent	Yes (external only)
Business/Use Identification (excluding home occupations)	15, or below 2nd story floor, whichever is less	Single-use building: 1 per linear foot of approved wall area up to 32 total Multiple-use building: 1 per linear foot of approved wall area of tenant space or based on percent of total building floor area up to 20 total per use (see section 15.06.060.C.4, "Individual Business/Use Signs")	1	Permanent	No
Project Identification	15, or below 2nd story floor, whichever is less	32	1 per building at street entrance	Permanent	Yes (external only)
Real Estate:					
Model Home	8	4	1 per model home	1 hour before and after open house	No
One-Family to Four-Family	8	4	1	Completion of sale	No
Other for Sale	8	8	1	Completion of sale	No
Open House	8	8	1	Completion of sale	No

D. *Table 15.06-C: Freestanding Signs in Nonresidential Zoning Districts.*

Table 15.06-C
Nonresidential Zoning Districts including the nonresidential portion of a PUD District. Refer to Section 15.03.090 regarding SE-O District sign standards and Section 15.03.150 regarding MU district sign standards.
FREESTANDING SIGNS

Sign Type	Minimum Setback from Right-of-Way (feet) (subject to sight distance requirements and SE-O District setbacks, as applicable)	Maximum Height (feet)	Maximum Area (square feet)	Maximum Number of Signs	Sign Separation (feet)	Maximum Duration	Illumination Allowed	Sign Located in Landscape Area
Changeable Copy	1 if sign height is 6 feet or less, otherwise equal to sign height	6 in CBD and SE-O zoning districts 8 in other zoning districts	32	1		Permanent Change copy only at beginning or close of business day	Yes	Yes
Business/Use or Joint	1 if sign height is 6 feet or less, otherwise equal	6 in CBD 8 in other	35 (single use) or 50	1 per lot of 1 acre or less; otherwise	200 between signs on	Permanent	Yes	Yes

Identification (Joint identification signs may be allowed on any lot or parcel of an approved site or development plan, subject to master sign plan approval by the city)	to sign height	zoning districts for signs up to 50 square feet 10 in other zoning districts for signs between 50 and 75 square feet 12 in other zoning districts for signs over 75 square feet	(multiple use) for total building floor area up to 10,000 square feet 50 (single use) or 65 (multiple use) for total building floor area between 10,000 and 25,000 square feet 65 (single use) or 80 (multiple use) for total building floor area between 25,000 and 100,000 square feet 80 (single use) or 100 (multiple use) for total building floor area over 100,000 square feet	1 per street frontage (subject to sign separation requirements) plus 1 additional sign per street frontage in excess of 1,200 feet	separate street frontages (also refer to Section 15.06.060.I.1) 1,000 between signs on the same street frontage			
Construction	Equal to sign height	10	32	1 per street frontage per project (maximum of 4 total)	100 between signs on separate street frontages	Completion of project	No	No
Election	Equal to sign height	10	32	1 per candidate or issue per street frontage	N/A		No	Yes
Ideological	Equal to sign height	10	32	1 per issue per street frontage	10		No	Yes
Memorial	1	6	12	1 per street frontage	N/A	Permanent	No	Yes
On-Site Information	1	6	6	As approved on site/development plan		Permanent	Yes	Yes
Real Estate	Equal to sign height	10	32	1 per street frontage, plus 1 additional sign	100 between signs on separate	Completion of sale	No	No

				per street frontage over 500 feet	street frontages			
Portable (special event only except for section 15.06.060.R)	1	4	6	1		30 days in any 3-month period (except for section 15.06.060.R)	No	No
Project Identification	1 if sign height is 6 feet or less, otherwise equal to sign height	6 in CBD 6 in other zoning districts for signs up to 50 square feet 8 in other zoning districts for signs over 50 square feet	35 in CBD 50 in other districts for projects up to 50,000 square feet in building area or 5 acres in land area 75 in other districts for projects over 50,000 square feet in building area or 5 acres in land area	1 per street frontage	(also refer to section 15.06.060.I.1)	Permanent	Yes	Yes
Temporary Business Signs	Equal to sign height	6	35	1 per street frontage	(also refer to section 15.06.060.I.1)	60 days in any one year	No	No
Wind (special event only also refer to section 15.06.060.R)	Equal to sign height	20 or building height, whichever is less, except balloons to maximum height of district	32 for a single sign 50 for all signs	N/A		30 days in any 3-month period	No	Yes
Yard Sale	1	4	8	1 per street frontage		1 hour before and after sale	No	No

E. *Table 15.06-D Wall Signs in Nonresidential Zoning Districts.*

Table 15.06-D
Nonresidential Zoning Districts (including the nonresidential portion of a PUD District). Refer to Section 15.03.090 regarding additional SE-O District standards and Section 15.03.150 regarding MU district sign standards.
WALL SIGNS

Sign Type	Maximum Height (feet)	Maximum Area (square feet)	Maximum Number of Signs	Duration	Illumination Allowed	Maximum Projection (inches)	Location
Changeable	25 or top of wall,	32	1 per approved	Permanent	Yes	15	Approved wall

Copy	whichever is less		wall area	change of copy only at beginning or end of business day			area
Awning	Permitted on bottom of 1st floor awnings	0.5 per linear foot of awning	1 per awning	Permanent	Yes	Stitched to or incorporated into awning; may not be riveted or otherwise fastened to frame or awning	Approved wall area
Building/Project Identification	30 or top of wall, whichever is less	1 per linear foot of approved wall area Maximum of 200 per approved wall area (An increase in sign area up to 25 percent may be allowed for buildings 300 feet or more from the property line the sign is facing, subject to city approval based on a finding that the scale and design of the sign is appropriate)	1 per approved wall area	Permanent	Yes	15	Approved wall area
Bus Stop Sign (shelter), subject to section 15.06.060.U	7, or below the roof eve of shelter, whichever is less	24	2	Permanent	Yes, subject to section 15.06.060.U	6	Facing public street right-of-way, subject to section 15.06.060.U
Business/Use Identification	Single use building: 25 or top of wall, whichever is less Multiple-use building: 25 or top of wall, whichever is less	Single-use building: 1 per linear foot of approved wall area Maximum sign area of 400 per approved wall area Multiple-use building: 1 per linear foot of approved wall area of tenant space (see Section 15.06.060.C.4,	1 per approved wall area 1 per approved wall area for each use tenant	Permanent	Yes	15	Approved wall area

		"Individual Business/Use Signs") (Maximum sign area of 400 per approved wall area for any individual tenant) (An increase in sign area up to 25 percent may be allowed for single- or multiple-use buildings 300 feet or more from the property line the sign is facing, subject to city approval based on a finding that the scale and design of the sign is appropriate)					
Canopy	25 or fascia of canopy whichever is less	0.5 per linear foot of canopy	1 per attached canopy on apron only 1 per detached canopy per each street frontage	Permanent	Yes (sign area only)	6 from canopy	Approved wall area
Construction	10	32	1	Completion of construction	No	6	Approved wall area
Election	10	32	1 per candidate or issue per approved wall area		No	6	Approved wall area
Ideological	25 or top of wall, whichever is less	32	1 per approved wall area	Permanent	No	6	Approved wall area
Memorial	6	12	1 per building	Permanent	No	6	Approved wall area
On-Site Information	10	8	1 per wall	Permanent	Yes	15	Approved wall area
Real Estate	10	32	1 per approved wall area	Completion of sale	No	6	Approved wall area
Temporary Business Sign	Single-use building: 25 or top of wall, whichever is less Multiple-use building: 25 or below 2nd story floor, whichever	Single-use building: 1 per linear foot of approved wall area Multiple-use building: 1 per linear foot of	1 per approved wall area	60 days in any one year	No	15	Approved wall area

	is less	approved wall area					
Wind Special event banner (also refer to section 15.06.060.R)	25 or top of wall, whichever is less	1 per linear foot of approved wall area up to 32	1 per approved wall area	30 days in any 3-month period	No	N/A	Approved wall area
Window	1st floor windows only	25 percent of window area	1 per window	Permanent or temporary	Yes	None	Approved wall area
Under-awning/Under-canopy	7 minimum clearance	4	1 per tenant per use per entrance	Permanent	No	To edge of awning or canopy	Approved wall area

F. *Table 15.06-E: Projecting Signs in Nonresidential Zoning Districts.*

Table 15.06-E
Nonresidential Zoning Districts and the Nonresidential Portion of a PUD District. Refer to Section 15.03.090 regarding additional SE-O District standards and Section 15.03.150 regarding MU district sign standards.
PROJECTING SIGNS

Sign Type	Maximum Height (feet)	Maximum Size (square feet)	Maximum Number of Signs	Duration	Illumination Allowed	Maximum Projection (feet)	Minimum Clearance (feet)
Changeable Copy	25 or top of wall, whichever is less	1 per linear foot of approved wall area up to 20 total	1 per building on an approved wall area	Permanent	Yes	5	8
Business/Use Identification	Single-use building: 25 or top of wall, whichever is less Multiple-use building: 25 or below 2nd story floor, whichever is less	Single use-building: 1 per linear foot of approved wall area up to 20 total Multiple-use building: 1 per linear foot of approved wall area up to 20 total	1 per approved wall area	Permanent	Yes	5	8
On-Site Information	25 or top of wall, whichever is less	8	As approved on site/development plan	Permanent	Yes	5	8

(Code 1993, § 15.06.070; Ord. No. O-2001-78, § 1; Ord. No. O-2003-35, § 2(exh. A); Ord. No. O-2006-71, § 4(exh. 1); Ord. No. O-2009-21, § 16,(exh. 2), 6-9-2009; Ord. No. O-2014-20, § 8(exh. A), 5-6-2014)

15.06.080. - Master sign plans.

A. *Purpose and scope.* The purpose of this master sign plan section is to allow an applicant to develop a creative and cohesive alternative sign plan for multiple signs on a property which may not meet all of the standards established elsewhere in this chapter, but which will comply with subsections D and E of this section, and otherwise satisfies the intent of this sign code. Through a master sign plan, the following standards of this sign code may be varied, except that master sign plans within the scenic entryway overlay district are limited to the sign standards in section 15.03.090

1. Sign area for individual signs;
2. Sign height for individual signs;
3. Sign setback or separation between freestanding signs;
4. Maximum number of signs, types of signs, or approved wall areas for purposes of sign location;

5. Any other dimensional or design standard in this chapter (sign code);
6. In exchange for a creative and quality design, dimensional standards may be altered up to 20 percent (or up to top of wall for wall signs). The decision-making body may approve a greater change in a dimensional standard based on the applicant demonstrating that the change is warranted by a master sign plan and development that represents an exceptional design or by conditions that reasonably preclude compliance with existing standards.

B. *Permitted zoning districts.* Master sign provisions apply to any development, parcel, or lot in any zoning district, except that master sign plans with the scenic entryway overlay district are subject to the sign standards of section 15.03.090

C. *Procedure.*
1. The applicant shall submit a sign plan consisting of a written statement addressing the proposal and the review criteria along with dimensioned graphic plans identifying the following items for all signs on the property:
   a. Sign style, type, location, size (area) and height for wall and freestanding signs;
   b. Materials and colors for signs, raceways, cabinets, bases, etc.;
   c. Sign illumination devices and brightness levels;
   d. The sign plan should be submitted and reviewed in conjunction with a development application, whenever possible, or may be reviewed as a separate application.
2. The decision-making body shall review the sign plan. If the master sign plan complies with the provisions of this sign code and the review criteria, the sign plan may be approved.

D. *Review criteria.* All master sign plans shall be reviewed according to the following criteria. The master sign plan may contain any conditions necessary to ensure compliance with these criteria. Requests for exceptions to the sign standards outlined in subsection A of this section may be granted as part of the master sign plan provided the following criteria are met:
1. The development meets all other applicable city regulations, including but not limited to required parking, landscaping, and setback standards.
2. The plan complies with all applicable provisions of this sign code, except those that may be varied by this section.
3. The plan is consistent with the purposes of this sign code and will not adversely impact surrounding properties or neighborhoods.
4. The plan 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 or other features on the site.
5. The proposed signs will not negatively affect the visual character of the area, cause future variance requests, or contribute to degradation of the visual environment through sign proliferation.

E. *Master sign plan—Governing terms—Amendments—Lapse upon redevelopment.*
1. The master sign plan shall govern the allowed signs for the property.
2. Such sign plans may be amended, provided all signs that do not comply with all provisions of this code are removed. Signs that are nonconforming shall be removed as specified in subsection 15.06.060.T, "Legal nonconforming signs."
3. Master sign plans shall automatically lapse upon redevelopment of the property, unless the scope of redevelopment is limited and the decision-making body agrees that the master sign plan can remain in effect.

F. *Appeals.* An applicant whose master sign plan is denied by the staff may appeal such decision to the planning and zoning commission (P/Z) within 30 days from the date of the denial. Such appeal request shall be made in writing stating how the applicant's request meets the review criteria. The decision-making body shall make a determination on the issue by motion, and such action shall be final.

(Code 1993, § 15.06.080; Ord. No. O-2001-78, § 1; Ord. No. O-2006-71, § 5)

15.06.090. - Minor modifications and variances.

A. *Request for minor modification.* A request to modify an individual sign from the standards set forth in this sign code shall be reviewed according to a minor modification if the requested modification represents an increase of up to 20 percent from a numerical standard or a request from other non-numerical design standards. Refer to subsection 15.02.090.H, "Minor modifications."

B. *Request for variance.* If not eligible for a master sign plan or minor modification, an applicant may request a variance from the sign standards according to the requirements and procedures of subsection 15.02.060.F, "Variances." The decision-making body may grant variances to the standards set forth in this sign code only upon submission of an application and alternative sign plan satisfying the intent, purpose, and spirit of this sign code. The alternative sign plan shall include all information indicated in subsection 15.06.080.C for a master sign plan.

C. *Grant of variance subject to conditions and time limit.*
1. The decision-making body may grant variances subject to any conditions which are deemed necessary or desirable to make the sign that is permitted by the variance compatible with the purposes of this sign code.
2. Unless otherwise provided by the decision-making body or this development code, the applicant must apply for a sign permit within six months of the variance approval.

(Code 1993, § 15.06.090; Ord. No. O-2001-78, § 1; Ord. No. O-2006-71, § 6)

15.06.100. - Prohibited signs.

A. *Signs within the sight distance triangle.* In order to preserve sight distance, an unobstructed view shall be maintained within sight distance triangles:
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. The city may require a greater distance in certain high-volume or high-speed traffic intersections per city standards.
2. No signs, except traffic signs, shall exceed a height of 36 inches above the grade of the lower roadway within the sight distance triangle.
3. In addition, sign projection or overhang across this triangular area shall be permitted only when the bottom of the sign surface is a minimum of nine feet above the grade of the higher roadway. No sign supports shall be within the sight distance triangle.

B. *Prohibited in all zone districts.* The following signs are prohibited in all zone districts and are not subject to variances:
1. Any sign that causes 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. Any sign employing a lighting or control mechanism which causes radio, radar or television interference;
3. Any sign that obstructs any fire escape, window, door, or opening used or required as a means of egress or ingress, or for fire fighting purposes, or interferes with any openings required for light or ventilation;

4. Wind signs, except as special event signs authorized in sections 15.06.060 or 15.06.070
5. Animated signs, except for scoreboards for athletic events, time and temperature devices, or electronic message boards used by the city or other public agency to address a health or safety matter;
6. Neon or LED lighting not within the lettering or logo of a sign, or as further restricted in section 15.06.060, "General sign regulations" and section 15.03.090, "SE-O scenic entryway overlay district", except for authentic historic signs on historic landmark properties;
7. Portable signs, except as part of special event signs authorized in section 15.06.070, "Specific sign regulations," above or as allowed in section 15.06.060, "General sign regulations";
8. Wall or freestanding signs advertising a name brand product or product line sold within a business, except for authentic historic signs on historic landmark properties;
9. Roof signs or any portion of a sign or sign cabinet or frame extending above the parapet or roof eave, except for authentic historic signs on historic landmarks;
10. Searchlights;
11. Signs painted on or attached to fences, except as authorized in section 15.06.070, "Specific sign regulations";
12. Signs attached to utility poles or other poles or structures, except bus stop signs, within public rights-of-way;
13. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than holiday decorations;
14. Signs on parked vehicles except for-sale signs on registered and licensed vehicles that are legally operable on streets and highways;
15. Signs that are inoperable, unsafe, or dilapidated;
16. Signs in rights-of-way or upon other public property unless specifically permitted or provided for in this sign code;
17. Off-premises signs, except bus stop signs, that advertise a use not located on the same lot or parcel as the sign. Joint identification signs may be allowed on any lot or parcel of an approved site or development plans, subject to master sign plan approval by the city;
18. Signs erected without a permit or otherwise erected contrary to this sign code.

(Code 1993, § 15.06.100; Ord. No. O-2001-78, § 1; Ord. No. O-2003-35, § 3; Ord. No. O-2006-71, § 7; Ord. No. O-2014-20, § 9, 5-6-2014)

15.06.110. - Design, construction and enforcement.

A. *Conformance to building code required.* The design of all signs and sign structures shall conform to the requirements of the building code as adopted by the city.

B. *Inspection authority.* All signs shall be subject to inspection by the appropriate agents of the city for the purpose of determining compliance with this sign code.

C. *Footings—Inspection required.* Footing and foundation inspections are required for all freestanding signs.

D. *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, and the components used shall bear the label of a testing agency approved by the city.

E. *Maintenance required.* All signs shall be maintained by the owner or property owners association and shall be kept in good repair.

F. *Signs believed unsafe—Request to inspect.* Whenever the community development director, or other authorized representative of the city manager, has reasonable cause to believe that there exists any sign or any condition which makes such sign unsafe or in violation of any section of this sign code, the community development director, or other authorized representative of the city manager, may enter such premises at all reasonable times to inspect such signs, provided that if such premises are occupied, the community development director, or other authorized representative of the city manager, shall first present proper credentials and request permission to inspect the signs. If such premises are unoccupied, the community development director, or other authorized representative of the city manager, shall make reasonable effort to locate the person in control of the premises and request permission to inspect the signs. If such permission is refused, the community development director, or other authorized representatives of the city manager, shall have recourse to every remedy provided by law to secure entry to the premises.

G. *Signs believed unsafe—Authority to require certification of safety.* When, in the opinion of the community development director, or other authorized representative of the city manager, reasonable cause exists that a proposed or existing sign structure is unsafe, the applicant shall furnish a certificate from a registered civil, structural, electrical or mechanical engineer certifying its safety.

H. *Noncomplying signs—Removal Order Authority.* The community development director, or any authorized representative of the city manager, shall order the removal of any sign or signs that are not erected or maintained in compliance with the provisions of this sign code.

I. *Noncomplying signs—Notice of violation.* Notice of violation shall be given to the owner and user of the noncomplying sign. Removal or compliance shall be completed within the time frame as specified in the notice, unless an appeal is requested. However, no more than 30 calendar days shall be given for removal or compliance without the approval of the community development director, or other authorized representative of the city manager, if no appeal is requested.

J. *Noncomplying signs—Failure to comply with notice.* Failure to remove or bring the sign(s) into compliance will be cause for the city attorney, acting on behalf of the city council, to maintain an action to enforce this sign code. All costs incurred by the city plus an administrative charge of 15 percent of the costs shall be charged against the property and its owner.

(Code 1993, § 15.06.110; Ord. No. O-2001-78, § 1; Ord. No. O-2006-71, § 8)

15.06.120. - Violations.

A. *Violations—Penalty.*

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 sign code.
2. Any person, firm, or corporation violating or permitting a violation of this sign code 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).

(Code 1993, § 15.06.120; Ord. No. O-2001-78, § 1)

15.06.130. - Downtown sign design standards.

A. *Downtown sign design standards adopted.* The downtown sign design standards are hereby adopted and included as appendix F-1 to the land development code. Within the boundaries of the downtown development authority ("DDA" and "DDA area"), as defined in Ordinance No. O-82-76 (included as appendix F-2 to the development code), its provisions shall supplement the provisions of chapter 15.06 of the Longmont Municipal Code ("Signs"). 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 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).*
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 February 23, 2005, 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 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 chapter, with the exception of window signs. Any permanent window sign to be displayed in the DDA area, or any change to such a window sign, requires a sign permit under chapter 15.06. The only review criterion for a window sign permit shall be whether city staff has received a certificate of compliance with the downtown sign design standards approving the window sign.

F. *Certificate procedure.*
1. For all signs subject to review under the downtown sign design standards, an application shall be submitted to the director at the DDA offices.
2. 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.
3. 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, or d) listed in this subsection (3).
   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.
4. *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.
5. *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.3.d. of this section. On appeal, the DDB shall decide whether to approve, approve with conditions, or deny the permit. No appeal is permitted from a DDB decision, except as provided by state law.
6. *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.3.c. 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 criterion in subsection 1. or all criteria in subsections 2. through 4. below, as follows:
1. Special circumstances exist for the subject property, such that the strict application of the downtown sign design standards would result in 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, or 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.

(Ord. No. O-2014-20, § 2, 5-6-2014)

CHAPTER 15.07. - SUBDIVISION AND IMPROVEMENTS STANDARDS

15.07.010. - Applicability, procedures and other relevant provisions.

A. *Applicability.*
1. *General.* Unless otherwise exempted by this chapter, all 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 until a plat has been approved, except as specifically exempted, under the provisions of this development code (please refer to subsection 15.01.050.B.). A plat is also required to consolidate lots, or reconfigure existing lots, except as specifically exempted by this development code (please refer to subsection 15.01.080.B).
2. *Exemptions.* Review and approval of a subdivision plat shall not be required for the creation of lots or plots for sale in a cemetery.

B. *Applicable procedures and other relevant provisions.*
1.

Subdivision review process. All applications for subdivision approval are reviewed according to the applicable procedures in subsection 15.02.060.E. ("Preliminary subdivision plats"), subsection 15.02.090.A. ("Minor subdivision plats"), or subsection 15.02.090.B. ("Final subdivision plats").

2. *Plat requirements.* Submittal requirements for subdivision plats are found in appendix B to this development code.
3. *Improvement guarantees.* For standards governing improvement guarantees, including performance and maintenance guarantees for public and private on-site improvements, please refer to section 15.05.210, "Improvement guarantees."
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 15.02.070, "Development agreements."

(Code 1993, § 15.07.010; Ord. No. O-2001-78, § 1; Ord. No. O-2006-72, § 2)

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. During the preliminary subdivision plat review (see subsection 15.02.060.E.), the city shall refer for comment proposed subdivision plats to applicable agencies.
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, playgrounds, and other public uses and purposes.
3. The city shall have the discretion to accept any offered donation or dedication of land area.

B. *Parks, greenways, and open space.* All residential subdivisions shall reserve land for public parks according to the LACP, 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, "Open space," of this development code.

C. *Fair contribution for public school sites.*
1. *Applicability/dedication or payment in-lieu required.*
a. Unless exempt under subsection C.2. below, applicants shall, before final plat approval, provide proof that the school district has received fair contribution for public school sites in accordance with the following:

SCHOOL PLANNING STANDARDS AND CALCULATION OF IN LIEU FEES

	Projected Student Yield		Student Faculty Standard Acres		Site Size Acres		Acres Contribution		Developed Land Value		Cash in-lieu per unit
Single-Family											
Elem.	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
Duplex/Triplex											
Elem.	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
Multifamily											
Elem.	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
Condo/Townhouse											
Elem.	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
Mobile Home											
Elem.	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 LACP 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 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 Longmont Area Comprehensive Plan (LACP) 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 LACP.

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.

   The applicant shall also, by issuance of the first building permit, furnish any off-site easements that the school district needs to develop the site.

d. 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, bed and breakfast establishments, boarding or rooming houses, family care homes, group care homes, halfway houses, hotels, motels, nursing homes, 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.
3. *"Fair contribution" defined.* See section 15.10.020.A.113. for definition of "fair contribution for public school sites."

D. *Easements and rights-of-way.* Easements shall be provided 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 is required for streets and primary greenways as shown on the LACP.

(Code 1993, § 15.07.020; Ord. No. O-2001-78, § 1; Ord. No. O-2002-72, § 2; Ord. No. O-2006-50, § 2; Ord. No. O-2006-72, § 3)

15.07.030. - Lot standards.

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. 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 standards.*
   1. All residential subdivisions shall comply with the residential design standards stated in section 15.05.110, "Residential Design Standards," including a requirement for variation in lot sizes.
   2. One-family and two-family residential developments in a PUD district and cluster lot subdivisions are exempt from the lot variation requirements in section 15.05.110, "Residential Design Standards."

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.

Frontage. No lot shall normally have a street frontage less than 40 feet, or 30 feet on a cul-de-sac bulb or street curve unless otherwise allowed in chapter 15.05 (Development Standards), other provisions of this development code, or other applicable city standards.

F. *Corner lots.* Corner lots for residential use shall be platted wider than interior lots in order to facilitate conformance with the setback (yard) requirements of chapter 15.05, "Development Standards."

G. *Division of lots.* No lot shall be divided by a city boundary line.

H. *Lot depth.* The lot depth shall not exceed three times the lot width, except as allowed by this development code.

I. *Flag (or flagpole) lots.* Flag lots are not allowed, unless a modification or variance is granted by the decision-making body.

J. *Double frontage lots.*

1. Double frontage lots as defined in chapter 15.10 are not allowed adjacent to local streets, unless a modification or variance is granted by the decision-making body.
2. If approved, double frontage lots on collector and arterial streets shall have an average lot depth of not less than 130 feet.
3. See sections 15.05.100(D) through (E) regarding standards for fences and walls erected on the perimeter of subdivisions and developments.

K. *Lots divided by a zoning district boundary.* Lots that are divided by a zoning district boundary are not allowed, unless a modification or variance is granted by the decision-making body.

L. *Outlots.* No outlots are permitted unless required to satisfy a requirement of this development code or to serve a public, common open space, or private access purpose. If city maintenance is requested, such outlots adjacent to other city-maintained access shall be subject to a perpetual maintenance agreement or other means of maintenance acceptable to the city, and the outlots shall be dedicated to the city.

(Code 1993, § 15.07.030; Ord. No. O-2001-78, § 1; Ord. No. O-2006-72, § 4)

15.07.040. - Cluster lot subdivisions.

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 does not exceed the maximum number of lots allowed in the subdivision by the 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 allowed.* Cluster lot subdivisions are allowed in the R1 and R2 zoning districts.

B. *Minimum parcel size.* Cluster lot subdivisions shall be at least ten acres.

C. *Garages accessed from alleys encouraged—Density bonus available.* Alleys, and lots with garages accessed from alleys, are encouraged. See section 15.05.050(D)(8) ("Alleys") regarding development standards and density bonuses for alleys.

D. *Common open space.*

1. *General.* The amount of common open space required in this section for a cluster subdivision is in addition to lands reserved for public parks or fees paid for purposes of public parks and other public open space, except that primary and secondary greenways dedicated to the city may be used to meet up to 25 percent of the common open space set-aside requirement stated below. See section 15.05.040, "Open Space," of this development code for provisions governing public open space dedication requirements.
2. *Minimum requirement.* At least 30 percent of the property shown on the subdivision plat shall be preserved as common open space. Of that area, at least three-fourths shall be designed as contiguous, common open space located according to section 15.05.040(E) and designed according to section 15.05.040(G).
3. *Organization.* Common open space shall be organized, and pedestrian connections to such open space provided, so that:
   a. At least 35 percent of all lots in a cluster subdivision shall be platted adjacent to designated common open space (an "Open Space Frontage Lot");
   b. For each lot that is not an open space frontage lot, the walking distance between such lot and a portion of the common open space, measured along street frontages or pedestrian walkways, shall not exceed 1,320 feet (one quarter mile); and
   c. The provisions in section 15.05.030(F) governing pocket parks shall apply to cluster subdivisions.
4. *Landscaping.* Each portion of the designated common open space shall be landscaped according to section 15.05.090, "Landscaping, Buffering, and Screening."
5. *Dedication.* The minimum required common open space shall be preserved from development in perpetuity through the use of a dedication, and shall be conveyed to a property owners association or other organization with responsibility for maintenance of the open space and the ability to collect assessments or dues for such purpose. The applicant must submit proof that (a) such a deed restriction or easement has been recorded, and that (b) the property owners association or other organization has been established before any building permits for construction in a cluster lot subdivision shall be issued.

E. *Cluster lot development standards.* All cluster lots shall comply with the development standards stated in Table 15.07-A below. In the case of conflict between the provisions of Table 15.07-A and any other portion of this development code, the provisions of this Table 15.07-A shall govern.

TABLE 15.07-A
CLUSTER LOT DEVELOPMENT STANDARDS

Item	Standard
Minimum cluster lot size	3,000 square feet
Types of housing permitted	Lots of 5,000 sq. ft. or more: one-family or two-family dwelling, as allowed by the applicable zoning district. To the maximum extent feasible, two-family dwellings on cluster lots shall be sited on corner lots, with the primary entrance to each dwelling unit facing a different street. Lots of less than 5,000 sq. ft: one-family dwelling.
Minimum lot width	40 feet

Minimum front setback (These setbacks are allowed provided no portion of a building encroaches upon or overhangs an easement)	15 feet from back of sidewalk to house, exclusive of unenclosed porches and bay windows. 20 feet from back of sidewalk to a garage door facing the street. 10 feet to unenclosed porches or bay windows.
Minimum side setback	Corner lots: The side setback facing the street shall be the same as the required front setback. A 10-foot minimum separation distance shall be maintained between adjacent principal dwelling structures. A 6-foot minimum separation distance shall be maintained between all other structures on adjacent lots.
Zero lot line development	Zero lot line development. The side setback on one side of the house may be reduced to zero for a grouping of cluster lots sharing a common street frontage, subject to the following requirements: The subdivision plat shall specify the specific location of each zero-lot line house on the cluster lot. The side setback reduction shall not apply to the side building setback adjacent to a street or to lots that are not part of the zero lot line cluster lot project. A 10-foot minimum separation distance shall be maintained between adjacent principal dwelling structures. An easement between adjacent property owners for maintenance shall be required if the sidewall or eaves of one house is closer than 4 feet to the adjacent property line. If the side wall of the house is 3 feet or less from the property line, windows or other openings that allow for visibility into the side yard of the adjacent lot are not allowed. Windows or other openings that do not allow visibility into the side yard of the adjacent lot, such as a translucent window, are allowed.
Minimum rear setback	From alley right-of-way to an alley facing garage door = 6 feet with 20 foot wide alley; All other structures = 15 feet.
Street standards	Cluster lot subdivisions shall comply with adopted residential street standards, unless an exception is approved under to section 15.02.090(I), "Exceptions to Street/Road and Access Standards."
Maximum block length	600 feet.
Perimeter buffer	A 30-foot landscaped buffer as stated in section 15.05.090 shall be established along any boundary of a cluster subdivision that abuts existing one-family residential uses and public rights-of-way to establish a visual screen between the adjacent uses. This perimeter buffer shall be in addition to required building setbacks.
Additional site planning requirements [covering landscaping, adjacent setbacks, and non-repetitive design]	To the extent not covered by this section, the provisions in chapter 15.05 (Development Standards) shall apply to cluster subdivisions.
Fences	If applicable, the applicant shall install standardized fences for side and rear lot lines as approved by the city.

(Code 1993, § 15.07.040; Ord. No. O-2001-78, § 1; Ord. No. O-2006-72, § 5)

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 on file with the department of public works and water utilities, and available for public inspection or purchase during normal business hours.
2. *Compliance with city standards.* All public improvements, public streets, and private common open space 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:
1. The LACP and this development code, including, but not limited to, the quality of life benchmarks/adequate public facilities standards of section 15.05.150 and the affordable housing standards of section 15.05.220
2. The requirements of any preliminary development plan or other precedent plan approved for the specific property.

D. *Plans for remainder parcels.* Where an entire parcel under the applicant's control or ownership is not subdivided for development, 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 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 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 lots with increased depth or building setbacks.
2. Where a proposed subdivision produces noise that may adversely affect the peace, tranquility, and privacy of inhabitants of adjacent property, the city may require an acoustical analysis and a plan for noise reduction.
3. 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 preliminary plat. 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 section 15.05.090(H)(3), "Preservation of Existing Trees and Vegetation," 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 15.05.090(H)(3), 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 according to the standards stated in this development code and applicable city standards.
2. *Lot access and street connectivity.* See section 15.05.050(D), "Streets."
3. *Determination of street versus drive.* Where designation of an access way as a street or a drive is unclear, the planning director shall consider all of the following criteria and determine if the access way, as proposed, shall be a public street or private drive. Staff designations may be appealed to the P/Z for final determination.
   a. Drives are generally non-through ways, do not provide an easy, convenient connection between streets, or 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. In most cases, maintenance and repair of service lines are the property owner's responsibility (see section 14.04.290(I) and section 14.08.225).
   c. Public services are generally provided on streets, not on private drives. In a situation where drive design makes it difficult for the city to provide its services in a standard fashion, or makes it difficult for residents to utilize the standard public services, and where the difficulty can be eliminated by utilizing a street instead of a drive, a street is appropriate.

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, "Pedestrian and Bicycle Access and Connectivity."

J. *Water supply/fire protection.*
1. All subdivisions shall include a water supply system designed according to city standards and with any 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 chief. The fire chief shall determine the number and location of fire hydrants to be provided and installed by the applicant.
3. See also subsection 15.05.150.E 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. In addition to the 100-year floodplain, other lands subject to flooding, or land, which if developed or improved, would cause improved areas within the city to be subject to flooding 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 subsection 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 complying with the requirements of this provision and shall make the necessary arrangements, including any construction or installation charges, with each of the serving utilities for the installation of such facilities and shall be subject to 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 of public streets, as herein provided, or upon private 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 quality and grading 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 and/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 subsections 15.04.020.B.32.w(ii) and (iii) 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.

(Code 1993, § 15.07.050; Ord. No. O-2001-78, § 1; Ord. No. O-2003-04, § 2; Ord. No. O-2003-83, § 2; Ord. No. O-2006-72, § 6; Ord. No. O-2007-46, § 9; Ord. No. O-2012-25, § 5, 7-17-2012)

15.07.060. - Survey monuments.

Survey monuments shall be installed within subdivisions according to city standards and applicable Colorado law.

(Code 1993, § 15.07.060; Ord. No. O-2001-78, § 1)

15.07.070. - Property or home owners associations.

A. *Declaration of covenants and restrictions required.* If open space or other common areas and facilities within a subdivision or development are to be owned and maintained by a property or home owners association, the applicant shall file a declaration of covenants and restrictions that will govern the association. The declaration must be submitted with the application for final plan or plat approval.

B. *Declaration contents.* The declaration provisions shall include, but not be limited to the following:

1. The property or home owners association shall be established before the homes or lots are sold;
2. Membership shall be mandatory for each lot or home buyer and any successive buyer;
3. Any open space restrictions shall be in perpetuity, unless the city approves a shorter time period;
4. The association or, if applicable, the developer shall be responsible for liability insurance, local taxes (if any), and the continuing maintenance of common open space and areas, recreational facilities, and all other community facilities;
5. Property or home owners shall pay their pro rata share of the costs incurred by the association unless the covenants provide for a different means of assessment;
6. Assessments levied by the association can become a lien on the property if allowed in the master deed establishing the property owners association; and
7. The association shall be able to adjust the assessment to meet changing needs and demands.

C. *Proof of establishment of association; submission of recorded covenants and restrictions.* Prior to recording a final development plan or plat, or as otherwise agreed to by the city, the applicant shall submit evidence that the property owners association has been legally established, typically in the form of articles of incorporation filed with the Colorado Secretary of State. The applicant shall also submit signed originals of the covenants and restrictions for recording prior to recording the final development plan or plat.

D. *Control of common open space 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 open space and other community facilities provided by the final subdivision plat, final development plan, or site plan. Such instrument shall not be accepted until the city attorney approves it as to legal form and effect and the planning division approves it as to suitability. All such instruments shall be recorded with the final subdivision plat, final development plan, or site plan.
2. Common open space 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 LACP or the city determines it is in its best interest to own and maintain the facility or open space.
3. If the common open space or recreational facilities are conveyed to a property owners' or other private association, the applicant shall file with the city, as a part of the aforementioned instruments, a declaration of covenants and restrictions that shall govern the association.
4. If common open space or other community facilities are not maintained consistent with the approved final development plan or final subdivision plat, 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, which assessment shall constitute a lien upon the property and shall be collected by assessment by the county in the manner of tax assessments.

(Code 1993, § 15.07.070; Ord. No. O-2001-78, § 1; Ord. No. O-2006-72, § 7; Ord. No. O-2012-42, § 3, 7-10-2012)

15.07.080. - Special improvement districts.

A. *General.* Special improvement districts, authorized by C.R.S. title 31, art. 25, pt. 5 (C.R.S. § 31-25-501 et seq.), are typically formed to finance infrastructure improvements within newly emerging urban areas. Such districts are authorized to issue tax-exempt bonds to fund the installation of streets, sidewalks, water and sewer lines, street lighting, and other public improvements. Bonds are paid with a property tax levied on all property located in the district.

B. *Formation of district discretionary with city council.* Consistent with the provisions of section 10.4 of the Charter for the city, nothing in this section and nothing in any general laws of the state shall be deemed to impose any obligation upon the city council to create any particular special improvement district. Such findings and the decision as to whether any particular special improvement district shall or shall not be created shall remain within the sole discretion of the city council. The exercise of that discretion shall not be questioned in any action or proceeding.

C. *General law to control.* Except as provided by the City Charter and except as provided in this section, the procedure for the creation of special or local improvement districts, the method and manner of making improvements, the assessment of costs, and the issuance of bonds, shall be as provided by the general laws of the State of Colorado relating to special or local improvement districts (C.R.S. title 31, art. 25, pt. 5 (C.R.S. § 31-25-501 et seq.)).

D. *Types of improvements.* The improvements authorized to be acquired, constructed, or installed in special or local improvement districts may consist of the construction, reconstruction, repair, replacement, and extension of improvements that result in a special benefit to the real property included within the district. Without limiting the generality of the foregoing, such improvements may include grading, paving, curbing, guttering, lighting or otherwise improving any street or alley; traffic safety improvements; including signals and signs; sidewalk and bike path improvements, park, open space and recreational improvements; storm drainage and flood-control improvements; water, sewer, gas, electrical and other utility improvements, and aesthetic improvements and amenities. Improvements authorized by this section shall be located in or on public rights-of-way or other public property, except as may be otherwise provided in the ordinance creating the district.

E. *Method of assessment.* In all cases where the cost of a local improvement is assessed wholly or in part upon the real property within the district, the cost shall be assessed in proportion to the special benefit received. Such assessment may be made in a frontage, area, zone, unit or other equitable basis according to special benefits, as determined by the city council. Two or more methods of assessments for different kinds of improvements may be included in a single district.

F. *Waiver of hearing.* If the petition for the creation of a special or local improvement district is signed by 100 percent of the owners of the real property to be included within the district and to be assessed, and contains a request for waiver of the notice, publication, mailing and the hearing on the creation of the district, or if each of the property owners otherwise executes a waiver agreement satisfactory to the city council, the city council may, in its discretion, waive any or all of the requirements for notice, publication, mailing and the hearing on the creation of the district.

G. *Application fee.* All petitions shall be accompanied by an application review fee.

H. *Requirements relating to undeveloped real property.*

1. In the event that the proposed district consists of undeveloped real property, or is substantially undeveloped, then prior to filing a petition and waiver described in subsection F above, the following shall be required:
    a. Submission of the detailed set of plans and specifications showing the proposed improvements to be consistent with official city land use and infrastructure plans and specifications;
    b. A title insurance policy or other evidence acceptable to the city council indicating ownership of the real property in the name of the petitioner or petitioners;
    c. In the petition and waiver referred to in subsection F above, inclusion of a waiver of the right to contest or challenge the creation of the district, the method and amount of assessments to be levied or imposed, and the issuance of bonds for the payment of the costs and expenses of the improvements;
    d. Provisions to insure the payment of special assessments to become due and payable upon the sale of each lot or parcel to a third party; and
    e. An independent appraisal satisfactory to the city certifying the market value of the real property to be included in the district, after the acquisition, construction and installation of the improvements, will be at least two times the amount of the proposed assessments.
2. The city council may, by resolution or ordinance, waive or modify any of the above requirements.

I. *Incontestability provision in bonds.* Any ordinance that authorizes the issuance of special assessment bonds may provide that each bond therein authorized shall recite that it is issued under the authority of the City Charter and the procedure ordinance codified in this section adopted under to the City Charter. Such recital shall conclusively impart full compliance with all of the provisions thereof, and all bonds issued containing such recitals shall be incontestable for any cause whatsoever after their delivery for value.

J. *Legal proceedings.* No action or proceeding, at law or in equity, to review or to question the validity or enjoin the performance of any act or the issuance or collection of any bonds or the levy or collection of any assessments authorized herein, or for any other relief against any acts or proceedings done or had under to this section or under the provisions of the City Charter, with reference hereto, whether based upon irregularities or jurisdictional defects, shall be maintained unless commenced within 30 days after the performance of the act or the passage of the resolution or ordinance complained of, and all such actions or proceedings shall be thereafter perpetually barred.

K. *Costs of improvements.* The total cost of the improvements that may be included in the assessment roll and assessed against the property within the district includes all direct or incidental costs, whether incurred or to be incurred, in connection with creation and administration of the district, acquisition or construction of improvements, levying and collection of assessments, issuance of bonds, and all other matters required or permitted by this section. Without limiting the generality of the foregoing, such cost shall include initiating and creating the district; publishing or posting notices; printing costs; holding meetings and hearings; designing, constructing or acquiring improvements, including acquiring land, easements and other property rights; contingencies and reserves; inspection and collection; issuing and securing bonds, including capitalized interest for such period as the city council may deem necessary, capitalized bond reserves, and credit enhancements; levying and collecting assessments; legal, engineering, appraisal, financial and other professional fees and expenses connected with the creation of the district, the acquisition or construction of improvements, issuing or securing bonds, levying and collecting assessments, or any other matter under this section, including the costs of confirming, proving or defending the validity of any district, bond or assessment; administrative costs; supplies and equipment; and all other incidental costs.

(Code 1993, § 15.07.080; Ord. No. O-2001-78, § 1; Ord. No. O-2006-72, §§ 8, 9; Ord. No. O-2007-46, § 10)

CHAPTER 15.08. - NONCONFORMITIES

15.08.010. - Purpose.

This chapter establishes regulations that govern uses, structures, lots, and signs 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.

(Code 1993, § 15.08.010; Ord. No. O-2001-78, § 1)

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 which, as of the effective date of this development code or any subsequent amendment thereto, no longer comply with the use regulations within the applicable zoning district (chapter 15.04) are "nonconforming uses."
2. *Exceptions.*
    a. *Conforming uses without required use permit or approval.* A use legally established without conditional use or limited use approval is deemed to have a conditional use or limited use approval, and is not nonconforming solely because this development code now requires a conditional use or limited use approval for the subject use.

b. *Uses conforming under previous regulations.* Except for sexually oriented businesses, uses legally established and conforming to the use and zoning district regulations in effect prior to the effective date of this development code may continue after the effective date and are not subject to this chapter's limitations on enlargement and expansion, relocation, or discontinuance of such uses (see sections 15.08.060(A) through (C) below), provided the use complies with the following requirements:

i. A use may not be enlarged or expanded beyond the lot or parcel it occupied on the effective date, unless the city approved such enlargement or expansion prior to the effective date and such approval has not lapsed or expired.

ii. Any change in use shall be to a new conforming use.

iii. If a use is discontinued for a period of one year, such use shall not thereafter be reestablished and any future use shall conform with this development code.

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." See chapter 15.10 for a definition of "dimensional standards."

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 15.02.060(F)(7) ("Variances—Effect of Approval").

b. *Structures in approved PUDs.* Structures in an approved PUD that are granted modifications from the dimensional standards of this development code are not nonconforming. See section 15.03.060, "Planned Unit Development Districts."

C. *Nonconforming lots.* Lots of record 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 lots."

D. *Nonconforming signs.* Signs legally established but which, as of the effective date of this development code, or any subsequent amendment thereto, no longer comply with the sign regulations of chapter 15.06 (Signs) are "nonconforming signs."

(Code 1993, § 15.08.020; Ord. No. O-2001-78, § 1; Ord. No. O-2006-73, § 2)

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 clearly consistent with the express terms of this development code.

(Code 1993, § 15.08.030; Ord. No. O-2001-78, § 1)

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 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 and re-establishment of abandoned nonconforming uses, and to limit the re-establishment of nonconforming buildings and structures that are substantially destroyed.

B. *Authority to continue.* Nonconformities are allowed to continue according to this chapter's requirements.

C. *Determination of nonconformity status.* The burden of establishing that a nonconformity lawfully exists is on the owner, not the city. See section 15.08.110, "Certification of Nonconforming Status," below.

D. *Change of tenancy or ownership.* Changes of tenancy, ownership, or management of an existing nonconformity are permitted, and in such cases the nonconforming situation continues to be subject to this chapter.

(Code 1993, § 15.08.040; Ord. No. O-2001-78, § 1)

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 of the City of Longmont declares a nonconforming structure, or a portion of a structure devoted to a nonconforming use to be unsafe, unlawful, or in violation of section 203 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.

(Code 1993, § 15.08.050; Ord. No. O-2001-78, § 1; Ord. No. O-2006-73, § 3)

15.08.060. - Nonconforming uses.

Nonconforming uses are hereby declared incompatible with the principal permitted uses in the zoning districts involved. 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 housing such use that were designed or arranged for such use when the use was legally established. However, if such enlargement, expansion, or extension will result in an increased impact, the board of adjustment shall review the request according to the procedures stated in section 15.02.060(F), "Variances." For purposes of this provision, "increased impact" occurs when:

i. The parking demand or needs for the expanded use will increase;
ii. The expanded use will generate more traffic;
iii. The expanded use will create an adverse impact on the surrounding neighborhood because of an increase in glare, noise, air emissions, refuse/litter, outdoor storage;
iv. The expanded use will operate in a different manner, in areas such as hours of operation or number of employees.

The planning director shall make all determinations of "increased impact" according to procedures in section 15.02.110, "Written Code Interpretations."

c. The board of adjustment may approve an expansion request only if the expansion satisfies the following criteria:
i. The expansion will not interfere with the operation of conforming uses in the surrounding neighborhood, in the applicable zoning district;
ii. The expansion will not interfere with vehicle circulation on adjacent public streets; and
iii. The expansion will cause no greater adverse impacts on surrounding properties than did the original nonconforming use.

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 with 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 with this development code.
2. At such time as any nonconforming, individual mobile home existing on a private 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 new conforming use unless the planning director, under the procedures for a written Code interpretation (section 15.02.110), makes a determination that the change in use would not increase the degree of nonconformity, would not create adverse impacts on surrounding properties or neighborhoods, the natural environment or the city's ability to provide services and maintain public facilities, and would be 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 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 actually begun within one year after the date of such partial damage or destruction and is diligently pursued to completion.
3. The planning director, under the procedures for a written Code interpretation (section 15.02.110), shall make the initial determination of whether a proposed expansion increases the degree of nonconformity. The owner or applicant may appeal a determination of increased nonconformity to the board of adjustment under the procedures stated in section 15.02.040(P), "Appeals."

(Code 1993, § 15.08.060; Ord. No. O-2001-78, § 1; Ord. No. O-2006-73, § 4)

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 increases the degree of nonconformity is prohibited unless the board of adjustment (BOA) grants a variance. Expansions of the structure that comply with applicable dimensional standards or that decrease the degree of nonconformity are permitted and do not require a variance, provided such expansion meets all other applicable standards in this development code.
2. The planning director, under the procedures for a written Code interpretation (section 15.02.110), shall make the initial determination of whether a proposed expansion increases the degree of nonconformity.

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 actually begun within one year after the date of such damage or destruction and is diligently pursued to completion.
3. The planning director, under the procedures for a written Code interpretation (section 15.02.110), shall make the initial determination of whether a proposed expansion increases the degree of nonconformity. The owner or applicant may appeal a determination of increased nonconformity to the board of adjustment under the procedures stated in section 15.02.040(P), "Appeals."

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 minimum distance between mobile home units requirements of Table 15.05-N.

(Code 1993, § 15.08.070; Ord. No. O-2001-78, § 1; Ord. No. O-2002-13, § 2; Ord. No. O-2002-52, § 1)

15.08.080. - Nonconforming signs.

All nonconforming signs shall be subject to the standards stated in section 15.06.060(T), "Legal Nonconforming Signs."

(Code 1993, § 15.08.080; Ord. No. O-2001-78, § 1)

15.08.090. - 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.

(Code 1993, § 15.08.090; Ord. No. O-2001-78, § 1)

15.08.100. - Nonconforming lots of record.

A. *One family detached dwellings on non-conforming lots.*
   1. *New construction allowed.* In any zoning district that allows one-family dwelling uses, a one-family residence and customary accessory buildings may be erected on any single legal nonconforming lot of record that exists on the effective date of this development code, when such lot is ineligible for lot combination under subsection B below. This provision applies even though such lot fails to meet the area or width requirements, or both, of the applicable zoning district. However, the minimum setback dimension requirements of the applicable zoning district must be met unless the BOA grants a variance.
   2. *Enlargements allowed.* Existing one-family dwellings located on nonconforming lots of record may be enlarged, expanded, or extended only if such action does not increase nonconformities with applicable setbacks or cause a new area of nonconformity, or unless the BOA grants a variance.

B. *Combination of lots.*
   1. Two or more lots, or combinations of lots and portions of lots not separated by right-of-way, are considered to be a single, undivided lot for purposes of this development code if all the following factors apply:
      a. The lots are in single and common ownership and are of record on the effective date of this development code;
      b. The lots or parcels share continuous frontage; and
      c. All or part of the lots do not meet the minimum lot area or lot width requirements stated for the applicable zoning district. See chapter 15.05 (Development Standards).
   2. Two lots, not separated by right-of-way, shall be considered one single, undivided 50-foot wide lot under this development code lot for the purpose of accommodating a one-family dwelling, if all the following factors apply:
      a. The lots are in single and common ownership and are of record on the effective date of this development code;
      b. The lots share continuous frontage;
      c. Each lot is 25 feet wide; and
      d. The total combined lot area is at least 5,000 square feet.
   3. After the effective date of this development code, development may proceed on any portion of such combined lots provided the development complies with the lot width and lot area requirements of the applicable zoning district to the maximum extent feasible using the total, combined area and width of the subject lots.

(Code 1993, § 15.08.100; Ord. No. O-2001-78, § 1)

15.08.110. - Certification of nonconforming status.

Owners of nonconforming uses or structures may request a "certificate of legal nonconforming status" by filing an application with the planning director according to the "written Code interpretation" procedures of section 15.02.110. The application shall be accompanied by documentation that establishes the approximate date that the use, structure, or sign was established. The planning 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 chapter and development code.

(Code 1993, § 15.08.110; Ord. No. O-2001-78, § 1)

CHAPTER 15.09. - ENFORCEMENT AND PENALTIES

FOOTNOTE(S):

--- (**2**) ---

Editor's note—Ord. No. O-2012-40, § 2, adopted July 10, 2012, amended ch. 15.09 in its entirety to read as herein set out. Former ch. 15.09, §§ 15.09.010—15.09.080, pertained to similar subject matter and derived from: Code 1993, § 15.09.010—15.09.080; Ord. No. O-2001-78, § 1; Ord. No. O-2003-05, § 18; Ord. No. O-2006-73, §§ 5, 6; and Ord. No. O-2011-53, § 7, adopted Aug. 9, 2011.

15.09.010. - Responsible enforcement entity.

The economic development director or the director's designees shall be primarily responsible for enforcing the provisions of this development code.

(Ord. No. O-2012-40, § 2, 7-10-2012)

15.09.020. - Authorization for inspections.

Upon presentation of proper credentials, the economic development director or the director's designee(s) 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 economic development 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.

(Ord. No. O-2012-40, § 2, 7-10-2012)

15.09.030. - Violations.

It shall be a violation of this land development code to undertake any of the following activities:

A. To engage in the development or subdivision of land in any way that does not comply with the procedures and standards of this subdivision ordinance;

B.

To transfer title to any lot, tract, or land parcel before a subdivision plat, if required under this subdivision ordinance, has been approved and the approved plat has been filed with the county clerk and recorder;

C. 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 subdivision ordinance;

D. 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 subdivision ordinance without first obtaining all required approvals;

E. To violate the terms of any approval granted under this subdivision ordinance or of any condition imposed on such approval;

F. To obscure or obstruct any notice required to be posted or otherwise given under this subdivision ordinance; or

G. To violate any lawful order issued by the city under this subdivision ordinance.

(Ord. No. O-2012-40, § 2, 7-10-2012)

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.

(Ord. No. O-2012-40, § 2, 7-10-2012)

15.09.050. - Remedies and enforcement powers.

The economic development director and relevant decision-making bodies have the following remedies and powers to enforce this development code:

A. *Civil remedies and enforcement powers.*

1. *Withhold building permits.* No building permit shall be issued until a subdivision plat for the property has been approved or a violation has been corrected.
2. *Withhold permits and authorizations.* The city may deny or withhold all permits, certificates of occupancy or other forms of development authorization for the subject subdivision or property. This provision shall apply whether or not the current owner or applicant for the permit is responsible for the violation. Where a property owner, agent, or other person has a record of an outstanding violation or violations of this development code, the city may deny or withhold all permits, certificates, or other authorization for any use or development activity by such person until the outstanding violation is corrected. This provision shall apply whether or not the property for which the person seeks the permit or other approval is the property in violation.
3. *Approve permits with conditions.* Instead of withholding a permit or other authorization, the city may grant such authorization subject to the condition that the violation be corrected within a specified period of time.
4. *Revocation and suspension of permits.* Any permit or other form of authorization required under this subdivision ordinance may be revoked or suspended when the city determines:
   a. That there is departure from the plans, specifications, or conditions required under terms of the permit;
   b. That the permit was procured by false representation or was issued by mistake; or
   c. That any of the provisions of this subdivision ordinance are being violated.
5. *Suspension of water supply.* The city may suspend the water supply for all unoccupied buildings in the subject subdivision.
6. *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 subdivision ordinance or of a permit or other form of authorization issued hereunder.
7. *Injunctive relief.* The city may seek an injunction or other equitable relief in court to stop any violation of this subdivision ordinance or of a permit, certificate or other form of authorization granted hereunder.
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.
9. 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.

B. *Criminal remedies and enforcement powers.*

1. *Criminal offense.* It is a violation of this development code, after service of a notice of violation including any stop work order, to fail to comply with such notice or stop work order.
2. *Penalty.* Persons convicted of violating this development code shall, for each such violation, be punishable by a fine of up to $500.00 or imprisonment for up to 90 days, or by both such fine and imprisonment.

(Ord. No. O-2012-40, § 2, 7-10-2012)

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.

(Ord. No. O-2012-40, § 2, 7-10-2012)

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 economic development director. The economic development director shall properly record such complaint, investigate as soon as reasonably possible, and take action as provided by this chapter.

(Ord. No. O-2012-40, § 2, 7-10-2012)

15.09.080. - Enforcement procedures.

A. *Non-emergency matters.*

1.

In the case of violations of this development code that do not constitute an emergency or require immediate attention, 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. The person receiving notice shall have ten days from the date of the notice to correct the violation before further enforcement action shall be taken. The notices shall specify the Code provisions allegedly violated and the time period within which to correct the alleged violations before further enforcement action. They may also state the corrective steps necessary to ensure compliance and the nature of subsequent penalties and enforcement actions should the situation not be corrected. Notice shall be given in person, or by U.S. Mail, or by posting notice on the premises, and except for actions for criminal remedies, shall provide notice of a right to appeal the determination.

2. All appeals shall be filed in writing with the planning division within ten 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 decision-making body that originally granted final approval or authorization shall hold the hearing.
   b. No work or construction shall proceed after service of the revocation notice.
2. The economic development 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.

B. *Emergency matters.* 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, the economic development director may use the civil and criminal remedies and enforcement powers available under this chapter without prior notice. In such cases, the economic development 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.

C. *Options upon noncompliance.* If a person fails to comply with a notice of violation or stop work order, or to remedy the violation to the satisfaction of the economic development director within the required time period, then the economic development director shall consult with the city attorney and determine whether to invoke the civil remedies listed in subsection 15.09.050.A, the criminal remedies under subsection 15.09.050.B above, or other equitable or other remedies available.

(Ord. No. O-2012-40, § 2, 7-10-2012)

CHAPTER 15.10. - DEFINITIONS

15.10.010. - General provisions.

For words, terms, and phrases used in this Code that are not defined below, or elsewhere in this Code, the planning director shall interpret or define such words, terms, and phrases. (See section 15.02.110, "Written interpretations.") In making such interpretations or definitions, the planning director may consult secondary sources related to the planning profession for technical words, terms and phrases, including but not limited to: A Survey of Zoning Definitions—Planning Advisory Service Report Number 421, edited by Tracy Burrows (American Planning Association, Chicago, Ill. 1989); Zoning and Development Definitions for the Next Century, edited by Michael Davidson, in Zoning News (American Planning Association, August 1999); and The Illustrated Book of Development Definitions, by Harvey S. Moskowitz and Carl G. Lindbloom (Center for Urban Policy Research, Rutgers University. N.J. 3d ed. 1987). The planning director may consult , Merriam-Webster's Collegiate Dictionary, 11 th Edition (2003) or other available reference source for other words, terms and phrases.

(Code 1993, § 15.10.010; Ord. No. O-2001-78, § 1)

15.10.020. - Definitions of words, terms, and phrases.

Definitions of words, terms, and phrases. The following words, terms and phrases, when used in this development code, shall have the meanings ascribed to them in this section:

Abutting means bordering or touching, such as sharing a common lot line.

Access road means 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.

Accessory building means any building or structure that is subordinate in purpose, area, and extent to the principal building; contributes to the reasonable and necessary comfort, convenience, and needs of the occupants, business, or industry of the principal building; and is located on the same lot as the principal building. Any portion of a principal structure devoted or intended to be devoted to an accessory use is not an accessory building.

Accessory equipment for wireless telecommunication facility means equipment, including buildings and cabinets, used to protect and enable operation of radio switching equipment, back-up power and other devices, but not including antennas, that is necessary for the operation of a wireless telecommunication facility.

Accessory use means a use that is subordinate to and serves the principal use; is subordinate in area, extent, and purpose to the principal use; is located on the same lot as the principal use; and is customarily incidental to the principal use.

Adequate public facilities (APF) means the public facilities and services necessary to maintain the adopted level of service standards.

Adjacent means abutting or separated only by a public street, alley, or private drive.

Adult or sexually oriented business uses means 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
   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."

Adverse impact or effect means 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 means 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.

Agreement in furtherance of annexation means an agreement between the city and all property owners of land requested for annexation, specifying the mutual responsibilities and commitments of each party with respect to the annexation of the property.

Agricultural use means the growing of food or fiber products (including plowing, tilling, seeding, cultivating, harvesting, temporary storage, and the use of best management practices), the grazing or raising of livestock, sod production, nurseries, and Christmas tree plantations. "Agricultural use," for the purposes of 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), commercial retail facilities (except as allowed as an accessory use), or any other activity generally not accepted as an appropriate agricultural use as determined by the city.

Airport means 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.

Airport hazard means any structure, object of natural growth, or use of land that obstructs the airspace required for the flight of aircraft in landing or taking off at the airport, is otherwise hazardous to such landing or take-off of aircraft, or violates FAR Part 77 surfaces (see definition of "FAR Part 77 surfaces" below).

Alkaline hydrolysis means a facility that utilizes chemical methods for the purposes of human and animal body disposition.

Alley means 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* means 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.

Ambulatory vendor means any person who engages in the business of selling merchandise, including balloons or flowers, or services such as shoe shines or portrait drawings, without a mobile vending cart while moving about and situated on public property.

Animal care facility means a licensed facility providing household pet care, obedience classes, training, grooming and other similar services, that may include overnight boarding.

Animal kennel means a licensed facility where household pets are kept for the purpose of sale, breeding, training, or in connection with boarding care that may include overnight boarding.

Annexation means to bring land into the territorial jurisdiction of the City of Longmont and to establish zoning for the property.

Appeal means 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 means 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).

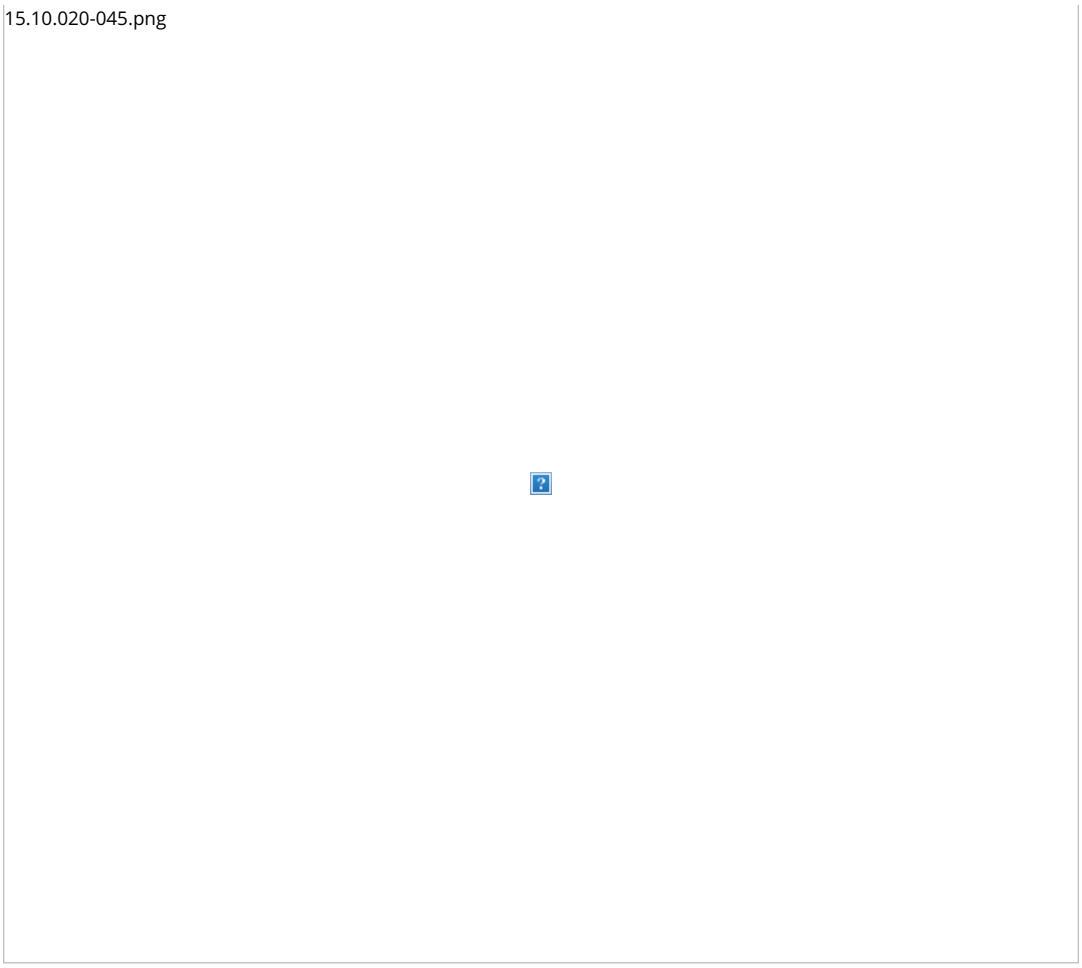
Approved sign wall area, for purposes of chapter 15.06 (Signs), means any one of the following:

1. For a building containing one use, any exterior wall facing an abutting publicly dedicated street or alley or any exterior wall facing a customer parking lot of the use;
2. For a building containing two or more uses:
   a. Any exterior wall of one individual use that has a primary public entrance and exit; and
   b. Any exterior wall of one individual use that faces an abutting publicly dedicated street, alley, or the customer parking lot of the building.
3. Any substantial difference in the building plane on the facade of the building is considered a separate approved wall area. A "substantial difference" means portions of the building facade that are at 45 degree angles (or greater) to each other.

15.10.020-044.png

Arcade means a continuous passageway parallel and open to a street, open space, or building, usually covered by a canopy or permanent roofing, and accessible and open to the public. Arcade includes "downtown breezeways," as that term is defined below.

15.10.020-045.png



Area underdrain means a pipe installed to intercept or drain groundwater, but not located around the footing, foundation, or basement of a building, dwelling or structure.

Artificial landscape materials mean any synthetic or simulated material.

Artist studio means 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.

A-scale sound level (dBA) means the measurement of sound approximating the auditory sensitivity of the human ear and used to measure the relative noisiness or annoyance of common sounds.

Attached housing means a building that may include townhouses, condominiums, apartments, and urban dwelling units.

Automated teller machine (ATM) means 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.

Automobile service station means an establishment providing sales of vehicle fuel 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.

Awning means a hood, cover, or shelter, which may be fixed or retractable, and which projects from the exterior wall of a building over a window, walk, door, or similar building feature. An awning is often constructed from fabric, metal, or glass.

Bank, river or *stream* means the boundary along a stream or river at the high-water mark.

Bar or *nightclub* means 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 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.

Bed and breakfast establishment means 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.

Beneficial use determination means 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 means an undulation in terrain within the landscape.

Bike path generally means a path constructed to accommodate bicyclists, and includes all 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 motorize vehicle traffic. Also called bicycle/pedestrian path or shared used 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 means 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 means the properties abutting on one side of a block.

Boardinghouse, roominghouse means 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.

Boundary/lot line adjustment means 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).

Brewery means an establishment where malt liquors or fermented malt beverages are manufactured that has a manufacturer's or wholesaler's license under the Colorado Liquor Code.

Brewpub means a retail establishment that produces fermented malt beverages, malt, special malt, and vinous and spirituous liquors.

Buffer means the use of open space, architecture, or landscape materials to minimize the visual and noise impacts of development.

Build-to line means an imaginary line on which the front of a building or structure must be located and that is measured from a public right-of-way.

Building means any permanent structure built for the shelter of persons, animals, or property.

Building massing or mass means the three-dimensional bulk of a building; height, width and depth.

Building materials supply business is a use classified under "Consumer Goods and Services" in the Table of Principal Uses by Zoning District (Table 15.04-A in subsection 15.04.010.J.) and involves the retailing or rental of building supplies or equipment. This use includes lumberyards, but excludes uses classified under "Business-to-Business Goods and Services."

Building perimeter underdrain means a pipe installed around the footing, foundation, or basement to drain ground water away from a building, dwelling or structure.

Building permit means 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- or structure-mounted wireless telecommunication facility means a wireless telecommunication facility with the antennas located on the wall or roof of a building or on side or top of a structure, including co-locating on an existing freestanding wireless telecommunication facility and consisting of antennas, support structures and accessory equipment.

Bus, railroad, public transit terminal means 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.

Bus shelter means a small, roofed structure, usually having three walls, located near a street and designed primarily for the protection and convenience of bus passengers.

Business service establishments means establishments 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.

Carport means a one-story structure entirely open on one or more sides used for vehicle parking or storage.

Catering establishment means 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.

Cemetery means 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), but does not include a crematory.

Chain-link fence means a fence composed of wire mesh, typically forming "woven squares" approximately two inches in width.

Change of use means any use that differs from the previous use of a building or land, as determined in the principal use table (Table 15.04-A) and accessory use table (Table 15.04-B), or where the new use differs substantially in the amount of required parking, traffic generation, number or frequency of customers/users, hours of operation, or other similar aspects of the use.

Church. See *Places of religious assembly.*

City means the City of Longmont, Colorado.

City standards means the public improvement design standards and construction specifications including construction details adopted by the City of Longmont that address design issues, construction materials, and installation methods for improvements.

Civic building or use means a building or use that is operated by a municipality or other public agency.

Civic function means any noncommercial public activity for the purpose of promoting or providing for the general well-being and welfare of the citizens of Longmont.

Clinic, medical/dental means 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.

Cluster lot subdivision or development means 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 open space, or preservation of environmentally sensitive areas.

Collocation means the placement of wireless telecommunication facilities close together to share common facilities, such as a freestanding tower, building or other structure.

Commercial establishment, use, or development means an activity involving the sale of goods or services carried out for profit. Includes office, retail, services, wholesale trade, and other similar development.

Commercial recreation means any private use or development providing amusement or sport, and which is operated or carried on primarily for financial gain.

1. *Indoor commercial recreation* means commercial recreation conducted entirely within an enclosed structure; including but not limited to, bowling alleys, skating rinks, pool halls, video and pinball parlors, and private gymnasiums.
2. *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.

Commercial shopping center means a concentrated grouping of commercial structures with related or accessory freestanding structures under uniform control intended to meet the needs of the entire community and its trade area for shopping goods and general retail purchases. Commercial shopping centers typically contain the following types of uses and activities typically all completely enclosed in a building(s): Bakeries, personal service shops, department stores, discount stores, drugstores, dry goods stores, and other retail sales, pet stores, professional offices, recreational uses and theaters, restaurants, bars and nightclubs.

Commercial shopping center—Outlying uses means those uses located outside a main commercial shopping center structure, but within the uniform control of the site plan for the entire commercial shopping center.

Commission means the planning and zoning commission (P/Z) of the city.

Compatible or *compatibility* means the characteristics of different uses or activities or design that allow them to be located near or adjacent to each other with little conflict. Some elements affecting compatibility include height, scale, mass, bulk of structures; pedestrian or vehicular traffic, circulation, access and parking impacts; and landscaping, lighting, noise, odor, and architecture. Compatibility does not mean "the same as." Rather, compatibility refers to the sensitivity of development proposals in maintaining or enhancing the character of existing development.

Complete application means 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.

Comprehensive plan means the Longmont Area Comprehensive Plan (LACP) of the City of Longmont, as amended.

Concept plan means 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 (subsection 15.02.060.L.) and rezoning (subsection 15.02.060.C.) requests unless otherwise specifically excepted.

Conditional use means a use that may be appropriate in a given zoning district, provided it is compatible with the surrounding neighborhood, that potential adverse impacts on adjacent properties are mitigated, and that applicable conditional use criteria have been satisfied, as determined through the conditional use review process (subsection 15.02.060.D.).

Conditional use site plan means 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.

Contact person means one person, designated by the applicant on the application form, who will be the designated contact on behalf of all owners for any notification, including meeting dates, deadlines, and requirements.

Convenience store means an establishment for the retail sale of food and beverage for off-site consumption, household items, newspapers and magazines, and other small convenience items. A convenience store typically has long or late hours of operation and has a gross floor area no larger than 5,000 square feet.

Conveyance plat means a subdivision for the sole purpose of conveyance that does not create new lots or building sites for the purpose of development.

Crematory means a facility containing furnaces for the reduction of dead bodies to ashes by fire.

C.R.S. means Colorado Revised Statutes.

Cul-de-sac. See *Street, cul-de-sac* below.

Curb means a stone, concrete, or other improved boundary usually demarcating the edge of a street, parking lot, or other paved area.

Curb cut means 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 means 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 means 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.

Day care center means a state-licensed facility that is not a private residence and that is operated for the whole or part of the day for the care of five or more individuals not related to the owner, operator, or manager thereof. Such facility may be operated with or without compensation for such care, and with or without stated educational purposes. Patrons of such centers may be children under the age of 18 years, developmentally disabled or physically disabled persons, or senior citizens. The term "day care center" does not include the term "day care home" as defined below.

Day care home means a state-licensed facility in the permanent residence of the provider, operated for part of a day, on a regular basis, for the care of at least two unrelated children and not more than eight children (or nine children for a provider with an experienced provider or equivalent state license) under the age of 18 years. All residents of the home under 12 years of age and all children on the premises who receive care in the facility are included in the total number of children allowed. A "day care home" also includes a facility operated for part of the day, on a regular basis, for the care of up to eight developmentally disabled or physically disabled persons, persons with mental illness, or persons aged 60 years or older. "Developmentally disabled" and "mental illness" shall be defined as stated in C.R.S. § 31-23-303.

Day labor center means an establishment that provides or specializes in short-term contracts, typically for manual labor, where workers can be assigned work as soon as jobs are available.

Decision-making body means 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.

Desirable tree means an allowed tree that is in good health, with good form, and minimal to no disease or decay.

Developer means any person, firm, partnership, joint venture, limited liability company, association, or corporation who participates as owner, promoter, or sales agent in the planning, platting, development, promotion, sale, or lease of a subdivision or development.

Development means any manmade change to improved or unimproved real estate, including but not limited to, the alteration, construction, reconstruction, conversion, or enlargement of any structure; any change in use of a property, building, or structure; and any mining, dredging, filling, grading, paving excavation or drilling operation. The term "development" shall include the act of subdivision, unless otherwise expressly excluded.

Development agreement means 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 code means title 15 of the Longmont Municipal Code, entitled "The City of Longmont Land Development Code."

Development plan, preliminary and final means a specific plan identifying all development standards for a planned unit development, including but not limited to: Uses, building envelopes, densities, parking, circulation, open space amenities, landscaping, signage, and architectural character. Required for all planned unit developments.

Development review committee (DRC) means a committee consisting of representatives from the community development, fire, water/wastewater, Longmont power and communications departments of the city, and any other applicable city department and that is responsible for staff review of development applications.

Dimensional standards means the lot area, lot width, setback, build-to line, floor area, floor area ratio, and height standards stated in section 15.05.010.B. and C., as summarized in Tables 15.05-A and 15.05-B, of this development code.

Distillery means an establishment where spirituous liquors are manufactured that has a manufacturer's or wholesaler's license under the Colorado Liquor Code.

Distinguished or characterized by an emphasis upon means the dominant or principal theme of the object referenced. For instance, when the phrase refers to films "distinguished or characterized by an emphasis upon the exhibition or display of specified sexual activities or specified anatomical areas," the films so described are those whose dominant or principal character and theme are the exhibition or display of "specified anatomical areas" or "specified sexual activities."

District means a zone or zoning district.

Downtown breezeways means those areas improved and maintained by the Longmont downtown development authority or general improvement district #1 that connect the pedestrian walks along Main Street to the alley in the rear at mid-block locations. A downtown breezeway is a type of "arcade," as that term is defined above.

Drainage or detention facility or area means a facility for storage of excess storm runoff.

Drive-in facility (also "drive-up" or "drive-through" facilities) means an establishment that by design, physical facilities, service, or packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

Driveway means an improved and maintained way providing vehicular access from the public street to a parking area or to dwellings or other uses.

Dryland grass or vegetation means any live landscaping, including native grass and vegetation but not including weeds, capable of growing in the local environment without supplementary watering once established.

Dwelling means any building or portion of a building that is used as the residence of one or more families, but not including hotels, motels, bed and breakfast establishments, clubs, hospitals, or similar uses providing transient accommodation.

Dwelling, accessory means a second dwelling unit either within or added to an existing one-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.

Dwelling, four-family means a dwelling containing four dwelling units attached by one or more vertical party walls, and designed to be occupied by four families living independently of each other in separate dwelling units.

Dwelling, live/work means a residential dwelling unit that is combined with a commercial retail, office or other use as allowed. The commercial activity typically does not exceed the area of the dwelling unit.

Dwelling, multifamily means 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 townhome dwelling, and residences commonly referred to as apartments, garden apartments, apartment buildings, or condominiums.

Dwelling, one-family means a detached dwelling designed exclusively for, and occupied by, one family.

Dwelling, three-family means a dwelling containing three dwelling units attached by one or more vertical party walls, and designed to be occupied by three families living independently of each other.

Dwelling, townhome a type of multifamily dwelling, means a dwelling in which five or more individual dwelling units are attached by one or more vertical party walls, with the habitable spaces of different dwelling units arranged on a side-by-side rather than a stacked configuration. Each individual townhome dwelling unit has its own front and rear access to the outside. Townhome dwelling units are platted on individual lots, and are typically surrounded by common areas owned and maintained by a property owners association.

Dwelling, two-family means a dwelling containing two dwelling units attached side-by-side by one or more vertical party walls, and designed to be occupied by two families living independently of each other.

Dwelling unit means one or more rooms in a dwelling designed, occupied, or intended for occupancy as a separate living quarter with cooking, sleeping, and sanitary facilities provided within the unit for the exclusive use of a single family.

Dwelling unit, urban means a dwelling unit that is combined with nonresidential uses or with other units of the same type and is distinguished from a standard dwelling unit by its urban character, limited open space, special parking arrangements, or combination with nonresidential uses in the same building or on the same parcel.

Easement means an interest in real property that establishes the right to use the property for certain purposes, such as utilities installation, access, and maintenance. Ownership of the underlying land remains with the property owner, not the easement holder.

Effective date of this Code means the effective date of this land development code, which is January 1, 2002.

Environmental site assessment means 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 owner ship 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 shell 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.

Essential municipal and public utility uses, facilities, services and structures means 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.

Establishment means a place of business, industry, or professional office with its furnishings and staff.

Expansion of an existing mobile home park means a change to a mobile home park legally existing at the time of enactment of the Longmont City Ordinance 0-82-41 section 1 that is either:

1. An increase in the park's gross land area; or
2. An increase in the number of mobile home spaces.

FAR Part 77 surfaces means imaginary surfaces in the airport vicinity as established by the Federal Aviation Administration Regulation, Part 77, "Objects Affecting Navigable Airspace," U.S. Department of Transportation, FAA, January 1975, as amended, for the purpose of controlling heights of objects in the airport vicinity, as codified under Subchapter E, "Airspace," of title 14 of the Code of Federal Regulations, incorporated herein by this reference.

Facade means the exterior walls of a building exposed to public view or any side of a building facing a street or other open space.

15.10.020-047.png

Fair contribution for public school sites means 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.

False building front means an extension of the front building plane above the roof line of a structure.

Family means any one of the following:

1. One or more persons related by blood, marriage, adoption, or legal guardianship, including foster children, living together in a dwelling unit; or
2. A group of not more than five persons not related by blood, marriage, adoption, or legal guardianship (including foster children) living together in a dwelling unit; or
3. Two unrelated persons and their minor children living together in a dwelling unit.

Family care home means a group living facility for children, developmentally disabled persons, physically disabled individuals, persons with mental illness, or persons aged 60 years or older, requiring special care or supervision, living together, typically in a dwelling, and totaling not more than eight residents, not including staff. Persons residing in such facilities principally need residential supervision and assistance, rather than medical or psychological treatment, therapy, or counseling. For purposes of this definition, "mental illness" shall be defined as stated in C.R.S. § 27-10-102 and "developmentally disabled" shall be defined as stated in C.R.S. § 31-23-303.

Fence or *wall* means an artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

Final plat means 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.

Financial institutions means establishments that provide retail banking services, mortgage lending, or similar financial services to individuals and businesses. This classification includes those institutions engaged in the on-site circulation of cash money and check-cashing facilities, but shall not include bail bond brokers.

First floor means a floor of a building within five feet above or below curb level, but not a basement or cellar.

First floor building area means the gross floor area of the first floor of a building.

Fixture means 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.)

Flag means, generally, a piece of fabric identifying a single nation, state, city, or an organization of nations, states, or cities.

Floodplain use permit means a permit required for the construction of any improvements within the floodplain or floodway.

Floor area (gross) means the total floor area located within the outside walls of a building, excluding areas such as unfinished basements, cellars, garages, carports, and porches.

Floor area ratio (FAR) means the ratio of gross floor area divided by gross lot or land area measured in square feet.

Footcandle (fc) means a measure of illuminance in lumens per square foot. One footcandle equals 10.76 lux.

Fraternal clubs, lodges means private organizations of persons for special purposes or for the promulgation of sports, arts, literature, politics, or other common goals, interests, or activities. A private club or lodge is characterized by membership qualifications, dues, or regular meetings, excluding clubs operated for profit and places of worship.

Freestanding wireless telecommunication facility means a wireless telecommunication facility that consists of a stand-alone support structure, antennas, and accessory equipment, including a facility located on existing, replacement, or new utility or lighting poles and emergency communication facilities.

Frontage. See *Street frontage.*

Full cutoff luminaire means 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.

Funeral home means a facility, which provides human funeral services, including embalming, cremation, alkaline hydrolysis, and memorial services.

Garage means an accessory building or portion of a principal 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 contained entirely within the building.

Garage, front-loaded, means a residential garage that is accessed from a street other than an alley and that has garage doors parallel to the street.

Garage, side-loaded, means a residential garage that is accessed from a street other than an alley and that has garage doors perpendicular to the street.

General improvement district 1 means the special district in the downtown area created for the primary purpose of financing land acquisition, construction, and maintenance of public parking lots and pedestrian breezeways to provide access to businesses located on Main Street. A map of general improvement district 1 is available for public review and inspection in the Longmont City Manager's office.

Glare means 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 means the average of the finished ground level at the center of all walls of a building.

Grading means 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 means 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.

Group care home means a small institutional facility, providing residential and special care and supervision, including medical or psychological treatment, therapy or counseling, for children, persons with mental illness, developmentally disabled persons, physically disabled individuals, or persons aged 60 years or older. A "group care home" shall house not more than 12 persons, including staff. For purposes of this definition, "mental illness" shall be defined in C.R.S. § 27-10-102, as amended, and "developmentally disabled" shall be defined as stated in C.R.S. § 31-23-303.

Group care institution means an institutional facility for more than 12 persons, which provides skilled medical and residential care and assistance. "Group care institutions" include but are not limited to assisted living facilities, nursing homes, and convalescent homes. A group care institution does not include "halfway houses," "penal/correctional institutions," or "residential rehabilitation or treatment facility," as those terms are defined in this chapter.

Halfway house means 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 house not more than eight persons, including staff and clients.

Hazardous substance means any substance, material, waste, or mixture designated as a hazardous material, waste, or substance according to 49 Code of Federal Regulation Part 172, as amended, or by C.R.S. § 18-13-112(2)(b), or by C.R.S. § 25-15-101(6)(a), or as designated by the Federal "Comprehensive Environmental Response. Compensation, and Liability Act of 1980" (CERCLA), as amended by the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 USC sections 9601—75, and further, means and includes, without limitation, any flammable materials, explosive, hazardous, or toxic substances or related materials as defined and hereafter amended in paragraph 14 of title 42. USCS section 9601; and "chemical substances" as defined and hereafter amended in paragraph 2 of title 15, USCS section 2602; and "hazardous waste" as defined and hereafter amended in 15 of title 42. USCS section 6903; and "petroleum" as defined and hereafter amended in paragraph 8 of title 42. USCS section 6991; and "hazardous materials" as defined and hereafter amended in paragraph 2 of title 49. USCS section 1802. The term "hazardous substances" as defined herein shall apply to any and all such substances in connection with any property to which this chapter applies, regardless of whether such substances are located under the ground, on the ground, in water, in buildings or other enclosures, or in any containers whatsoever. Wherever a more stringent or less stringent interpretation of the definition or "hazardous substance" is possible, the more stringent interpretation shall be applied.

Heavy equipment means non-motorized merchandise of 6,000 pounds or more empty weight, or motorized merchandise of 6,000 pounds or more empty weight, having motors of 25 horsepower or more performance. "Heavy equipment" typically includes farm implements and construction equipment.

Heavy industrial means manufacturing or other enterprises with significant external effects, or which pose significant risks due to involvement with explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. Oil and gas waste disposal facilities, including injection wells for disposal of oil and gas exploration and production wastes, commercial disposal facilities, centralized E&P waste management facilities, and subsurface disposal facilities, are classified as heavy industrial uses.

Height exception means a process required for new structures or additions to structures that would exceed the structure height limitations set forth in chapter 15.05 (Development Standards) of this development code. The procedures for consideration of a height exception are set forth in chapter 15.02 (Development Review Procedures) of this development code.

High-water mark means 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.

Historic structure means a structure that qualifies as a "landmark" under the city's historic preservation standards stated in section 2.56.040, "Criteria for designation of landmarks and historic district," of the Longmont Municipal Code, as amended.

Holiday decorations means signs in the nature of ornamentation, which are incidental and commonly associated with any national, local or religious holiday.

Home occupation means 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.

Hospital means a state-licensed facility providing accommodation and medical care of sick and injured persons, not including group care institutions or medical clinics.

Hotels, motels means 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 is less auto oriented than a motel and typically provides additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities. A motel is typically auto oriented with parking adjacent to or nearby each guest room.

Housing model means a one-family detached dwelling having distinguishing major exterior features, including elevations, material treatments, front facade, roof lines, and entryway, or a distinguishing architectural style.

Human scale means the proportional relationship of a particular building, structure, or streetscape element to the human form and function. "Human scale" often refers to the subjective objective that the relationship between a person and his natural or manmade environment should be comfortable, intimate, and contribute to the individual's sense of accessibility.

Illuminance means 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 or habitat means the following:

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: Rate and Imperiled Animals, Plants and Natural Communities, April 1996, Volume 2, No. 1, as amended; or
3. Animals and plants of special concern and/or any other species identified as in need of protection in the LACP or other city plan or policy document, including but not limited to black-tailed prairie dogs.

Improvement means 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.

Independent living facility means a multifamily 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.

Infill means 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.

Kennel means a facility at which four or more dogs at least four months of age are kept for the purpose of sale or in connection with boarding care or breeding.

LACP means the Longmont Area Comprehensive Plan (LACP) of the City of Longmont, as amended.

Land disturbing activity means any activity involving the clearing, cutting, excavating, filling, or grading of land or any other activity that alters land topography or vegetative cover.

Land use amendment means to change any designation on the comprehensive plan's land use map or to change any designation of the Longmont Planning Area.

Landscape area means 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 includes 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 means 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, includes 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 includes 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.

Large child care home means a state-licensed facility in the permanent residence of the primary provider, operated for part of a day, on a regular basis, for the care of up to 12 children under the age of 18 years. All residents of the home under 12 years of age and all children on the premises who receive care in the facility are included in the total number of children allowed.

Level of service (LOS) means:

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.

Light industrial means research facilities and testing laboratories that may include limited manufacturing, production, and fabrication of products, excluding hazardous materials and substances and where the effects of impacts (such as noise, odors, light, vibration, etc.) on surrounding properties is not noticeable or is adequately mitigated.

Limited uses means a use that may be appropriate in a given zoning district, provided it is compatible with the surrounding neighborhood, that potential adverse impacts on adjacent properties are mitigated, and that applicable limited review criteria have been satisfied, as determined through the limited use process (subsection 15.02.090.E).

Liquor store means a retail establishment, operating under a valid retail liquor store license, engaged only in the sale of malt, vinous, and spirituous liquors and soft drinks and mixers, in sealed containers for consumption off the premises. A liquor store may sell other items allowed under the Colorado Liquor Code (C.R.S. § 12-47-101 et seq.), but not including the sale of food items that could constitute a snack, meal, or portion of a meal.

Live entertainment establishment means a commercial establishment that provides live performances and 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.). A "live entertainment establishment" does not include any "adult business use" defined in this chapter.

Live/work - please see "Dwelling, live/work."

Local street system means the interconnected network of local and collector streets that provides access to a residential development from an arterial street.

Lot means a parcel of land created through a subdivision plat with a separate legal description for purpose of conveyance or use.

Lot area means the total area within the property lines of the lot, excluding adjacent right-of-way.

Lot consolidation means the combining of two or more lots, or portions thereof, into one lot with a recorded plat without the creation of any new building sites.

Lot, corner, means a lot that abuts two or more streets that intersect at one or more corners of the lot.

Lot coverage means the portion of a lot covered by principal and accessory buildings and structures, as measured from the outside of the building or structure at ground level, and expressed as a percentage of total lot area.

Lot, double-frontage, means a lot abutting two non-intersecting streets, as distinguished from a corner lot.

Lot, flag or flagpole means a lot not meeting minimum frontage or lot width requirements and where the access to the public street or private road is by a narrow private right-of-way or driveway, also known as a flagpole. This definition does not include lots accessed by a loop lane or auto court, as allowed in chapter 15.05 (Development Standards) of this development code.

Lot line, front, means the lot line dividing a lot from a street or the lot line running parallel, or nearly so, with the street and located between the street and the principal building. On a corner lot or double-frontage lot, the front lot line for commercial and industrial lots is along the street with the higher traffic volume capacity; the front lot line for residential corner lots or double-frontage lots is generally the street with the shorter street frontage and lower traffic volume capacity.

Lot line, rear, means the lot line(s) opposite, or nearly so, to the front lot line and not intersecting the front lot line.

Lot line, side, means any lot lines connecting the front lot and rear lot lines.

Lot, reverse corner, means a corner lot having its side street line substantially a continuation of the front lot line of the first lot to its rear.

Lot of record means a lot that is part of an approved plat, the map of which has been recorded in the office of the county clerk and recorder.

Lot width means the distance parallel to the front lot line measured between side lot lines at the front setback line of a principal building.

15.10.020-046.png

Luminaire angle means 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).

Major development application means the following procedures or types of development applications in the City of Longmont:

1. Annexation;
2. Comprehensive plan amendment;
3. Code amendment (text);
4. Rezoning (amendments to the official zoning map) and concept plan amendments;

5. Conditional use;
6. Preliminary subdivision plat;
7. Preliminary PUD development plan;
8. Preliminary mobile home subdivision plat/development site plan;
9. Vacations (rights-of-way and easements);
10. Variance;
11. Height exception;
12. Transfer of development rights (TDR).

Mansard roof means a roof with at least two slopes on any side with the lower slope steeper than the upper one(s). The deck line is the top edge of the lower slope.

Manufactured housing or home means any one-family dwelling that:

1. Is partially or entirely manufactured in a factory; and
2. Is at least 24 feet in width and 36 feet in length; and
3. Is installed on an engineered permanent foundation; and
4. Has brick, wood, or cosmetically equivalent exterior siding and a pitched roof; and
5. Is certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 USC section 5401 et seq., as amended; and
6. Meets or exceeds, on an equivalent performance engineering basis, as defined by C.R.S. § 31-23-301(5)(a)II standards established by the International Building Code, as amended and adopted by reference in chapter 16.04 of the Longmont Municipal Code.

Manufacturing and processing use means an establishment involved in the research, design, manufacturing, processing, fabrication, packaging, or assembly of goods. Natural, man-made, 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, they are a subordinate part of sales (typically ten percent or less of the total gross floor area). Relatively few customers come to the manufacturing site.

Mature tree means a tree typically planted in Colorado with a diameter at breast height (dbh) of eight inches or more.

Maximum extent feasible means that 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 means, 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.

Medium industrial means enterprises in which goods are generally mass-produced from raw materials on a large scale through the use of an assembly line or similar process, usually for sale to wholesalers or other industrial or manufacturing uses. Medium industry produces moderate external effects such as smoke, noise, soot, dirt, vibration, odor, etc.

Membership club means an association of persons, whether incorporated or unincorporated, for some common purpose, but not including groups organized primarily to render a service carried on as a business.

Microwave antenna means a dish type antenna used to link communication sites together by wireless voice or data transmission.

Minimum clearance means the vertical distance between the lowest point of the bottom of the sign and the highest point of the ground immediately below the sign.

Minor development application means the following procedures or types of development applications in the City of Longmont:

1. Minor subdivision plat;
2. Final subdivision plat;
3. Final PUD development plan;
4. Final mobile home subdivision plat/development site plan;
5. Limited use;
6. Site plan;
7. Temporary use;
8. Minor modification;
9. Exception to road/street and access standards; and
10. Property line adjustments.

Mixed use development means 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.

Mobile home means housing designed for long-term residential use and built on a chassis so that it can be transported to the site and then connected to public utility systems; however, "mobile home" excludes "manufactured housing" as defined above.

Mobile home development means a mobile home park or mobile home subdivision.

Mobile home park means a parcel of land under single ownership or control on which two or more mobile homes are occupied as residences.

Mobile home park permit means a written permit issued by the city permitting the construction, alteration, or operation of a mobile home park.

Mobile home subdivision means a subdivision designed and intended to provide individual lots for residential occupancy by a mobile home.

Mobile vending cart means a sales container or platform that can be moved by one person and does not exceed six feet in length (not including the length of a trailer hitch).

Model home means a dwelling or dwelling unit representative of other dwellings or units offered for sale or lease or to be built in an area of residential development within the city. A model home may be used as a residential real estate sales office for the development in which it is located before occupancy by a family.

Motor vehicle rentals means 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.

Multiple use development. See *Mixed use development.*

Natural area means 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 means a development application for a site with no existing principal structure(s) or use(s); or a site that has been or will be cleared of structure(s) before the project proceeds.

Non-aviation service operator means a commercial use permitted on the grounds of an airport that does not engage directly in aviation activity or in aviation-dependent activity. An example is a restaurant located in the airport terminal building.

Nonconforming lot means a lot that was legally established before the effective date of this development code or subsequent amendment thereof, but that does not comply with the dimensional standards that apply in the zoning district in which the lot is located.

Nonconforming sign means any sign that was legally established before the effective date of this development code, or subsequent amendment thereof, but does not comply with the sign provisions of this development code.

Nonconforming structure means a structure or portion thereof, not including signs, legally erected before the effective date of this development code, or any amendment thereto, and conflicting with the dimensional standards of this development code applicable to the zoning district in which the structure is situated. See definition of "dimensional standards" above.

Nonconforming use means the legal use of a structure or premises before the effective date of this development code, or any amendment thereto, but that does not comply with the use standards of this development code.

Nonconformity means a nonconforming use, sign, lot, structure, or building.

Nonresidential use or development shall mean any public or private development, including civic, commercial, industrial, institutional, and other projects, that does not provide housing or dwelling units for occupation other than on a transient basis (such as hotels).

Nude, nudity or *a state of nudity* means the showing of the human male or female genitals, pubic area, vulva, anus, or anal cleft with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

Off-street loading means a site or portion of a site devoted to the loading or unloading of motor vehicles or trailers, including loading berths, aisles, access drives, and landscaped areas.

Off-street parking means 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.

Office, general administrative, means 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.

Office, medical/dental. See *Clinic, medical/dental.*

Office, professional, means places where a service is provided and business is conducted with the public by certified, licensed, registered or trained professionals including, but not limited to, insurance agents, lawyers, architects, real estate agents, accountants, tax return preparation and travel agents. "Office, professional" does not include "medical/dental office and clinic."

Open space means 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.

Open space, common, means open space 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 open space may include trail areas, gardens, pocket parks, scenic areas, buffer areas, or similar common areas.
2. Common open space may include active recreational facilities such as pools, tennis courts, playgrounds, and clubhouses, provided such facilities cover no more than 50 percent of the area reserved as common open space.
3. Common open space shall not include streets, driveways, sidewalks, parking areas, areas enclosed by fences for use by individual dwellings or dwelling units, or any portion of a private lot for one-family, two-family, or individual townhome dwellings.

Outdoor retail display means the temporary outdoor display of goods, materials, or other things for sale or rent during a retail establishment's regular business hours.

Outdoor storage means storage of materials, merchandise, stock, supplies, machines, vehicles, equipment, vehicles (but not wrecked or inoperable vehicles), manufacturing materials, or personal property of any nature that are not kept in a structure having at least four walls and a roof, regardless of how long such materials are kept on the premises. This definition shall not apply to items for sale to the public such as new and used cars, recreational vehicles, boats, landscape and building materials, where such items are permitted for sale in the zoning district in which they are located. In addition, "outdoor storage" does not include outdoor parking of motor vehicles regularly used in connection with the operation of an establishment, nor outdoor parking for not more than 48 hours of motor vehicles intended for servicing in connection with a principal use.

Outlot means 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.

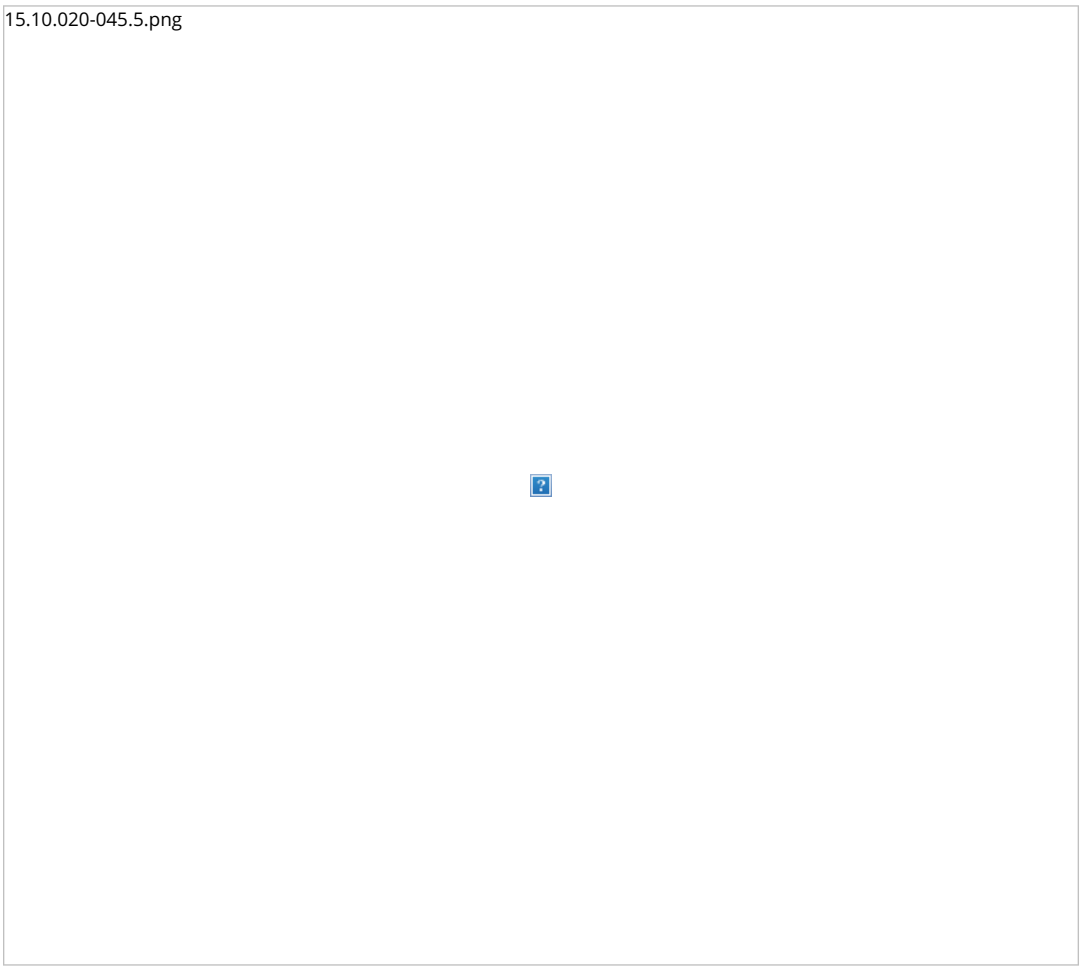
Overlay zone or zoning district shall mean a zoning district that encompasses one or more underlying zones and that imposes additional or alternative requirements to that required by the underlying zone.

Owner or *property owner* means the owner or titleholder of any fee, leasehold, or possessory interest in property subject to the requirements of the development code, and shall include any agent, representative, person, or entity duty authorized by the owner to act on the owner's behalf.

P/Z means the planning and zoning commission of the City of Longmont, Colorado.

Panel antennas means a rectangular array of antennas used to transmit and receive telecommunication signals.

Parapet means 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.



Parcel means all contiguous property in common ownership, whether or not it is platted into one or more lots developed for a single use, except that platted lots held in common ownership but developed as separate uses shall be deemed to be separate parcels.

Park means 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.

Park, pocket means a small area of common open space that is developed and maintained for active or passive recreational use by the residents of a neighborhood or development. A pocket park, by way of example only, may include lawn areas, a tot lot or playground, or picnic areas.

Parking area or lot means 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 means a space for the parking of one motor vehicle in a public or private parking area.

Parking, shared, means joint use of a parking lot or area for more than one principal use.

Parking, tandem, means a parking space within a group of two or more parking spaces arranged one behind the other.

Parking structure means a building or structure consisting of more than one level and used to temporarily park or store motor vehicles.

Participation in public improvements means 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.

Parties-in-interest means those specific persons that may appeal a final action or decision made under this development code, as specified in subsection 15.02.040.P., "Appeals," of this development code.

Pedestrian gateway means an open space in a developed area that includes a pedestrian walkway typically bounded on two sides by buildings and includes plazas, landscaping, benches, artwork, and other amenities.

Pennant means strings of banners or the placement of such in a sequential manner giving the appearance of being strung together.

Perimeter fences and walls means 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, and hedges and screens composed of living plant material, shall not be included in this definition of "perimeter fences and walls."

Permitted use means a use allowed in a zoning district either as a use by-right, as a conditional use, or as a limited review use.

Person means a corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrument thereof.

Personal service shop means 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.

Pet store means a retail sales establishment primarily involved in the sale of household pets and accessory goods.

Places of religious assembly means a building containing a hall, auditorium, or other suitable room or rooms used for conducting religious or other services or meetings of the occupants. "Places of religious assembly" include churches, synagogues, and similar uses, but shall not include places used for commercial endeavors or private schools.

Planned unit development (PUD) means 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.

Planning director or *planning and development services director (or PDSD)* means the Director of the Planning and Development Services Division of the City of Longmont.

Preliminary plat means a map representing a tract of land proposed to be subdivided into lots showing proposed and existing streets, lot lines, topography and drainage, easements and public areas, and other information as specified in this development code.

Primary access street means 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 means the place of ingress and egress used most frequently by the public.

Primary greenway means 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 Longmont Area Comprehensive Plan.

Principal building means 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.

Principal use means the specific primary purpose for which a property is used. Any specific use listed in the Table of Principal Uses by Zoning District (Table 15.04-A in subsection 15.04.010.J.) established on a lot or parcel would generally be considered a "principal use" of such property.

Production site means that surface area immediately surrounding proposed or existing production pits, or other accessory equipment necessary for oil and gas production activities, exclusive of transmission and gathering pipelines.

Property means any real property including any buildings or structures or improvements located thereon.

Property interest or *interest in property* means a right, claim, title, estate or legal share in property.

Property line means 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 means 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.

Property (or home) owners association means a private, non-profit corporation of property owners for the purpose of owning, operating, or maintaining various common properties and facilities.

Public entity means the United States Government, including any department, agency, or bureau thereof; the State of Colorado and any political subdivision thereof; or any county, school district, special district, or quasi-municipal corporation.

Public hearing means a formal meeting held under public notice, intended to inform and obtain public comment.

Public improvements means 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 means an agreement executed by the city and an applicant guaranteeing the installation of, and participation in, specific improvements. Financial security for the improvements shall be submitted in conjunction with the execution of the agreement. A public improvements agreement is generally required before recording a final plat or site plan.

Public penal/correctional institution means 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.

Public playfields, courts and other recreation facilities are facilities owned by the city, special districts, or non-profit organizations that are open to the public for recreational use. Such facilities may include, but are not limited to, softball, football and soccer fields, tennis court complexes, recreation centers, swimming pools, gymnasiums, parks, and greenways.

Rail spur means a secondary rail track that branches off from the main rail line and on which railroad cars may be parked for loading, unloading and storage.

Reception/banquet halls means a building or portion of a building available for lease by private parties for social or dining purposes.

Recreational vehicle means a transportable structure or self-propelled vehicle with or without flexible removable or collapsible walls and partitions, designed to be used as a temporary dwelling for travel, recreation or vacation uses. The term "recreational vehicle" shall include motor home, camper bus and travel trailer, but shall not include pickup trucks with camper shells that extend one foot or less above the cab of the truck.

Recyclable material means reusable materials including, but not limited to, metals, glass, plastic, wood, and paper that are intended for remanufacturing or reconstitution. Recyclable materials do not include junk, rubbish, refuse, or hazardous waste.

Recycling center means a facility, excluding salvage yards, where recyclable material is collected, separated, and processed for shipment to a recycling plant or other facility for eventual reuse into new products.

Recycling collection point means an accessory use that serves as a neighborhood drop-off point for temporary storage of recyclable material.

Recycling plant means a facility, excluding salvage yards, where recyclable material is recycled, remanufactured, and/or treated for reuse or production of new products.

Redevelopment refers 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 means any organization representing a defined geographic portion of the City of Longmont, and that has registered with the city.

Regularly features or *regularly shown* means a consistent or substantial course of conduct, such that the films or performances exhibited constitute a substantial portion of the films or performances offered as a part of the ongoing business of the sexually oriented business.

Regulatory plan means a plan approved in conjunction with a zoning application concept plan that specifies development areas, uses, standards and design elements for a mixed use district.

Remediate or *remediation* means action or measures taken, or to be taken, by the city or the property owner, whether directly by the owner or by the city, or through a contractor or agent of the owner or of the city, which purpose is to lessen, clean-up, remove, ameliorate, dispose of, vitiate, or mitigate any hazardous substances existing on the property to such standards, specifications, or requirements as may be established or required by the Environmental Protection Agency, the Colorado Department of Health, any authorized local agency, or the city.

Reserve strip means a strip of land designed to prevent or control access to a street.

Residential rehabilitation or treatment facility means 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.

Restaurant means 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.

Retail sales means an establishment that sells or rents from its facility merchandise for personal or household use or consumption, and is engaged in activities to attract the public to buy or rent from the establishment. This general term does not apply to certain retail uses as more specifically identified in the Table of Principal Uses by Zoning District (Table 15.04-A in subsection 15.04.010.J.).

Retail sales, large, means retail sales conducted in a single structure, or series of attached structures, which structure or structures contain 25,000 square feet or more of gross leasable floor area.

Retail sales, outdoors, means retail sales where there either is no structure to the sales or the merchandise display area exceeds ten percent of the floor area of the principal structure; however, such use excludes special events. This general term does not apply to certain retail uses that are more specifically identified in the Table of Principal Uses by Zoning District (Table 15.04-A in subsection 15.04.010.J.).

Review body means 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 means to change the zoning of a parcel of land, also referred to as an amendment to the official zoning map. Rezonings may require a land use amendment to the comprehensive plan.

Right-of-way means a strip of land for public purposes, including but not limited to utilities, streets, pedestrian walkways, bicycle paths, and alleys.

Riparian area means 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.

School means any building or part or any building used for instructional purposes to provide elementary, secondary, post-secondary, or vocational education. "School" does not include "day care centers," but includes the following more specific uses:

1. *Public school* means elementary, secondary, or post-secondary schools that meet all applicable prescribed Colorado State standards.
2. *Private schools* means schools that are not public and include schools affiliated with a particular religion (commonly referred to as "parochial schools"), private boarding schools, private colleges and universities, and military schools.
3. *Business, vocations, and trade schools* (at the secondary or higher education levels).

School district means the St. Vrain Valley School District RE-1J.

Screening means the use of landscape materials to shield an area from view and to mitigate noise impact.

Secondary greenway means a public 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.

Self-storage warehouse means 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.

Semi-nude or *in a semi-nude condition* means the showing of the female breast below a horizontal line across the top of the areola at its highest point or the showing of the male or female buttocks. This definition shall include the entire lower portion of the human female breast, but shall not include any portion of the cleavage of the human female breast, exhibited by a dress, blouse, skirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed in whole or in part.

Setback means 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. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in subsection 15.05.010.A., "General provisions and rules of measurement," of this development code.

Setback, front, means 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, means a 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.

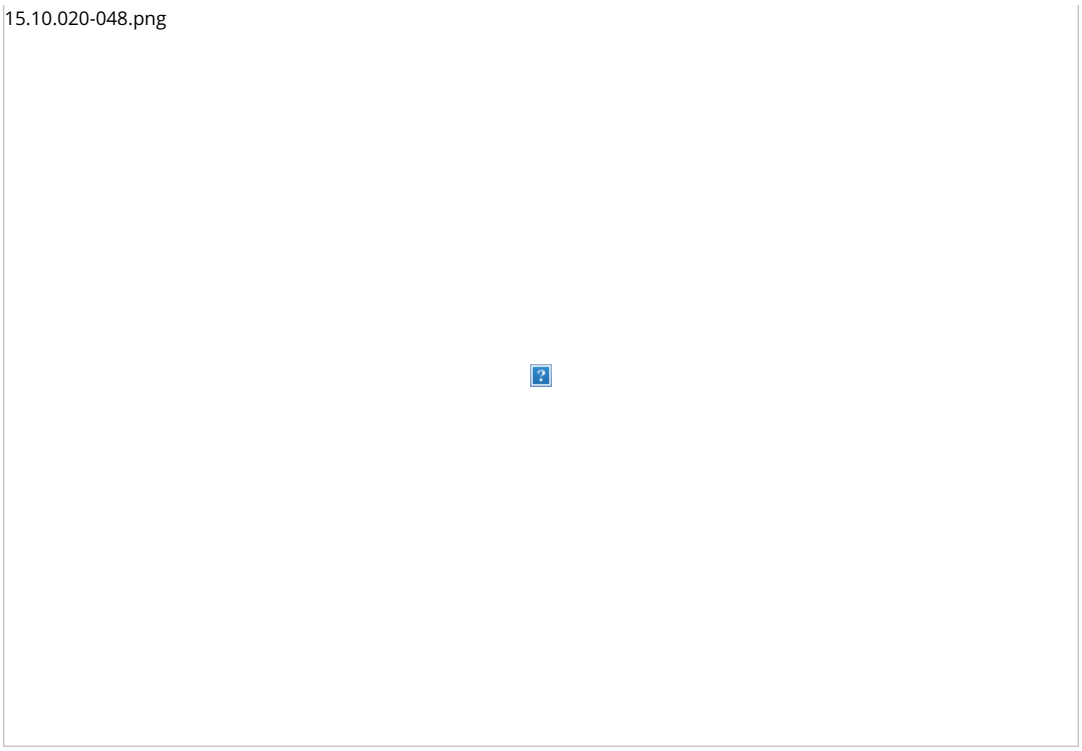
Setback, side, means a setback extending from the front setback area to the rear setback area between the side lot line and the closest projection of a building or structure along a line at right angles to the side lot line.

Sexually oriented business. See *Adult or sexually oriented business.*

Sidewalk means that portion of a street between the curb line (or lateral line of the roadway) and the adjacent property line, intended for pedestrian use.

Sight distance triangle means 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 standards.

15.10.020-048.png

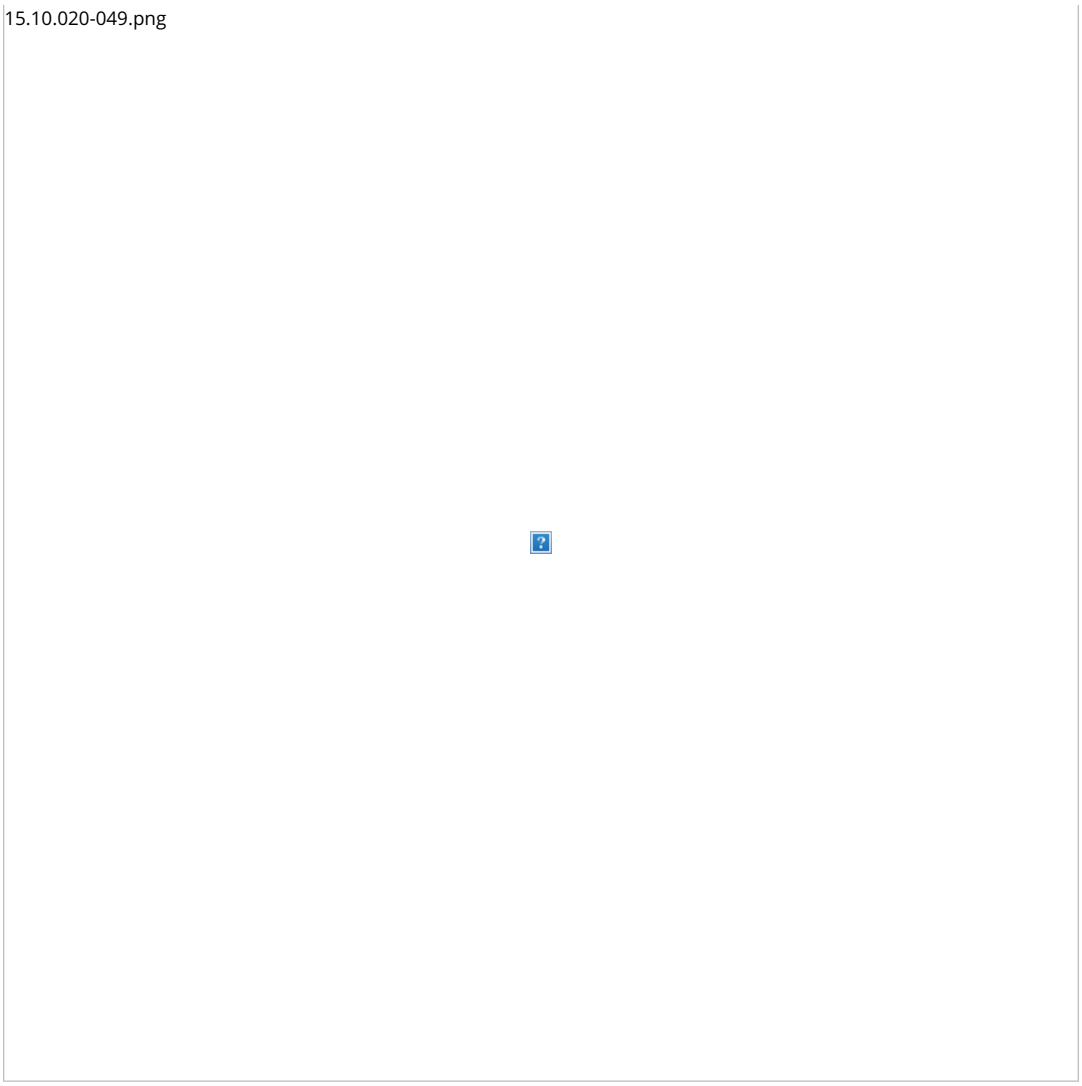


Sign means any writing, pictorial representation, decoration, form, emblem, trademark, or any other figure of similar character that is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement.

Sign area means 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.

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.

15.10.020-049.png



Sign structure means any supports, uprights, braces or framework of a sign.

Sign, animated, means 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, means a wall 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, means a wind sign, made of fabric or other non-rigid material held in place by cables, which spans a street, alley, or other public place.

Sign, bus stop, means advertising signs located on a bus stop shelter placed in the public right-of-way or on private property adjacent to a public right-of-way at a bus 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, business/use identification, means a sign stating or advertising the name of the major tenant or principal use of a building, lot, parcel, or development.

Sign, canopy, means a wall 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, means 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, construction, means a sign that advertises the future use or occupancy of a parcel or a building or buildings under construction.

Sign, election, means signs identifying candidates or issues on the ballot in an upcoming election.

Sign, flashing/moving, means any sign other than an animated sign which 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, means a sign that is supported by one or more columns, poles, or a base attached to the ground.

Sign, ideological, means any noncommercial sign that expresses a religious, political, social, or other philosophical message.

Sign, illuminated, means a sign that is illuminated with a constant light intensity.

Sign, joint identification, means a sign that serves as a common or collective identification for two or more businesses or other nonresidential uses on the same lot or parcel.

Sign, memorial, means a sign or plaque identifying a site, structure or building, which may include but is not limited to names or dates of construction, use, or historical designation.

Sign, on-site informational, means a sign limited to information and directions relating to the use of the parcel on which the sign is located, such as vacancy, self-service, entrance, exit and similar informational signs. On-site information signs shall not include the name or symbol of a business or use.

Sign, portable, means a sign that is not permanently affixed to the ground, a sign structure, building, canopy or awning, and which is capable of being carried or moved about, except wind signs.

Sign, project identification, means a sign stating the name of a specific multiple building or multiple-use development, such as a shopping center, business park, residential subdivision, or other residential housing project.

Sign, projecting, means 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.

Sign, public, means any sign giving information about public places owned and operated by federal, state, county, local or other governmental entity that is required by law or is necessary for public information.

Sign, real estate, means a sign that advertises the sale, rental or lease of the land or building upon which the sign is located.

Sign, roof, means 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, temporary business, means a sign or advertising display designed or intended to be displayed for a short period of time, excluding grand openings, sales, or other special events.

Sign, wall, means a sign displayed upon or against the wall of an enclosed building with no part of the sign more than 15 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, means a sign consisting of one or more banners, pennants, ribbons, spinners, streamers, captive balloons or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind.

Sign, window, means 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 sale, means a sign, which advertises the location of a yard or garage sale.

15.10.020-050.png

Site means a lot, or group of contiguous lots not divided by an alley, street, other right-of-way, or city limit, that is proposed for development according to the provisions of this development code, and is in a single ownership or has multiple owners, all of whom join in an application for development.

Site plan means 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 plan means 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 Colorado Revised Statutes, title 24, article 68:

1. Final subdivision plat;
2. Site plans (including site plans for conditional and limited uses);
3. Final PUD development plan;
4. Final mobile home development site plan.

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 means 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, means slopes that are 6:1 or steeper.

Small equipment means non-motorized merchandise of less than 6,000 pounds empty weight, or motorized merchandise of less than six pounds empty weight, having motors of 25 horsepower or less.

Solid fuel-fired heating device means a device designed for solid fuel combustion so that useable heat is derived for the interior of a building and includes solid fuel-fired stoves, fireplaces, and furnaces or boilers. "Solid fuel-fired heating device" does not include a barbecue device used solely for the cooking of food or natural gas-fired fireplace logs.

Special event means:

1. A 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, festivals, Christmas tree sales, and fireworks sales.
2. For sign display purposes only, "special event" also means any promotion of a business, including grand openings, which may include, but is not limited to, sales promotion, going-out-of-business sales, or new product information.

Special schools are schools of personal skill instruction, such as schools of martial arts or dance.

Special trade contractor's shop means an establishment that provides a trade service including, but not limited to, plumbing, carpentry, glass/glazing, welding, sheet metal, electrical and roofing services.

Specified anatomical areas means:

1. The human male genitals in a discernibly turgid state, even if completely and opaquely covered; or
2. Less than completely and opaquely covered human genitals, pubic region, buttocks or a female breast below a point immediately above the top of the areola.

Specified sexual activities means any of the following:

1. The fondling of another person's genitals, pubic region, anus, or female breasts;
2. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, masturbation, or sodomy; or
3. Excretory functions as part of, or in connection with, any of the activities stated in paragraphs 1. or 2. above.

Staff means the city employees responsible for a particular activity or duty.

Steep slope. See *Slope, steep.*

Storefront building means a building intended for retail, restaurant, professional office, or similar commercial uses frequented by customers.

Stream or *river* means, 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 means 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 means a public way dedicated to the public for purposes of vehicular travel, including all area within the right-of-way.

Street, arterial, means a street used primarily for faster traffic speeds or higher traffic volumes.

Street, collector, means a street that collects local traffic and carries it to an arterial street.

Street, cul-de-sac, means a street open at one end only, with a radius bulb for the turning around of vehicular traffic on the other end.

Street, local, means a street used primarily for access to a limited area and that carries lower traffic volumes.

Street, no-outlet, means a street with only one outlet, and which is planned to be connected to another street.

Street frontage, means the linear footage of a parcel abutting a public street.

Street tree means trees located in the public right-of-way between the edge of the street and the edge of private or common property, and trees located in street medians.

Strip development means commercial development stretched linearly along the majority of an arterial street block face, with multiple vehicular access points from the arterial street.

Structure means anything constructed or erected that is located on the ground or attached to something located on the ground, but not including fences or walls eight feet or less in height; poles, lines, cables or other transmission or distribution facilities of public utilities or public street lighting; city-owned emergency communications facilities, including outdoor warning systems and radio and telecommunication structures necessary for the delivery of such emergency services; patios, concrete slabs, or decks 24 inches in height or less; or landscape materials.

Subdivider means 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 means 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, means any of the following:

1. A subdivision of three or fewer lots;
2. Property line adjustments; or
3. A subdivision for the sole purpose of sale or conveyance ("conveyance plats").

Substantial economic hardship means a denial of all reasonable economic use of a subject property.

Surrounding means the area encompassed by the required notice area under the provisions of this development code.

Tasting room means a space associated with and on the same premises as a brewery, distillery, or winery at which guests may sample the manufacturer's products and consume other nonalcoholic beverages.

Temporary irrigation means components or a modified design used in place of permanent irrigation and intended to establish xeriscape or dryland plant materials. Such systems include a timer or other automatic mechanism to ensure regular, timed irrigation on a schedule suitable for the plant material, and may include above ground drip line, soaker hoses, aluminum pipe, mechanical sprinklers or other components as approved by the city.

Temporary use means a use intended for limited duration and permitted in the applicable zoning district. "Temporary use" does not include continuing a nonconforming use as otherwise defined in this development code.

Trail means a multipurpose path designed for use by pedestrians, bicyclists, or in-line skaters, or for other non-motorized uses.

Transit station means a facility for transit trains, buses and other vehicles to pick up and drop off passengers.

Transportation depots, trucking and rail terminals, distribution centers means 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.

Treated water means water processed by the Longmont Municipal Water Utility.

Treatment facilities means any plant, equipment or other works used for the purpose of treating, separating or stabilizing any substance produced from a well.

Tree protection zone means an area surrounding the base of tree, generally circular in shape, within which neither construction activity nor physical development is permitted.

Truck means a motor vehicle with a capacity rating over one ton, typically used or equipped to be used to carry cargo or permanently mounted equipment. Includes tow-trucks, roll-back flatbeds, flatbeds, enclosed bed, and farming vehicles.

Underdrain collection system means 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 means water not processed by the City of Longmont Municipal Water Utility.

Uplight (up lit) means light directed upward at greater than 90 degrees above nadir. The source of uplight can be a combination of direct uplight and reflected light.

Urbanized area means an area determined by the P/Z to contain an average residential density equal to or greater than one dwelling unit per 2.5 acres or that has an average of 50,000 square feet or greater of gross floor area devoted to nonresidential structures.

Use means any purpose for which a building, structure, or parcel may be designed, arranged, intended, maintained or occupied; or any activity, occupation, business, or operation carried on or intended to be carried on in a building, structure, or on a parcel of land.

Use, permitted, means a use that is permitted in a zoning district by this development code. By-right uses may be developed subject to any relevant conditions shown in the Table of Principal Uses by Zoning District (Table 15.04-A in subsection 15.04.010.J.), to all applicable development standards, and to site plan review as applicable.

Utility or lighting pole means 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 means 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 means 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 means a deviation or exception from the specific terms of this code that will not be contrary to public interest.

Vested property right means 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.

Veterinary clinic means a facility rendering surgical and medical treatment to household pets, having no outdoor runs or crematory facilities, but providing overnight boarding.

Veterinary hospital means a facility rendering surgical and medical treatment to large animals and household pets, providing overnight boarding, outdoor runs, alkaline hydrolysis, or crematory facilities.

Volume-to-capacity ratio (V/C) means 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 means an off-street pedestrian path not in an arterial right-of-way or primary or secondary greenway.

Warehouse and storage facilities means a building used primarily for the longer-term storage of goods and materials.

Well means an oil and gas well or an injection well.

Well site means that surface area of a proposed or existing well and its pumping systems.

Wetlands means 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.

Whip antenna means a single omni-directional antenna that is cylindrical in shape and not exceeding four inches in diameter.

Wholesale trade means on-premises sale of goods to customers engaged in the regular business of reselling the goods.

Winery means an establishment where vinous liquors are manufactured that has a manufacturer's or wholesaler's license under the Colorado Liquor Code.

Wireless mesh networking facility means 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.

Wireless telecommunication facility means 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.

Workplace building means a building intended primarily for general office, research, or light industrial, or similar employment uses.

Xeriscape or *xeriscaping* means landscaping characterized by the use of vegetation and other landscaping materials that are drought-resistant or water-conserving.

(Code 1993, § 15.10.020; Ord. No. O-2001-78, § 1; Ord. No. O-2002-23, § 2; Ord. No. O-2003-35, § 4; Ord. No. O-2004-03, § 4; Ord. No. O-2004-16, § 1; Ord. No. O-2004-86, § 7; Ord. No. O-2005-13, § 8; Ord. No. O-2006-73, § 7; Ord. No. O-2007-65, § 5(15.10.020.A); Ord. No. O-2009-21, §§ 17, 18, 6-9-2009; Ord. No. O-2009-35, § 2, 7-14-2009; Ord. No. O-2009-53, § 2, 9-8-2009; Ord. No. O-2009-75, § 2, 10-27-2009; Ord. No. O-2011-77, § 10, 11-8-2011; Ord. No. O-2011-81, § 10, 11-8-2011; Ord. No. O-2012-25, § 6, 7-17-2012; Ord. No. O-2012-60, § 5, 9-18-2012; Ord. No. O-2013-27, § 4, 6-25-2013; Ord. No. O-2014-53, § 3, 10-14-2014; Ord. No. O-2014-54, § 3, 10-14-2014)

APPENDIX A. - APPLICATION FEES FOR DEVELOPMENT APPLICATIONS

A. *Fee Schedule for Development Applications.*

Application Type	**Fee**
Comprehensive plan planning area amendment referral	$100.00 (up to 1 acre) $250.00 (up to 10 acres) $500.00 (more than 10 acres)
Comprehensive plan land use amendment, including planning area amendments (1)	$750.00 plus $10 per acre
Annexation referral	$100.00 (up to 1 acre) $250.00 (up to 10 acres) $500.00 (more than 10 acres)
Annexation, zoning and concept plan (1)	$1,000.00 (up to 1 acre) $2,000.00 (up to 10 acres) $3,500.00 (up to 40 acres) $3,500.00 plus $10 per acre (more than 40 acres)
Annexation agreement amendment (1)	$500.00
Concept plan (including amendments) (1)	$500.00 plus $10.00 per acre
Rezoning (zoning map amendment) and concept plan (1)	$750.00 plus $10.00 per acre
Code text amendment referral	$100.00
Code text amendment	$750.00
Preliminary subdivision plat (including amendments) (1)	$750.00 (up to 10 lots or 10 acres, whichever is greater) $1,500.00 (up to 100 lots or 100 acres, whichever is greater) $2,500.00 (more than 100 lots or 100 acres, whichever is greater)
Preliminary PUD development plan (including amendments) (1)	$1,000.00 (up to 5 lots or dwelling units, or 5,000 square feet, whichever is greater) $1,500.00 (up to 25 lots or dwelling units, or 25,000.00 square feet, whichever is greater) $2,500.00 (up to 100 lots or dwelling units, or 100,000 square feet, whichever is greater) $3,500.00 (more than 100 lots or dwelling units, or 100,000 square feet, whichever is greater)
Transfer of development rights plan (1)	$1,000.00
Conditional use (including amendments) (1)	$500.00 (change in use in an existing building with no outdoor activity or storage, where no site improvements are required) $500.00 plus site plan fee for all other conditional uses

Vacation of right-of-way or easement (1)	$250.00 (for one easement or right-of-way in vacation request) $100.00 (for each additional easement or right-of-way vacation in same request)
Final subdivision plat (including replats) (1)	$500.00 (up to 10 lots or 10 acres, whichever is greater) $1,000.00 (up to 100 lots or 100 acres, whichever is greater) $1,500.00 (more than 100 lots or 100 acres, whichever is greater)
Final PUD development plan (including amendments) (1)	$750.00 (up to 5 lots or dwelling units, or 5,000 square feet, whichever is greater) $1,000.00 (up to 25 lots or dwelling units, or 25,000 square feet, whichever is greater) $1,500.00 (up to 100 lots or dwelling units, or 100,000 square feet, whichever is greater) $2,000.00 (more than 100 lots or dwelling units, or 100,000 square feet, whichever is greater)
Public improvement plan (including amendments) (1)	$750.00 (up to 10 lots or 10 acres, whichever is greater) $1,500.00 (up to 100 lots or 100 acres, whichever is greater) $2,500.00 (more than 100 lots or 100 acres, whichever is greater) $50.00 per plan sheet for plan amendments, or plans not associated with a subdivision, site plan or development plan ($250.00 minimum)
Public improvement agreement amendment (1)	$250.00 (administrative amendment) $500.00 (all other amendments)
Exception/Variance to Design Standards and Construction Specifications	$250.00 for the first exception/variance requested $100.00 for each additional exception/variance requested at the same time as the first exception
Minor subdivision plat (1)	$250.00 (when no new lots are proposed) $500.00 (when new lots are proposed)
Conveyance plat (1)	$500.00
Property line adjustment	$100.00
Site plan (including amendments) (1)	$500.00 (up to 5 dwelling units or 5,000 square feet, whichever is greater) $750.00 (up to 25 dwelling units or 25,000 square feet, of nonresidential building area) $1,000.00 (up to 100 dwelling units or 100,000 square feet, whichever is greater) $1,500.00 (more than 100 dwelling units or 100,000.00 square feet, whichever is greater)
Limited use (including amendments) (1)	$100.00 (ambulatory vendor, mobile vending cart) $250.00 (change in use in an existing building with no outdoor activity or storage, where no site improvements are proposed or required) $250.00 plus site plan fee for all other limited uses
Site specific development plan (vesting) (1)(2)	$1,000.00 (3 year vesting) $5,000.00 (greater than 3 year vesting)
Height exception (1)	$100.00 (height exception for one-family dwellings) $250.00 (height exception less than a 20 percent increase, except for one-family dwellings as noted above) $500.00 (height exception of greater than 20 percent increase)
Variance or PUD modification	$100.00 (each variance for one-family dwellings) $250.00 (each variance or PUD modification, except for one-family dwellings as noted above)
Minor modification (not an amendment to a subdivision plat, PUD development plan or site plan) (1)	$100.00 (each modification requested for one-family dwellings) $250.00 (each modification requested, except for one-family dwellings as

	noted above, and for flexible sign plans, as noted below) Fee same as above for subdivision plat, PUD development plan, or site plan
Master sign plan (1)	$250.00 plus $50.00 (for each sign requested as part of the sign plan)
Temporary use (1)	$50.00 (administrative review for temporary use for 30 days or less) $250.00 plus $50.00 for each model home or sales trailer $250.00 (all other temporary uses)
Extension request	$50.00 (administrative review) $100.00 (all other reviews)
Nonconforming certificate	$100.00
Zoning compliance letter	$50.00
Floodplain use permit	$100.00
Grading permit	per building code
Building permit	per building code
Written interpretation	$100.00
Beneficial use determination	$2,500.00
Special district plan	$2,500.00 plus $25.00 per acre
Street name change	$100.00
Work in right-of-way	$40.00

(1) Fees include an initial and two subsequent staff review of the application. Each additional staff review of an application is 25 percent of the original application fee.

(2) Fees for a site specific development plan are in addition to the fee for the final subdivision plat, final PUD development plan, or site plan (including conditional and limited uses).

B. *Fee reduction or waiver.*

1. Application fees for projects that include least 25 percent affordable housing are three-fourths the fee listed above.
2. Application fees for projects that include at least 50 percent affordable housing are one-half the fee listed above.
3. The planning director may reduce or waive application fees for public or non-profit agencies.

C. *Other fees.*

1. Additional fees to be paid by the applicant in conjunction with application processing are as follows:
   a. Any review fee charged to the city by an outside agency;
   b. Public notice and recording fees for ordinances, mylars, agreements, other documents required to finalize approval;
   c. Public notice and recording fees for extensions or corrections to ordinances, mylars or agreements.

(Code 1993, § ch. 15, app. A; Ord. No. O-2001-78, § 1; Ord. No. O-2006-74, § 2)

APPENDIX B. - SUBMITTAL REQUIREMENTS FOR DEVELOPMENT APPLICATIONS

A. *General provisions.*

1. *Matrices—Minimum requirements.* The matrices in this appendix describe the application package and plan submittal requirements for each step of the application review process, as applicable:
   a. Referral by city council (for annexations, amendments to the Longmont Comprehensive Plan, and amendments to the development code only);
   b. Application package materials;
   c. Required plans; and
   d. Materials to finalize city approval.

   The application submittal requirements contained in this appendix shall be considered the minimum information that must be submitted in order for a review procedure to begin. The applicant may need to submit additional information in order to demonstrate satisfaction of review criteria.
2. *Compliance necessary for "complete" applications.* Unless otherwise waived under this Code, any application that does not satisfy all the submittal requirements as stated in this appendix shall not be considered a "complete application" under this Code and the city shall not accept it for processing, review, or action.
3. *Waiver of submittal requirements.* The planning director has the discretion to waive or adjust any of these submittal requirements only at a pre-application conference with the applicant that is conducted prior to formal application submittal. See subsection 15.02.040.Q, "Submittal requirements," of the development code.
4. *General plan requirements.*
   a. All plans for the same project shall be submitted at the same scale.

b. Projects that require several applications shall have all plans submitted at the same scale, with a separate plan for each application.
c. Plans shall, where possible, include information on as few sheets as possible while still presenting information in a clear and concise manner.
d. The title of the project shall be prominently placed in the same pace on each sheet of the plan.
e. All sheets shall be consecutively numbered.
f. Information and sheet composition shall be such that when reduced to 11 by 17 inches, all important notes, illustrations, and figures remain legible.

B. *Matrices of submittal requirements by type of application.*

1. *Table 1: Submittal Requirements for Applications Presented to city council for Referral.* See subsections 15.02.060.A and B.

TABLE 1

Submittal Requirement:	Type of Application	
	Annexation	LACP Amendment
	["x" means item is required unless waived]	
Completed petition signed by all property owners (see appendix for proper format)	x	
Ownership report (certified by title company) identifying current property owner(s) of subject property	x	
Vicinity map 8½" × 11" clearly identifying boundaries of subject property	x	x
A map showing the location of each ownership tract and, if part or all of the area is platted, the boundaries and numbers of all lots and blocks	x	x
Map with information specified in the annexation petition	x	
Statement of capacity need for nonresidential projects (as applicable for large projects): Water (including irrigation needs) Electric Roadways Sewer Gas	x	
Letter requesting referral with proposal narrative	x	x
A concept plan of the proposed development or land use designations	x	x
Other items as required on the preapplication conference form	x	x
Fee	x	x

2. *Submittal Requirements for Applications for Major Developments.*
   a. *Table 2.* Information to be submitted as application package to planning and development services division (number of copies shall be specified in the pre-application conference).
   b. *Oil and gas well operations and facilities: Additional submittal requirements.* In addition to the conditional use application requirements in Tables 2, 3 and 4 below, proposed oil and gas well operations and facilities subject to the use regulations in § 15.04.020.B.32, "Oil and gas well operations and facilities," shall include the additional submittal requirements stated in Table 8 of this appendix, below.

TABLE 2
REQUIRED APPLICATION PACKAGES FOR MAJOR DEVELOPMENT APPLICATIONS

"x" means item is required unless waived

Application Submittal Requirements	TDR	LACP Amend-ment	Code Amend-ment (Text)	Re-zoning (Amendments to Zoning Map)	Annex-ation	Vacation of ROW or Ease-ment	Prelim. Subdiv. Plat	Prelim. PUD Dev. Plan	Prelim. MH Site Plan/ Plat	Variance	Height Excep-tion	Condi-tional Use
Completed application form	x	x	x	x	x	x	x	x	x	x	x	x

including pre-application conference form												
Petition signed by all property owners (see appendix for proper format)				x	x	x						
Title Commitment					x		x					
Ownership and property encumbrances report		x		x		x		x	x		x	x
Stamped (not metered), addressed envelopes for all property owners within required notice distance of the perimeter of the subject property		x		x	x	x	x	x	x	x	x	x
List of names and addresses of all property owners within the required notice distance of the perimeter of the subject property, along with certification as to accuracy of list		x		x	x	x	x	x	x	x	x	x
Cover letter with written narrative of proposal describing site design including: pedestrian and vehicle access, parking, service areas, open space and landscaping, utilities and drainage, building/structure design, signage, exterior lighting, proposed modifications or variances, compatibility, etc.	x	x	x	x	x	x	x	x	x	x	x	x
Written summary of neighborhood meeting (unless waived)		x	x	x	x	x	x	x	x	x	x	x
Written statement	x	x	x	x	x	x	x	x	x	x	x	x

detailing how applicable criteria have been addressed												
Completed "Statement of Historical Use of Water Rights." (See water resources division for format)					x							x1
Written statement identifying disposition of mineral rights					x							
Documentation that the property has been excluded or is currently being considered for exclusion from an applicable fire protection, electrical, sewer, or water district, or, in the alternative, an affidavit of all property owners stating their desire to remain within the district												x
Market study or land supply study (only if such study is needed for review of the application)		x		x	x							
Multi-modal transportation access plan, as applicable	x	x		x	x		x	x	x			x
For MU districts, a regulating plan that includes the following information, as applicable (see Section 15.03.150 for reference: 1. District development areas; 2. Allowed and prohibited uses; 3. Building types, architectural themes, and development/design standards;				(CP)	(CP)							

4. Circulation and connectivity standards; 5. Parking standards; 6. Pedestrian amenities, streetscape, open space, and landscaping standards 7. Lighting standards; 8. Sign standards; 9. Block and street types and design standards; 10. Sustainability standards; 11. Other applicable information for the district.												
Transportation Impact Study (required if proposed development exceeds 50 peak hour trips or 500 average daily trips or other factors warrant a traffic study or update)	x	x		x	x		x	x	x			x
Statement of capacity needed for water (including fire flows and irrigation), sewer, electric, and gas for multifamily or nonresidential development		x		x			x	x	x		x	x
Written statement of proposed changes and rationale for change		x	x	x						x	x	
Wastewater classification survey, as applicable												x
Map showing all property ownership	x	x		x	x		x	x	x			
Proposed development schedule including phasing	x			x	x		x	x	x			
General physiographic				x	x		x	x	x			x

studies, identifying soil quality, topography, geology—if warranted by application's specific circumstances												
Species or Habitat Conservation Plan, as needed				x	x		x	x	x			x
Acoustical analysis illustrating how plan complies with noise standards, as needed					x			x	x (site plan)	x	x	x
Lighting analysis illustrating how plan complies with lighting standards, as needed					x			x	x (site plan)	x	x	x
Environmental site assessment as required in § 15.02.160, as applicable	x				x		x	x	x			x
Concept design of building or structure design and architecture, including preliminary building elevations and footprints							x	x	x	x	x	x
Graphic shade/shadow analysis illustrating the extent of the structure's shadow on Dec. 21st at 9:00 a.m., 12:00 noon, and 3:00 p.m., including footprints of affected buildings on adjacent property											x	
Drawing illustrating difference between permitted height and height exception sought											x	
Elevation and/or section drawing to illustrate the extent of the exception requested, as needed (may											x	

include photo simulations, perspectives, and other similar renderings)												
Preliminary design standards consistent with the PUD requirements in § 15.03.060.E.13.								x				
Statement of measures intended to assure compatibility with surrounding areas	x			x						x	x	x
Written justification for request for density bonuses, exceptions, modifications or variances							x	x	x	x	x	x
Electronic file as outlined in the city standards section 100												x
Electric service request form, as applicable												X
Stamped addressed envelopes for referral agencies listed on pre-application form, with 11" × 17" plan and cover letter in each envelope		x	x	x	x	x	x	x	x	x	x	x
Vicinity map 8½" × 11"	x	x	x	x	x	x	x	x	x	x	x	x
Application Fees	x	x	x	x	x	x	x	x	x	x	x	x
Other Items as required on the preapplication form	x	x	x	x	x	x	x	x	x	x	x	x

(Ord. No. O-2012-25, § 7(exh. 2), 7-17-2012)

C. *Table 3. Information to be included on plans.* (Number of copies to be submitted as part of the application package will be specified at the preapplication conference).

1. TDR development referrals. The applicant shall submit to the city the same plans as submitted to Boulder County for consideration. The number of copies needed by the city for review shall be specified at the preapplication conference. However, if not otherwise required by Boulder County, the plans shall also include the following information:
   a. Traffic control plan where applicable; and
   b. Preliminary or final drainage plan/study, as applicable.
2. For rezonings and annexations, required items apply to rezoning map, annexation map, and concept plan unless the item is specified for the concept plan (CP) only.

TABLE 3
REQUIRED PLAN INFORMATION FOR MAJOR DEVELOPMENT APPLICATIONS

"x" means item is required unless waived
CP = Item is required on concept plan only

Plan Requirements	LACP Amendment	Code Amend-ment (Text)	Rezoning (Amend-ments to Zoning Map)	Annexa-tion	Vacation of ROW or Easement	Prelim Subdiv. Plat	Prelim PUD Dev. Plan	Required Prelim. MH Site Plan/ Plat	Vari-ance	Height Exception	Condi-tional Use
Sheet size 24" × 36"/ 11" × 17" (refer to preapplication conference form)	x		x	x		x	x	x		x	x
Sheet size 8½" × 11" or 8½" × 14"					x				x	x	
North arrow, date and engineer's scale as appropriate	x		x	x	x	x	x	x	x	x	x
Name of the project and project type in prominent title block	x		x	x	x	x	x	x	x	x	x
Vicinity map at 1½ mile radius	x		x	x	x	x	x	x	x		x
Legal description of subject property	x		x	x	x	x	x	x			x
Basis for establishing bearing			x	x							
Boundary survey of subject property with name, number and signature of licensed surveyor			x	x		x		x			x[2]
Total acreage	x		x	x	x	x	x	x	x		x
Requested zoning district(s) graphically shown with respective acreage(s) plus legal description for each zoning district			x	x			x	x			x

Certification signature blocks (see appendix for proper format)			x	x		x	x	x			x
Standard notes regarding compliance with applicable development code requirements				x		x	x	x			x
Existing zoning in and adjacent to subject property	x		x	x		x	x	x	x		x
Names and boundaries of adjacent subdivisions and streets	x	x	x	x	x	x	x	x			x
Dimensions and square footage of each lot						x	x	x			x
Lot and block number(s) with lot lines shown			x			x	x	x			x
Building envelopes if applicable			(CP)	(CP)		x	x	x			x
Street names for all streets, within and adjacent to the property			x	x	x	x	x	x			x
Location and description of monuments			x	x	x	x		x			x
Bearings, distances, chords, radii, central angles, tangent links, etc. for perimeter only			x	x							x
Existing adjacent street improvements showing pavement width and intersecting streets			(CP)	(CP)	x	x	x	x			x

Existing R.O.W. in and adjacent to subject property (dimensioned)			x	x	x	x	x	x			x
Proposed R.O.W. in and adjacent to subject property (dimensioned)			(CP)	(CP)	x	x	x	x			x
Existing easements and their type in and adjacent to subject property (dimensioned)			x	x	x	x	x	x	x		x
Proposed easements and their type in and adjacent to subject property (dimensioned)						x	x	x	x		
Existing utility lines and sizes (including fire hydrants) in and adjacent to subject property			(CP)	(CP)		x	x	x	x		x
Proposed major utility lines (including fire hydrants) in and adjacent to subject property			(CP)	(CP)		x	x	x			
Proposed utility lines and sizes (including fire hydrants) in and adjacent to subject property					x	x	x	x			x
Fire service line design from public main to building foundation (as applicable)											x
Existing and proposed curb cuts on and adjacent to subject property			(CP)	(CP)		x	x	x	x		x
Traffic control plan where applicable						x	x	x			x

All waterways and ditches, including agricultural laterals and tail-water ditches, in and adjacent to subject property, indicating method of preservation			(CP)	(CP)	x	x	x	x			x
Statement of how drainage will generally be handled			(CP)	(CP)							
Preliminary drainage plan/study						x	x	x			
Final drainage plan/study											x
Delineation of floodplain boundaries (100 year)			x	x		x	x	x			x
Location and size of different land use areas specifying type and density/intensity of land use for each area.			(CP)	(CP)		x	x				x
Existing city limit boundary and showing where property is contiguous				x							
Table with property perimeter in feet and contiguity with city limit boundary in feet				x							
Identification of areas where special buffering techniques will be utilized (perimeter and internal)			(CP)	(CP)		x	x	x	x	x	x
Existing type and location of			(CP)	(CP)	x3	x	x	x	x	x	x

structures and paved areas on the site											
Proposed type and location of structures and paved areas on the site			(CP)	(CP)				x	x	x	x
Type and number of residential units, if applicable			(CP)	(CP)			x	x	x	x	x
Dimensioned parking area layout with parking spaces, drives and backup areas dimensioned							x	x	x	x	x
Sign locations and specifications							x	x	x	x	x
Exterior lighting locations and specifications							x	x	x	x	x
Trash-disposal and recycling collection area locations, specifications and screening							x	x		x	x
Electric transformer locations (one- and two-family excluded)					x		x	x			x
Maximum height of all structures (dimensioned)							x	x	x	x	x
All areas to be dedicated for public use (parks, R.O.W., easements, etc.)			(CP)	(CP)	x	x	x	x			x4
Location of existing significant natural features			(CP)	(CP)		x	x	x			x
Statement of how landscaping requirements			(CP)	(CP)							

will be satisfied											
Concept landscape plan —Refer to city Standards			(CP)	(CP)							
Preliminary landscape plan (meeting all landscaping standards)— Refer to city Standards						x	x	x			
Final landscape plan (meeting all landscaping standards)— Refer to city Standards											x
Preliminary or final fence/wall details and restrictions, as applicable						x	x	x	x		x
Land use table indicating percentage of land devoted to: Buildings; Parking/drives; Street R.O.W.; Common open space; Dedicated public open space, as applicable						x	x	x			x
Square footage, floor area ratio, type of use and estimated number of employees on the site at any one time for nonresidential uses							x			x	x
Phasing plan, graphically delineated			(CP)	(CP)		x	x	x			x
Architectural elevations necessary to address applicable criteria,						x	x	x	x	x	x

illustrating building massing, architectural style, exterior materials and colors, sign sizes, types, and locations, screening details, etc.											
Labeling of existing land use, residential density, location of structures			(CP)	(CP)		x	x	x			x
Two-foot contours						x	x	x			x
Other circulation system elements such as pedestrian systems, bus stops, greenways, when applicable			(CP)	(CP)		x	x	x			x
The concept plan information specified in section 15.02.060 C.2.a. for a rezoning, or section 15.02.060 L.4.a. for an annexation			(CP)	(CP)							
Other information as specified at the pre-application conference	x	x	x	x	x	x	x	x	x	x	x

d. *Table 4. Documents/Information/Requirements Prior to Recording/Final Approval (As Applicable).*

MAJOR DEVELOPMENT APPLICATIONS

TABLE 4
DOCUMENTS/INFORMATION/REQUIREMENTS PRIOR TO RECORDING

"x" means item is required unless waived

Requirements	Plan Amendment	Code Amendment (Text)	Rezoning (Amendment to Zoning Map)	Annexation	Vacation of ROW or Easement	Prelim Subdiv. Plat	Prelim PUD Dev. Plan	Prelim. MH Site Plan/	Variance	Height Exception	Conditional Use

								Plat			
Fully executed agreement in furtherance of annexation				x							
Fully executed public improvement agreement, including financial security (as required)											x
Documentation of inclusion in applicable fire protection district, as required						x					
All applicable deeds, agreements, fees, payments, etc. required by ordinance or as condition of approval, all fully executed	x	x	x	x	x	x[3]	x[3]	x[3]	x	x	x
Transfer of historical water rights, as applicable[5]				x							x
Satisfaction of raw water deficits, as applicable[5]											x
Copy of approved plan reduced to 11" × 17" size with appropriate scale indicated on plan	x	x	x	x		x	x	x	x	x	x
Mylar with all required signatures (as applicable)			x	x						x	x
Other items specified on the preapplication conference form, or resolution	x	x	x	x	x	x	x	x	x	x	x

submittal form											

3. *Submittal requirements for applications for minor developments.*
   a. *Table 5: Application Requirements for Minor Developments.*
   b. *Oil and Gas Well Operations and Facilities: Additional submittal requirements.* In addition to the limited use application requirements in Tables 5, 6 and 7 below, proposed oil and gas well operations and facilities subject to the use regulations in § 15.04.020.B.32, "Oil and gas well operations and facilities," shall include the additional submittal requirements stated in Table 8 of this appendix, below.

TABLE 5
REQUIRED APPLICATION PACKAGES FOR MINOR DEVELOPMENT APPLICATIONS

"x" means item is required unless waived

Application Submittal Requirements	Final Subdiv. Plat	Minor Subdiv. Plat	Final PUD Dev. Plan	Final MH Site Plan/ Plat	Site Plan	Limited Use	Temporary Use	Minor Modification	Road/Street/Access Exceptions
Completed application form including pre-application conference form	x	x	x	x	x	x	x	x	x
Title Commitment	x	x if land or easements are dedicated)		x (plat only)					
Property ownership and encumbrances		x	x	x (site plan)	x	x	x	x	
Stamped (not metered), addressed envelopes for all property owners within the required notice distance of the perimeter of the subject property		x			x	x	x		
List of names and addresses of all property owners within the required notice distance of the perimeter of the subject property, along with certification as to accuracy of list		x			x	x	x	x	
Cover letter with written narrative of proposal describing site design including: pedestrian and vehicle access,	x	x	x	x	x	x	x	x	x

parking, service areas, open space and landscaping, utilities and drainage, building/structure design, signage, exterior lighting, proposed modifications or variances, compatibility, etc.									
Written summary of neighborhood meeting (if required)	x	x	x	x	x	x	x	x	x
Written statement detailing how applicable criteria have been addressed	x	x	x	x	x	x	x	x	x
Completed "Statement of Historical Use of Water Rights." (See Water Resources Division for format)	x[1]	x[1]	x[1]	x[1]	x[1]	x[1]			
Documentation that the property has been excluded or is currently being considered for exclusion from an applicable fire protection, electrical, sewer, or water district, or in the alternative, an affidavit of all property owners stating their desire to remain within the district	x	x	x	x	x	x			
Multi-modal transportation access plan, as applicable	x		x	x	x	x			
Transportation Impact Study (required if	x	x	x	x	x	x	x		

proposed development exceeds 50 peak hour trips or 500 average daily trips or other factors warrant a traffic study or update)									
Final Drainage Study	x	x							
Master Utility Plan (including water, sanitary sewer, storm sewer, electric, etc.)	x	x							
Statement of capacity needed for water (including fire flows and irrigation), sewer, electric, and gas for multifamily and nonresidential development			x		x	x	x		
Written statement of proposed changes and rationale for change								x	
Map showing entire property within same ownership					x				
Proposed development schedule including phasing			x	x	x	x			
General physiographic studies, identifying soil quality, topography, geology—if warranted by application's specific circumstances	x	x	x	x	x	x			
Species or	x	x	x	x	x	x			

Habitat Conservation Plan, as needed									
Acoustical analysis illustrating how plan complies with noise standards, as needed			x	x (site plan)	x	x	x	x	
Lighting analysis illustrating how plan complies with lighting standards, as needed			x	x (site plan)	x	x	x	x	
Environmental site assessment as required in § 15.02.160, as applicable	x	x	x	x	x	x			
Design for architectural review, including final building elevations and footprints			x	x	x	x	x	x	
Final design standards consistent with the PUD requirements in § 15.03.060(E)(13)			x						
Proposed covenants, restrictions for property or home owners association	x		x	x		x			
Stamped addressed envelopes for referral agencies listed on preapplication conference form with 11" × 17" plan and cover letter in each envelope	x	x	x	x	x	x	x	x	x
Vicinity map 8½" × 11"	x	x	x	x	x	x	x		x
Statement addressing:							x		

requested type of use; intended duration of use; intended date of removal of use; amount of off-street parking provided to meet reasonable anticipated demand; measures to assure compatibility with surrounding uses.									
Wastewater classification survey, as applicable			x		x	x			
Electric service request form, as applicable	x	x	x	x	x	x	x	x	
Stormwater management plan consistent with city standards, as applicable	x	x	x	x	x	x	x	x	
Electronic file as outlined in the city standards section 100	x	x	x	x	x	x			
Electronic file as outlined in the city standards section 100									
Application Fees	x	x	x	x	x	x	x	x	x
Other Items as required on the preapplication form	x	x	x	x	x	x	x	x	x

(Ord. No. O-2012-25, § 7(exh. 2), 7-17-2012)

c. *Table 6. Plan Information Requirements for Applications for Minor Developments.*

TABLE 6
REQUIRED PLAN INFORMATION FOR MINOR DEVELOPMENT APPLICATIONS

"x" means item is required unless waived

Plan Requirements	Final Subdiv. Plat	Minor Subdiv. Plat	Final PUD Dev. Plan	Final MH Site Plan/ Plat	Site Plan	Limited Use	Temporary Use	Minor Modification	Road/Street/Access Exceptions
Sheet size 24" ×	x	x	x	x	x	x	x	x	x

36"/11" × 17" (refer to preapplication form)									
North arrow, date and engineer's scale as appropriate	x	x	x	x	x	x	x	x	x
Name of the project and project type in prominent title block	x	x	x	x	x	x	x	x	x
Vicinity map at 1½ mile radius	x	x	x	x	x	x	x	x	x
Legal description of subject property	x	x	x	x	x	x	x	x	
Basis for establishing bearing	x	x		x	x	x		x	
Boundary survey of subject property with name, number and signature of licensed surveyor	x	x			x^2	x^2		x^2	
Total acreage	x	x	x	x	x	x	x	x	x
Zoning district(s) graphically shown with respective acreage(s) plus legal description for each zoning district			x		x	x		x	
Certification signature blocks (see appendix for proper format)	x	x	x	x	x	x			
Standard notes regarding compliance with applicable development code requirements	x	x	x	x	x				
Existing zoning in and adjacent to subject	x	x	x	x	x	x	x	x	x

property									
Names and boundaries of adjacent subdivisions and streets	x	x	x	x	x	x	x	x	x
Dimensions and square footage of each lot	x	x	x	x	x	x	x	x	
Lot and block number(s) with lot lines shown	x	x	x	x	x	x	x	x	
Building envelopes if applicable	x	x	x	x	x	x		x	
Street names for all streets, within and adjacent to the property	x	x	x	x	x	x	x	x	x
Location and description of monuments	x	x		x					
Bearings, distances, chords, radii, central angles, tangent links, etc. for all lots, blocks, perimeter, R.O.W., etc.	x	x		x					
Bearings, distances, chords, radii, central angles, tangent links, etc. for perimeter only			x	x (site plan)	x	x		x	
Existing adjacent street improvements showing pavement width and intersecting streets			x	x (site plan)	x	x	x	x	x
Existing R.O.W. in and adjacent to subject property (dimensioned)	x	x	x	x	x	x	x	x	x
Proposed R.O.W. in and adjacent	x	x	x	x	x	x	x	x	x

to subject property (dimensioned)									
Existing easements and their type in and adjacent to subject property (dimensioned)	x	x	x	x	x4	x	x	x	
Proposed easements and their type in and adjacent to subject property (dimensioned)	x	x	x	x	x	x	x	x	
Existing utility lines and sizes (including fire hydrants) in and adjacent to subjecct property			x	x (site plan)	x	x	x	x	
Fire service line design from public main to building foundation (as applicable)			x		x	x			
Proposed utility lines and sizes (including fire hydrants) in and adjacent to subject property			x	x (site plan)	x	x	x	x	
Existing and proposed curb cuts on and adjacent to subject property			x	x	x	x	x	x	x
Traffic control plan where applicable					x	x	x		x
All waterways and ditches, including agricultural laterals and tail-water ditches, in and adjacent to subject property, indicating method of preservation			x	x	x	x	x	x	

Final drainage plan (as needed or applicable)			x	x	x	x	x	x	
Delineation of floodplain boundaries (100 year)	x	x	x	x	x	x	x	x	
Location of different land use areas specifying type and density/intensity of land use for each area			x	x	x	x	x	x	
Identification of areas where special buffering techniques will be utilized (perimeter and internal)			x	x	x	x	x	x	
Existing type and location of structures and paved areas on the site		x[6]	x		x	x	x	x	
Proposed type and location of structures and paved areas on the site			x	x	x	x	x	x	
Type and number of residential units			x	x	x	x	x	x	
Dimensioned parking area layout with parking spaces, drives and backup areas dimensioned			x	x	x	x	x	x	
Sign locations and specifications			x	x	x	x	x	x	
Exterior lighting locations and specifications			x	x	x	x	x	x	
Trash-disposal and recycling collection area locations, specifications and screening			x	x	x	x	x	x	

Electric transformer locations (one- and two-family excluded)			x	x	x	x	x	x	
Maximum height of all structures			x	x	x	x	x	x	
All areas to be dedicated for public use (parks, R.O.W., utility easements, etc.)	x	x	x	x	x[4]	x[4]			
Location of existing significant natural features	x	x	x	x	x	x	x	x	x
Final landscaping plan meeting all landscaping standards (including existing vegetation to remain)	x	x	x	x	x	x	x	x	
Final fence/wall details and restrictions, as applicable	x	x	x	x	x	x		x	
Land use table indicating percentage of land devoted to: Buildings; Parking/drives; Street R.O.W.; Other impervious areas; Common open space; Dedicated (public) open space; Other non-paved areas without landscaping			x	x	x	x	x	x	
Square footage, floor area ratio, type of use and estimated number of employees on the site at any			x		x	x	x	x	

one time for nonresidential uses									
Phasing plan, graphically delineated	x		x	x	x	x		x	
Architectural elevations necessary to address applicable criteria, Illustrating building massing, architectural style, exterior materials and colors, sign sizes, types, and location, screening details, etc.			x	x	x	x	x	x	
Labeling of existing land use, residential density, location of structures					x	x	x	x	x
Other circulation system elements such as pedestrian systems, bus stops, greenways, when applicable			x	x	x	x	x	x	
Two-foot contours			x	x	x	x	x		
Other information as specified on the preapplication conference form	x	x	x	x	x	x	x	x	x

d. *Table 7. Documents/Information/Requirements Prior to Recording of Ordinance, Plat, or Plan, or Other document (As Applicable).*

TABLE 7
MINOR DEVELOPMENT APPLICATIONS
DOCUMENTS/INFORMATION/REQUIREMENTS PRIOR TO RECORDING

"x" means item is required unless waived

Requirements	Final Subdiv. Plat	Minor Subdiv. Plat	Final PUD Dev. Plan	Final MH Site Plan/ Plat	Site Plan	Limited Use	Temporary Use	Minor Modification	Road/Street/Access Exceptions

Fully executed public improvement agreement, including financial security (where required and approved)	x	x		x	x	x			x
All applicable deeds, agreements, fees, payments, etc., required by ordinance or as condition of approval, all fully executed	x	x	x	x	x	x	x		
Satisfaction of raw water deficits, as applicable[5]	x	x	x	x	x	x			
Transfer of historic water rights, as applicable[5]	x	x	x	x	x	x			
Copy of approved plan reduced to 11" × 17" size with appropriate scale indicated on plan	x	x	x	x	x	x	x	x	x
Electronic file as outlined in the city standards section 100	x	x	x	x	x	x	x		
Mylar with all required signatures (as applicable)	x	x	x	x	x	x	x	x	
Other items specified on the preapplication conference form or resolution submittal form	x	x	x	x	x	x	x	x	x

4. *Additional submittal requirements for oil and gas well operations and facilities.* In addition to the conditional use application requirements in Tables 2, 3 and 4 above or the limited use application requirements in Tables 5, 6 and 7 above, proposed oil and gas well operations and facilities subject to the use regulations in § 15.04.020.B.32, "Oil and Gas well operations and facilities," shall include the submittal requirements stated in Table 8 below.

TABLE 8
ADDITIONAL SUBMITTAL REQUIREMENTS FOR REVIEW OF
OIL AND GAS WELL OPERATIONS AND FACILITIES

General Submission Requirements:

1. The applicant and operator's name, address, phone and fax numbers, and email addresses.
2. A listing of all permits or approvals obtained or yet to be obtained from state or federal agencies.
3. A written description of compliance with the requirements and standards in § 15.04.020.B.32.
4. The following items consistent with the requirements and standards in § 15.04.020.B.32:
   a. Emergency response plan;
   b. Cultural resource plan, as applicable;
   c. Operation plan;
   d. Visual mitigation analysis, as applicable;
   e. Noise mitigation, as applicable;
   f. Lighting plan;
   g. Water quality monitoring plan, as applicable;
   h. Site vegetation analysis;
   i. Habitat protection plan, as applicable;
   j. Transportation impact study, traffic control plan, and access plan.
5. Graphic representations, including photographs of the types of equipment to be used during drilling, completion, maintenance, or abandonment operations, as applicable.
6. Any other reasonable or pertinent information deemed necessary by the city for the application review or compliance with the requirements and standards in § 15.04.020.B.32.

Vicinity Map Requirements:

The applicant shall include a scaled vicinity map with aerial imagery that shows the following:

1. The location of all existing bodies of water and watercourses within one mile or greater of the proposed well(s).
2. The location of existing and abandoned oil and gas wells as reflected in COGCC records within one mile or greater of the proposed well(s).
3. The location of proposed wells, production facilities and access roads.

Site Plan Requirements:

The applicant shall submit a site plan that, in addition to the requirements for conditional use site plans or limited use site plans, includes the following elements:

1. The location of the proposed well operations and facilities including well(s), proposed twinning locations, motors, compressors, tank battery, separators and treaters, production equipment, transmission and gathering pipelines and other ancillary facilities to be used during the drilling, maintenance and operation of the proposed well. The site plan shall identify all proposed access and storage facilities associated with the well operations and facilities.
2. All existing physical features, including water bodies, drainage ways, floodplains, roads and rights-of-way within one-half mile or greater of proposed well operations and facilities. The site plan shall also depict existing subdivision boundaries, existing buildings or structures, property lines, public and private utility easements of record and utility facilities and improvements within one-half mile or greater of the proposed well operations or facilities.
3. Demonstration of compliance with applicable requirements and standards in § 15.04.020.B.32 for oil and gas well operations and facilities.
4. The development services manager may waive one or more of the items listed as submission requirements if they are not applicable given the location of the well operations or facilities. (See § 15.02.040.Q., "Submittal requirements.")

(Ord. No. O-2012-25, § 7(exh. 2), 7-17-2012)

5. *Submittal requirements for building permits.*
   a. *Table 9. Application Package Requirements for Building Permit Applications.*

TABLE 9
BUILDING PERMIT APPLICATION PACKAGE REQUIREMENTS

• Completed building permit application;
• One copy of building permit plot plan;
• Two copies of construction drawings for plan check review. Consult the building inspection division for checklist of plan requirements;
• Completed electric power data form; form not required for single family or duplex, except for electric heat in gas approved developments;
• Description of foundation system supported by recommendation of registered professional engineer specializing in geotechnical engineering and

licensed by the State of Colorado.

b. *Table 10. Plan Requirements for Building Permit Applications.* (One copy shall be submitted to the building inspection division).

TABLE 10
INFORMATION TO BE SHOWN ON BUILDING PERMIT PLOT PLAN

If detailed site plan has been approved by the city, it may be submitted in lieu of building permit plot plan

- Minimum sheet size of 8½" × 11";
- North arrow;
- Date of plan;
- Date of plan revisions, if any;
- Engineer's scale, as appropriate, with all information drawn to scale;
- Legends readable when north arrow points up;
- Address of project;
- Legal description of property;
- Name, address and phone number of all property owner(s) of record;
- Name, address and phone number of person or firm responsible for plan;
- Lot size, with all lot lines shown and dimensioned;
- Existing easements and right-of-way (dimensioned);
- Plan indicating over-lot grading;
- Location of proposed structures and their use with their dimensions and locations noted with respect to property lines;
- Location and size of proposed water, sewer, electric and other service connections;
- Number of fixture units as defined by the adopted plumbing code;
- Proposed spot elevations at lot corners;
- Finished floor or top of foundation elevation and garage floor;
- Drainage plan with sufficient elevations to insure runoff;
- Graphic depiction of public improvements on or within 50 feet of site;
- Location of utility main lines on or within 50 feet of site;
- Drive cuts with dimensions;
- Perimeter drain and discharge (required unless soil and groundwater report by a registered geophysical engineer states it is not required);
- Location, size and surfacing of parking area (and access) to satisfy parking requirements;
- Structure height with indication on plan of where such height is measured;
- Location of existing electrical lines and poles on site or adjacent to site;
- Location of proposed electrical service connection and meter location;
- Location of electric transformer (if applicable);
- Proof the school district received fair contribution for public school sites (as applicable).

6. *Submittal requirements for public improvements plans (refer to the City of Longmont Design Standards and Construction Specifications).*

ENDNOTES:

1 Not required if accurate affidavits for the property were previously submitted and historical water transferred.
2 Not required if property has been previously platted.
3 Those that could be or are being served by the easement or right-of-way.
4 Not required if: (1) plat is being processed concurrently and this information is shown on the plat; and (2) plat and site plan are drawn to the same scale; and (3) there is a note on site plan referring to plat for all the pertinent information.
5 The actual transfer of water rights may be completed after city approval, prior to document recording. Current requirements for water transfers are all historic water at time of annexation; the deficit between historic water transferred and the three acre feet per acre requirement at time of final site plan or plat. Properties annexed as enclaves may need to transfer historic water rights and satisfy water deficits upon approval of a development application. Water policy of the city is approved by city council. Check with the water resources division of water/wastewater department for more specific information.
6 If there are existing structures on the property, the applicant shall submit one copy of a sketch plan showing existing and proposed lot lines in relation to existing structures.

(Code 1993, § ch. 15, app. B; Ord. No. O-2001-78, § 1; Ord. No. O-2006-74, § 3(exh. 1); Ord. No. O-2007-46, § 10; Ord. No. O-2009-21, § 19(exh. 3), 6-9-2009; Ord. No. O-2009-89, § 6(exh. 2), 12-22-2009)

APPENDIX C. - SIGNATURE CERTIFICATION BLOCKS FOR DEVELOPMENT APPLICATIONS

A. *Certification Blocks for Subdivision Plats (Including Minor Subdivisions and Replats).*

Legal Description

A plat of a parcel of land in the City of Longmont, Colorado, located in the _____ 1/4 _____ 1/4, section _____, T _____ N, R _____ W, of the 6th P.M. and more particularly described as follows:

Beginning at the … (LEGAL DESCRIPTION) … containing _____ acres.

Property Owner Dedication and Acknowledgement

[Insert property owner name(s)], being the owner(s) of the land described herein have caused said land to be platted under the name of [insert subdivision name] and dedicate to the public forever all public streets and right-of-ways, easements, and other places designated or described as for public uses on this plat. All conditions, terms, and specifications designated or described on this document shall be binding on the owners, their heirs, successors and assigns.

In witness whereof, we have hereunto set our hands and seals this _____ day of _____/_____/_____, _____.

_____ [Property owner]	_____ [Property owner]

Notary Certificate

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

The foregoing instrument was acknowledged before me this _____ day of _____/_____/_____, _____, by _____.

My Commission expires: _____
_____ Notary Public
Address of Notary: _____

[Include the following when there is a mortgage or lien on the property]

Mortgagee's Consent

The undersigned [insert name], as a beneficiary of a deed of trust (or identify other mortgage instrument or agreement creating security interest) which constitutes a lien upon the declarant's property, recorded at Book _____, Page _____, _____ County Clerk and Recorder, consents to the dedication of land to streets, alleys, roads and other public areas, as designated on this plat, and forever releases said lands from the lien created by said instrument.

_____ [Name of beneficiary]	
_____ [Signature]	Date _____
_____ [Title]	Address: _____

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

The foregoing mortgagee's consent was acknowledged before me this _____ day of _____/_____/_____, _____, by [printed name of mortgagee(s). (If by natural persons here insert name; if by persons acting in a representative official capacity, or as attorney-in-fact then insert the name and said capacity of said person and reference document establishing such capacity; if by officer of a corporation, then insert the name of said officer as the president or vice president of such corporation, naming it; if by a general partner of a partnership, then insert the name of said person as a general partner.)

My Commission expires: ____
____ Notary Public
Address of Notary: ____

Surveyor's Certificate

I certify this plat accurately represents the results of a survey made by me or under my direct supervision and completed according to applicable State of Colorado requirements.

____
L.S. Colorado Reg. No.; ____

Communication and Gas Easement Approval

Utility easements for communication and gas facilities are adequate as shown.

____ Qwest Communications	____ Xcel Energy

Raw Water Policy, Utility Plan, and Easement Approval

This plat is in compliance with the City of Longmont raw water policy and the final utility plans have been approved. Utility easements for water, sanitary sewer and electric facilities are adequate as shown.

____ Water/Utilities	____ Longmont Power and Communications

Fire Approval

The plat has been approved.

____ Fire	

[Use the following when the property includes greenway(s) or is adjacent to a city park]

Parks and Open Space Approval

The plat has been approved.

____ Parks and Open Space	

[Use the following when affordable housing is required]

Housing Approval

The plat is in compliance with the City of Longmont affordable housing requirements.

_____ Housing	

[Use the following when a public improvements agreement is required]

Public Works Approval

The final construction plans, including street plans and profiles and drainage plans have been approved and are substantiated by an executed Public Improvement Agreement.

_____ Public Works	

[Use the following when a public improvements agreement is not required]

Public Works Approval

The plat has been approved.

_____ Public Works	

[Use the following when there is an existing public improvements agreement]

Public Works Approval

The final construction plans, including street plans and profiles and drainage plans, have been approved and are substantiated by an executed Public Improvement Agreement for [insert subdivision name].

_____ Public Works	

Planning Director Approval

Approved this _____ day of _____/_____/_____, _____.

_____ Planning Director	

[Include the following when Planning and Zoning Commission approval is required]

Planning and Zoning Commission Approval

Approved this _____ day of _____/_____/_____, _____.

_____	

Chairperson, Planning and Zoning Commission	

Mayor's Certificate

This is to certify that a plat of the above described property was approved by the City of Longmont and that the Mayor of the City of Longmont, Colorado, accepts all public streets, easements, rights-of-way and other places designated or described as for public use for all purposes indicated on this plat.

[Include the following section only if vesting is requested]

A site specific development plan for the above described property was approved by the City of Longmont, Colorado, on _____/_____/_____ establishing a vested property right in this plat, subject to the terms and conditions of Longmont Municipal Code and the Colorado Revised Statutes, and such vested right shall cease and terminate three years from the above approval date.

_____ Mayor	Attest _____	(Seal)

Clerk and Recorder's Certificate

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

I certify that this instrument was filed in my office at _____ o'clock _____.M. this _____ day of_____/_____/_____, _____, and is recorded in Plan File _____, Reception No. _____.

_____ Deputy	_____ Recorder
_____ Fees	

B. *Certification blocks for site plans (including conditional use and limited use) and development plans.*

Legal Description

A site plan of a parcel of land in the City of Longmont, Colorado, located in the _____ 1/4 _____ 1/4, section _____, T _____ N, R _____ W, of the 6th P.M. and more particularly described as follows:

Beginning at the … (LEGAL DESCRIPTION) … containing _____ acres.

Property Owner Acknowledgement

[Insert property owner name(s)], being the owner(s) of the property described herein have planned this property under the name of [insert site/development plan name]. All conditions, terms, and specifications designated or described on this document shall be binding on the owner(s), their heirs, successors and assigns.

In witness whereof, we have hereunto set our hands and seals this _____ day of _____/_____/_____, _____.

_____ [Property owner/title]	_____ [Property owner/title]

Notary Certificate

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

The foregoing instrument was acknowledged before me this _____ day of _____/_____/_____, _____, by [print name and title as appropriate].

My Commission expires: _____
_____ Notary Public
Address of Notary: _____

[Include the following when there is a mortgage or lien on the property]

Mortgagee's Consent

The undersigned [insert name and title as appropriate], as a beneficiary of a deed of trust (or identify other mortgage instrument or agreement creating security interest) which constitutes a lien upon the declarant's property, recorded at Reception Number _____, _____ County Clerk and Recorder, consents to the conditions, terms and specifications designated or described on this site/development plan.

_____ [Name of beneficiary]	
_____ [Signature]	
_____ [Title]	

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

The foregoing mortgagee's consent was acknowledged before me this _____ day of _____/_____/_____, _____, by [print name of mortgagee(s) and title as appropriate].

My Commission expires: _____
_____ Notary Public
Address of Notary: _____

Surveyor's Certificate

I certify this site/development plan accurately represents the results of a survey made by me or under my direct supervision completed according to applicable State of Colorado requirements.

_____
L.S. Colorado Reg. No.; _____

Raw Water Policy, Utility Plan, and Easement Approval

This site/development plan is in compliance with the City of Longmont raw water policy and the final utility plans have been approved. Utility easements for water, sanitary sewer, electric, and communication facilities are adequate as shown.

_____ Water/Utilities	_____ Longmont Power and Communications

Fire Approval

The plat has been approved.

_____ Fire	

[Use the following when the property includes greenway(s) or is adjacent to a city park]

Parks and Open Space Approval

The plat has been approved.

_____ Parks and Open Space	

[Use the following when affordable housing is required]

Housing Approval

The plat is in compliance with the City of Longmont affordable housing requirements.

_____ Housing	

[Use the following when a public improvements agreement is not required]

Public Works Approval

The site/development plan has been approved.

_____ Public Works	

[Use the following when a public improvements agreement is required]

Public Works Approval

The final construction plans, including street plans and profiles and drainage plans have been approved and are substantiated by an executed Public Improvements Agreement.

_____ Public Works	

[Use the following when there is an existing public improvements agreement]

Public Works Approval

The final construction plans, including street plans and profiles and drainage plans, have been approved and are substantiated by an executed Public Improvements Agreement for [insert development name].

_____ Public Works	

Planning Director Approval

Approved this _____ day of _____/_____/_____, _____.

_____ Planning Director	

[Include the following when Planning and Zoning Commission approval is required]

Planning and Zoning Commission Approval

Approved this _____ day of _____/_____/_____, _____.

_____ Chairperson, Planning and Zoning Commission

Mayor's Certificate

This is to certify that a site/development plan of the above described property was approved the City of Longmont.

[Include the following section only if vesting is requested]

A site specific development plan for the above described property was approved by the City of Longmont, Colorado, on _____/_____/_____ establishing a vested property right in this [insert development plan or site plan], subject to the terms and conditions of Longmont Municipal Code and the Colorado Revised Statutes, and such vested right shall cease and terminate three years from the above approval date.

_____ Mayor	Attest _____	(Seal)

C. *Signature certification blocks for annexation maps.*

Surveyor's Certificate

I certify that this annexation map accurately represents the property proposed for annexation and that at least one-sixth of the property boundary is contiguous to the present boundaries of the City of Longmont, Colorado.

_____
L.S. Colorado Reg. No.; _____

Mayor's Certificate

This is to certify that an annexation of the above described property was approved by the City of Longmont and that upon recordation of the ordinance approving the annexation and the annexation map, the property will be incorporated within the city limits of Longmont, Colorado.

_____ Mayor	Attest _____	(Seal)

Clerk and Recorder's Certificate

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

I certify that this instrument was filed in my office at _____ o'clock _____.M. this _____ day of _____/_____/_____, _____, and is recorded in Plan File _____, Reception No. _____.

_____ Deputy	_____ Recorder

(Code 1993, ch. 15, app. C; Ord. No. O-2001-78, § 1; Ord. No. O-2006-74, § 4)

APPENDIX D. - PETITIONS FOR DEVELOPMENT APPLICATIONS

A. *Petition for annexation.*

PETITION TO ANNEX TERRITORY TO THE CITY OF LONGMONT

The undersigned owner(s) of real property, pursuant to C.R.S. § 31-12-107, Municipal Annexation Act of 1965, petition the council of the City of Longmont, Colorado, for annexation of certain territory, and state:

1. That the territory generally located at _____ and containing _____ acres, more or less, is more particularly described in the attached legal description.
2. That the petitioning owners represent more than 50 percent of the area described above, excluding public streets and alleys.
3. That petitioners further allege that:
   (a) It is desirable and necessary that such area be annexed to the City of Longmont.
   (b) The requirements of C.R.S. §§ 31-12-104 and 31-12-105 exist or have been met, including:
      (i) Not less than one-sixth of the perimeter of the area proposed to be annexed is contiguous with the City of Longmont, more specifically the perimeter of the area is _____ feet, of which _____ feet are contiguous to the existing municipal boundary of the City of Longmont.
      (ii) A community of interest exists between the area proposed to be annexed and the City of Longmont.
      (iii) Said area is urban or will be urbanized in the near future, and is integrated or capable of being integrated with the City of Longmont.
      (iv) No land, unless separated by a dedicated public way, held in identical ownership is divided into separate parcels unless the owners of said tract have consented in writing to said annexation.
      (v) No land or contiguous parcels of land, except as may be situated entirely within the outer boundaries of the City of Longmont, held in identical ownership and comprising 20 acres or more and which, together with improvements, has an assessed valuation in excess of $200,000.00 for ad valorem tax purposes for the year next preceding the annexation, is included in this petition without the written consent of the landowners.
      (vi) No proceedings for annexation of the area has been commenced for annexation to another municipality.
      (vii) The annexation of the area would not have the effect of extending the city boundary more than three miles in any one year.

(viii) No partial width of any public right-of-way is included in the area proposed to be annexed.

4. As an express condition of annexation, the owners consent to inclusion into the Northern Colorado Water Conservancy District (District) and the Municipal Subdistrict (Subdistrict), Northern Colorado Water Conservancy District pursuant to C.R.S. § 37-45-136 (3.6). The owners acknowledge that, upon inclusion into the District and Subdistrict, the owners property will be subject to the same mill levies and special assessments as are levied or will be levied on other similarly situated property in the District and Subdistrict at the time of inclusion of owners land. The owners agree to waive any right to an election which may exist to require an election pursuant to article X, section 20 of the Colorado Constitution before the District and Subdistrict can impose such mill levies and special assessments as it has the authority to impose. The owners also agree to waive, upon inclusion, any right which may exist to a refund pursuant to article X, section 20 of the Colorado Constitution.
5. The petitioners below comprise the owners of more than 50 percent of the territory proposed to be annexed excluding public streets and alleys, and are in fact owners of 100 percent of the territory proposed to be annexed, except as listed below.

Owner	Property Legal Description (may be referenced below and attached	Acres	Percent of Total Area Proposed for Annexation
Totals			

The undersigned request the City of Longmont approve the annexation of the area proposed to be annexed; the undersigned also request the zoning of _____ for the property.

Date*	Owner Signature	Owner Address

*Date of signing must be within 180 days of filing with the city.

NOTARIZATION OR AFFIDAVIT OF CIRCULATOR

The undersigned circulator of the herein Petition certifies each signature therein is the person whose name it purports to be.

	_____ Circulator, STATE OF

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

Subscribed and sworn to before me this _____ day of _____/_____/_____, _____.

My Commission expires _____
Notary Public: _____
Address of Notary: _____

NOTE: THE PETITION MUST BE ACCOMPANIED BY AN ANNEXATION MAP CONTAINING THE FOLLOWING INFORMATION:

1. A legal description of the boundary of the area proposed to be annexed.
2. The boundary of the area proposed to be annexed, graphically depicted.
3. The location of each ownership tract in unplatted land and, if part or all of the area is platted, the boundaries of the subdivision plat including lot and block numbers.
4.

Next to the boundary of the area proposed to be annexed, a graphic depiction of the contiguous municipal boundary of the annexing municipality and the contiguous boundary of any other municipality abutting the area proposed to be annexed.

5. A calculation of the total boundary perimeter of the area proposed to be annexed and the boundary perimeter contiguous to the annexing municipality.
6. Existing and proposed zoning of the area proposed to be annexed.

B. *Petition for Rezoning.*

PETITION FOR REZONING OF PROPERTY WITHIN THE CITY OF LONGMONT

The undersigned owners, pursuant to title 15 of the Longmont Municipal Code, hereby petition to rezone certain real property situated within the City of Longmont, Colorado, from the _____ zoning district(s) to the _____ zoning district(s), with the following statements in support of the proposed rezoning:

1. Description of property sought for rezoning: _____ containing: _____ acres more or less, is more particularly described in the attached legal description.
2. If the petitioners own separate parcels of property not held in common ownership, or do not own 100 percent of the property sought for annexation, provide the additional information:

Owner	Property Legal Description (may be referenced below and attached	Acres	Percent of Total Area Proposed for Rezoning
Totals			

The undersigned request the City of Longmont approve the annexation of the area proposed to be annexed; the undersigned also request the zoning of _____ for the property.

Date	Owner Signature	Owner Address

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

Subscribed and sworn to before me this _____ date _____/_____/_____, _____.

My Commission expires _____
_____ Notary Public
Address of Notary: _____

C. *Petition to vacate public right-of-way.*

PETITION TO VACATE PUBLIC RIGHT-OF-WAY

The undersigned owners of real property hereby petition to vacate a public right-of-way known as _____, and located as described on the attached legal description.

The following is presented in support of the proposed vacation request:

1. That the property or properties immediately adjacent and on each side of the right-of-way sought for vacation is as follows:

Owners	Property Legal Description (may be referenced below and attached)

2. That the right-of-way sought to be vacated is described and/or depicted on a certain (name of instrument) having been recorded with the County Clerk and Recorder as Film _____, Reception No. _____.
3. That at the time of dedication to the public, consideration was paid, if any, in the amount of $_____.
4. That the owner(s) agree to dedicate to the public the following replacement right-of-way as described on the attached legal description, and to execute any instruments necessary to convey and dedicate such right-of-way to the public.
5. That the vacation is requested for the following reason: _____.

Date	Owner Signature	Owner Address

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

Subscribed and sworn to before me this _____ date of _____/_____/_____, _____.

My Commission expires _____
_____ Notary Public
Address of Notary: _____

D. *Petition to vacate a public easement.*

PETITION TO VACATE A PUBLIC EASEMENT

The undersigned owners of real property hereby petition to vacate a public easement known as _____, and located as described on the attached legal description.

The following is presented in support of the proposed vacation request:

1. The owners are all of the owners of the described real property.
2. That the easement sought to be vacated is described and/or depicted on a certain (name of instrument) having been recorded with the County Clerk and Recorder as Film _____, Reception No. _____.
3. That at the time of dedication to the public, consideration was paid, if any, in the amount of $_____.
4. That the owner(s) agree to dedicate to the public the following replacement easement as described on the attached legal description, and to execute any instruments necessary to convey and dedicate such easement to the public.
5. That the vacation is requested for the following reason: _____.

Date	Owner Signature	Owner Address

STATE OF COLORADO	)
	)ss
COUNTY OF _____	)

Subscribed and sworn to before me this _____ date of _____/_____/_____, _____.

My Commission expires ____
____ Notary Public
Address of Notary: ____

(Code 1993, § ch. 15, app. D; Ord. No. O-2001-78, § 1; Ord. No. O-2006-74, § 5)

APPENDIX E. - INTERGOVERNMENTAL AGREEMENTS

APPENDIX E-1

ATTACHMENT A

INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF LONGMONT AND COUNTY OF BOULDER CONCERNING TRANSFERRED DEVELOPMENT RIGHTS (AS AMENDED BY THIS SECOND AMENDMENT)

This agreement is entered into by and between the City of Longmont (city), a municipal corporation, and the County of Boulder (Boulder County), a body politic and corporate of the State of Colorado, to be effective as of the 5th day of February, 1996, (Effective Date).

RECITALS

A. Local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to C.R.S. § 29-20-105, for the purpose of planning or regulating the development of land; and

B. C.R.S. § 29-1-201 et seq., as amended, authorizes the city and Boulder County to cooperate and contract with one another with respect to functions lawfully authorized to each other, and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, article XIV, § 18(2); and

C. Pursuant to C.R.S. § 31-23-202, and article XX of the Colorado Constitution, the city council of the City of Longmont has adopted the Longmont Area Comprehensive Plan, which provides goals and policies to plan for the orderly growth of the City of Longmont; and

D. By identifying sending and receiving sites for transferred development rights, the city and Boulder County are cooperating with respect to managing orderly growth; and

E. Requiring sending and receiving sites for transferred development rights implements the goals and policies of the Longmont Area Comprehensive Plan to make provision for public improvements in a manner appropriate for a modern, efficiently functioning city, and to ensure that new development does not negatively impact the provision of municipal services; and

F. This agreement augments Boulder County's nonurban planned unit development (NUPUD) program, and transferred developments rights planned unit development (TDR/PUD) program; and

G. This second amendment is intended to:
   a. Expand and increase TDR sending site locations;
   b. Permit Boulder County to approve TDR sending sites located within the area shown on Exhibit A; and
   c. Extend the term of this agreement from the effective date to May 31, 2016.

H. Providing for sending and receiving sites for transferred development rights is reasonable and necessary to protect, enhance, and preserve the public health, safety, and welfare of the city's citizens and the citizens of Boulder County; and

I. The city and Boulder County have held hearings, after proper public notice, for the consideration of entering into this agreement.

IN CONSIDERATION of the objectives and policies expressed in the recitals and the mutual promises contained in this agreement, the city and Boulder County agree as follows:

1 Definitions.

As used in this agreement, the following terms shall have the meanings stated below:

1.1 *Development* shall mean construction or establishment of a structure, parking area, or surfaced vehicular roadway (except expansion of existing roads), or establishment of a new land use.

1.2 *LPA* shall mean the Longmont Planning Area, as it currently exists, together with any additional portions of the LPA as are jointly approved by the city and Boulder County.

1.3 *Parties* shall mean the city and Boulder County collectively.

1.4 *Structure* shall mean anything built or constructed above or below the ground, including, but not limited to, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but excluding fences, retaining walls under 6 feet in height, and above ground or buried utility lines and related appurtenances.

1.5 *TDR area* shall mean all real property designated as a transferred development right sending site or transferred development right receiving site in Exhibit A.

1.6 *TDR receiving sites* shall mean the transferred development rights receiving site designations in the TDR area, attached as Exhibit A, and any receiving site jointly approved by the city and Boulder County that is within or contiguous to the LPA.

1.7

TDR sending sites shall mean the transferred development rights sending site designations in the TDR area, attached as Exhibit A, as well as any other unincorporated lands shown on Exhibit A, within the TDR Plan Area and sending sites boundary, where such land is outside the LPA and is 35 acres or more in area.

2 Controlling regulations.

2.1 Except as stated herein, no party shall agree with any landowner, or other person or entity, to allow development on the TDR sending sites or the TDR receiving sites which does not comply with this agreement. Boulder County agrees that approval of any proposed development on the TDR receiving sites within or contiguous to the LPA shall be subject to review and approval by the city.

2.2 The city and Boulder County agree to adopt their own procedures, plans, policies, ordinances, or other regulations to implement and enforce the provisions of this agreement, and to give the other party notice to comment on the same.

2.3 This agreement shall not restrict the city's authority to annex property, or regulate the use and Development on any annexed property or other property within its boundaries, according to Colorado law, the Longmont Municipal Charter, and Longmont Municipal Code, as amended from time to time.

2.4 This agreement shall not restrict Boulder County's ability, under its regulations, to approve receiving sites outside the LPA, and to approve Development on receiving sites outside and not contiguous to the LPA.

3 TDR sending sites.

3.1 The parties agree that all land within the TDR sending sites shall be eligible to participate in Boulder County's transferred development rights planned unit development program.

4 TDR receiving sites.

4.1 The parties agree that all land within the TDR receiving sites shall be eligible to participate in Boulder County's transferred development rights planned unit development program.

4.2 Upon confirmation by Boulder County that the land is within the TDR sending sites, and after Boulder County's issuance and recordation of its certificate(s) of development rights, according to its regulations, Boulder County and the city may jointly approve the location of Development represented by the certificate(s) of development rights upon land within the TDR receiving sites located within or contiguous to the LPA.

4.3 Boulder County and the city, either individually or collectively, upon acquisition of certificate(s) of development rights from land within the TDR sending sites, shall have the right to market those rights to others who may seek development within the TDR receiving sites.

4.4 Approval by the county of a final plat on a TDR receiving site shall be subject to the following city requirements:

A. The developer shall pay all development fees, which would be otherwise applicable if the property were in the city, to the city before the county issues any individual building permits for any lot in the development.

B. Since it would be of benefit to the city, all developments will be served by city sewer service, and the property owners will be subject to city sewer fees and regulations governing provision of that service. The developer shall design and construct all off-site and on-site sewer lines at its own expense and shall pay to the city the required system development fees for each tap before any individual building permit is issued.

C. The city shall review all final plans and approve construction plans required to comply with city standards or conditions of approval specified by the city council.

D. All adjacent arterial and collector street rights-of-way, as identified by the city, shall be dedicated on the final plat to the city or county, as jurisdiction is appropriate, and, where applicable, the developer's share of street improvements and applicable costs associated with the right-of-way frontages, including landscaping improvements, shall be paid to the city prior to recordation of the final plat.

E. The final plat shall contain a notice to lot owners that the city reserves the right to require annexation of the property in the future, as a requirement of the provision of city sewer service.

F. The developer shall be required to execute a development agreement setting forth the specific requirements for the provision of public utilities and payment of fees.

G. The city council in its sole discretion may determine to waive compliance with any requirement set forth in subsection A above with respect to a specific development, which waiver shall be evidenced by in the development agreement.

5 Conservation easements in the TDR area.

5.1 Within the TDR area, Boulder County shall obtain conservation easements for continued agricultural production or preservation of the land's identified environmental resource values on land in the TDR sending sites that participates in the Boulder County transferred development rights planned unit development program, and shall require the easements to be granted to Boulder County and the city jointly.

5.2 Within the LPA, Boulder County shall obtain conservation easements on land participating in the Boulder County transfer development rights planned unit development program, and shall require the easements to be granted to Boulder County and the city jointly. The conservation easements shall require that such lands remain open, but may provide for other recreational uses beyond those permitted under paragraph 5.1 above, as may be agreed by Boulder County and the city at the time such easements are granted. Upon the annexation by the city of any land within the LPA upon which a conservation easement has been obtained pursuant to this agreement, Boulder County shall forthwith deed to the city its interest in the conservation easement.

5.3 Any conservation easements granted jointly to Boulder County and the city, under this agreement, shall not be construed as county-owned open space under C.R.S. § 31-12-104(l)(a).

6 Agreement term.

6.1 The term of this agreement shall commence on the effective date, and continue until May 31, 2016, unless renewed or extended by the mutual consent of the city and Boulder County. However, either party may terminate this agreement, at any time and for any reason, upon one year written notice to the other party. The city and Boulder County agree that termination shall not affect the validity of conservation easements, nor Development approvals, that may occur during the term of this agreement.

7 Defense of claims.

7.1 If any person, other than the parties, allegedly aggrieved by any provision of this agreement should sue Boulder County or the city concerning this agreement, Boulder County shall, and the city may, defend such claim upon receiving timely and appropriate notice of pendency of such claim. Defense costs shall be paid by the party providing such defense. If any person, other than Boulder County, should obtain a final money judgment against the city for the diminution in value of any regulated parcel resulting from regulations in this agreement or regulations adopted by the city in implementing this agreement, Boulder County shall, to the

extent permitted by law, indemnify the city for the amount of said judgment. Nothing contained in this agreement shall constitute any waiver by the city or Boulder County of the provisions of the Colorado Governmental Immunity Act or other applicable immunity defense. This provision shall survive termination of this agreement, and be enforceable until all claims are precluded by statutes of limitation.

8 Notice.

8.1 Any notice required by this agreement shall be in writing. If such notice is hand delivered or personally served, it shall be effective immediately upon such delivery or service. If given by mail, it shall be effective upon receipt, and addressed as follows:

City of Longmont
Attention: Community Development Director
Civic Center Complex
408 Third Avenue
Longmont, Colorado 80501

County of Boulder
Attention: Parks and Open Space Director
P.O. Box 471
Boulder, Colorado 80306-0471

9 Miscellaneous provisions.

9.1 *Amendments.* This agreement may be amended only by mutual agreement of the parties and shall be evidenced by a written instrument authorized and executed with the same formality as accorded this agreement.

9.2 *Headings for convenience.* All headings, captions and titles are for convenience and reference only and of no meaning in the interpretation or effect of this agreement.

9.3 *Governing law and venue.* This agreement, and the rights and obligations of the parties hereto, shall be interpreted and construed according to the laws of the State of Colorado, and venue shall be in the County of Boulder.

9.4 *Severability.* If this agreement, or any portion of it, is for any reason held invalid or unconstitutional in a final and non-appealable decision by any court of competent jurisdiction, the entire agreement shall terminate. The parties agree that every provision of this agreement is essential and not severable from the remainder.

9.5 *Provisions construed as to fair meaning.* The provisions of this agreement shall be construed as to their fair meaning, and not for or against any party based upon any attributes to such party of the source of the language in question.

9.6 *Compliance with ordinances and regulations.* This agreement shall be administered consistent with all current and future laws, rules, charters, ordinances and regulations of the city and Boulder County.

9.7 *No implied representations.* No representations, warranties or certifications, express or implied, between the parties exist except as specifically stated in this agreement.

9.8 *No third party beneficiaries.* None of the terms, conditions or covenants in this agreement shall give or allow any claim, benefit, or right of action by any person not a party hereto. Any person other than the city or Boulder County receiving services or benefits under this agreement shall be only an incidental beneficiary.

9.9 *Integrated agreement and amendments.* This agreement is an integration of the entire understanding of the parties with respect to the matters stated herein. The parties shall only amend this agreement in writing with the proper official signatures attached thereto.

9.10 *Financial obligations.* This agreement shall not be deemed a pledge of the credit of the city or Boulder County. Nothing in this agreement shall be construed to create a multiple-fiscal year direct or indirect debt, or financial obligation.

9.11 *Waiver.* No waiver of any breach or default under this agreement shall be a waiver of any other or subsequent breach or default.

15app.E-051.png

APPENDIX E-2

THIRD AMENDED LONGMONT PLANNING AREA COMPREHENSIVE DEVELOPMENT PLAN INTERGOVERNMENTAL AGREEMENT

This intergovernmental agreement by and between the City of Longmont, a Colorado home rule municipal corporation (Longmont), and the County of Boulder, a body politic and corporate of the State of Colorado (Boulder County); (collectively the "parties").

WITNESSETH:

WHEREAS, C.R.S. § 29-20-101 et seq., as amended, enables the parties to enter into intergovernmental agreements to plan for and regulate land uses, in order to minimize

the negative impacts on the surrounding areas and protect the environment, and specifically authorizes local (i.e., city and County) governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by means of a "comprehensive development plan"; and

WHEREAS, in order to ensure that the unique and individual character of Longmont and of the rural area within Boulder County outside the Longmont Planning Area (hereinafter "the LPA") are preserved, the parties believe that a comprehensive development plan which recognizes the area of potential urbanization within the LPA which would not be interrupted by Boulder County open space, accompanied by a commitment by Longmont for the preservation of the rural character of lands surrounding the LPA within Boulder County, is in the best interest of the citizens of each of the parties; and

WHEREAS, the parties find that the acquisition of open space by Boulder County within the LPA does not serve the public interest in that Longmont's plan for infrastructure and other services to the LPA should occur without unanticipated interruptions brought by open space purchases within the LPA; and

WHEREAS, the parties find that providing for the area outside the LPA within Boulder County to remain as rural in character through the term of this agreement for the purpose of preserving a community buffer serves the economic and civic interest of their citizens and meets the goals of the Boulder County Comprehensive Plan; and

WHEREAS, with respect to the annexation provisions herein, the City of Longmont declares that the area outside the LPA within Boulder County is not appropriate for urban development, unless certain criteria are met, during the term of this agreement; and

WHEREAS, consistent with the municipal annexation, utility service, and land use laws of the State of Colorado, this agreement, including specifically the annexation and open space portions hereof, is intended to encourage the natural and well-ordered future development of each party; to promote planned and orderly growth in the affected areas; to distribute fairly and equitably the costs of government services among those persons who benefit therefrom; to extend government services and facilities to the affected areas in a logical fashion; to simplify providing utility services to the affected areas; to simplify the governmental structure of the affected areas; to reduce and avoid, where possible, friction between the parties; and to promote the economic viability of the parties; and

WHEREAS, the functions described in this agreement are lawfully authorized to each of the parties which perform such functions hereunder, as provided in article 20 of title 29; part 1 of article 28 of title 30; part 1 of article 12 of title 31; and parts 2 and 3 of article 23 of title 31; CRS, as amended; and

WHEREAS, C.R.S. § 29-1-201 et seq., as amended, authorizes the parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, article XIV, § 18(2); and

WHEREAS, the parties have each held hearings after proper public notice for the consideration of entering into this agreement and the adoption of a comprehensive development plan for the subject lands, hereinafter referred to as the "plan area," as shown on the map attached hereto as Exhibit A; and

WHEREAS, the parties desire to enter into this intergovernmental agreement in order to plan for the use of the lands within the plan area through joint adoption of a mutually binding and enforceable comprehensive development plan.

NOW THEREFORE, in consideration of the above and the mutual covenants and commitments made herein, the parties agree as follows:

1. **Longmont Planning Area (LPA) Comprehensive Development Plan.**

   This agreement, including the map attached hereto as Exhibit A, is adopted by the parties as the Longmont Planning Area (LPA) Comprehensive Development Plan (the "plan") governing the plan area. The "plan area" is hereby defined as the unincorporated area of Boulder County outside the Longmont Planning Area as shown on Exhibit A, or as subsequently amended in accordance with this agreement.

2. **Annexation provisions.**

   (a) Longmont agrees that it will disclose to Boulder County any and all instances in which they receive an application for annexation of land outside the LPA within Boulder County. Further, Longmont commits that it is not currently pursuing any annexations within the Rural Preservation Area. Also, Boulder County commits that it will not actively pursue open space acquisitions in the LPA not currently designated as open space.

   (b) The area outside the LPA is intended to remain in Boulder County's regulatory jurisdiction for the term of this agreement, unless changed by mutual agreement of the parties. Further, the city council of the City of Longmont, by authorizing the execution of this agreement, finds and determines that there is no community of interest between said area and the city for the term of this agreement, and the city will annex lands outside the LPA within Boulder County only pursuant to mutual agreement of the parties.

   (c) The city agrees that, during the term of this agreement, it will expand the LPA within Boulder County only pursuant to mutual agreement of the parties. Expansion would include only properties adjacent to the then existing LPA boundary, and would not be comprised of flagpoles to nonadjacent properties. The city and Boulder County agree to the following set of criteria by which proposals for expansion of the LPA will be allowed by the city council and the Board of County Commissioners.

      (1) Transfer of development rights—(TDR) receiving sites, in accordance with the Longmont TDR IGA, and TDR sending sites in accordance with the map attached thereto.

      (2) Major industrial user—If land inside LPA does not meet the needs of the development. The developer must demonstrate that factors other than land price preclude building within the LPA.

      (3) Changes in the rural character of land (e.g., existing unincorporated residential subdivisions) outside the LPA that would be better served by the urban structure of Longmont (e.g., creation of significant institutional uses or the presence of existing residential subdivisions on surrounding unincorporated area properties).

      (4) Enclaves of more than one home site per five acres and which result from annexation that has left county property an island surrounded by Longmont, and where the provision of infrastructure from the City of Longmont would be more beneficial to property owners.

   (d) Longmont Planning Area. The map portion of this plan identifies areas encompassing the LPA, which are currently located within unincorporated Boulder County but which may in the future and possibly during the term of this agreement, be annexed to the City of Longmont. By authorizing the execution of this agreement, Boulder County finds and declares that a community of interest in the area designated as the LPA on Exhibit A of this plan, which is attached hereto and incorporated herein, exists with the City of Longmont.

   (e) Any property located within the current municipal limits of Longmont, and any property which hereafter annexes to Longmont in accordance with the provisions of this agreement, which subsequently is disconnected from the municipality, shall thereafter, for purposes of this agreement, continue to be within the LPA unless excluded by action of the city.

3. Open space.

(a) Any of the lands shown on the attached Exhibit A of the plan outside the LPA may be acquired as open space by either of the parties.

(b) Boulder County agrees that, for the term of this agreement, it will not purchase any of the lands within the LPA for open space purposes, excepting only those lands which are designated "open space" on the Longmont Area Comprehensive Plan or otherwise changed to open space pursuant to an LACP amendment, and excepting those lands which are currently under contract or for which a letter of intent has been sent to the owner and which have been referred to the City of Longmont and except for those lands for which the consent of the city council has been obtained as provided in section 5. Nothing in this section is intended to affect the continued ownership and maintenance of open space lands within the LPA which Boulder County currently owns or which are currently under contract with Boulder County or for which a letter of intent has been sent to the owner, and which have been referred to the city for comment.

(c) For lands within the LPA upon which Boulder County currently owns a conservation easement (identified on Exhibit A), Longmont agrees that it will annex said land only after release of the conservation easement thereon by Boulder County (except for those easements which automatically terminate upon annexation by any municipality) and will thereafter approve development of said land only in accordance with the provisions for TDR receiving and sending sites in the Longmont TDR Comprehensive Development Plan Intergovernmental Agreement (hereinafter "TDR Agreement") previously executed by these parties. Upon expiration of said TDR Agreement and for the term of this agreement, these lands will continue to be governed by the provisions of the TDR Agreement, said provisions being incorporated into this agreement as if fully set forth herein. It is the intent of the parties that this agreement, and to the extent cross-referenced herein the Longmont TDR IGA, be and is the sole mutually adopted comprehensive plan related to these lands. However, nothing herein shall be construed to rescind Longmont's adoption and application of its comprehensive plan(s) to these lands.

(d) In the event Boulder County purchases 40 acres of John M. Keyes Trust farm, located within the LPA, Boulder County agrees it will provide Longmont the right-of-way necessary for the extension of Pike Road across said parcel upon such terms and conditions as are mutually agreed, including at least 120 foot width for an arterial street, and located as shown on the Longmont Comprehensive Plan, unless otherwise mutually agreed. Boulder County further agrees to allow Longmont to construct, operate, and maintain a trail under its St. Vrain River Greenways program, across the Keyes parcel through which the St Vrain River runs.

4. City of Longmont utilities and arterial highways.

It will be necessary for the city to seek additional water supplies, water storage, and water and sewer transportation and treatment facilities, both within and without the plan area. The areas designated in the map portion of Exhibit A as the LPA shall be deemed to be the city's "Service Area" for all purposes, including, but not limited to, Boulder County's Regulations of Areas and Activities of State Interest in article 8 of the Boulder County Land Use Code. To the extent such supplies and facilities are necessary to serve development within the LPA which is consistent with the provisions of this agreement, the County agrees to use its best efforts in good faith to take action under any permitting requirements without undue delay, recognizing applications for such permits as being in conformance with this comprehensive development plan.

To this end, the county agrees that the city, in applying for such permits under the provisions of the Regulation of Areas and Activities of State Interest in article 8 of the Boulder County Land Use Code, shall not be required to demonstrate compliance with the following provisions of said Regulation: sections 8-511 B.3, 10, 11, 12, 13 and 14 C.l and 2.a, D and E. section 8-511 C.2.b shall not apply to applications for projects that involve the removal of native agricultural water rights after the effective date of this agreement from land located within the Longmont Planning Area or TDR receiving sites located within the TDR Area. For the purposes of this agreement, TDR receiving sites and TDR Area shall have the same meanings as set forth in the Intergovernmental Agreement Between the City of Longmont and County of Boulder Concerning Transferred Development Rights which was effective as of February 5, 1996. Sections 8-511 B.5.c and d shall only be applicable to sanitary sewage facilities. sections 8-511 B.5.b, e, f and g, B.6, 7 and 8 shall apply to site location, construction and operation of facilities within areas designated on maps 2, 3 and 4 of the Boulder County comprehensive plan, and with respect to other areas shall be limited in its application to construction and operation of such facilities. The application of section 8-511 B.7 concerning archeological resources shall be limited to a determination whether archeologically-significant resources will be negatively impacted by the proposed project, and if so, provide for mitigation of those impacts. The application of section 8-511B.5.h concerning geologic hazards shall be limited to resolution of floodplain issues. The remaining portions of section 8-511 shall only be applicable to the direct, site specific, impacts of the proposal. The county through the Board of County Commissioners finds pursuant to section 8-504 of the Boulder County Land Use Code, that this intergovernmental agreement shall serve in lieu of review of permit applications under those regulations of article 8, section 5 of the County Land Use Code which are limited herein, to the extent of such limitations. section 8-407 shall exempt all upgrades to existing facilities that are required maintenance or otherwise required by federal, state, or county regulations, including repairing and/or replacing old or outdated equipment, or installing new equipment, provided the improvements do not expand levels of service beyond the design capacity, and provided further that the upgrade does not alter the location of the existing facility.

Boulder County agrees to exempt Longmont from the Regulations of Areas and Activities of State Interest in article 8 of the Boulder County Land Use Code, if Boulder County passes amendments to those regulations governing arterial highways and interchanges. Specifically, this exemption shall apply to:

(a) The site section and construction of arterial highways and interchanges by Longmont within the LPA, which are designated on the Longmont Comprehensive Plan as adopted as of the effective date of this agreement; and

(b) Areas around arterial highway interchanges (as those areas are defined in the County's regulations), which interchanges are designated on the Longmont Comprehensive Plan, as adopted as of the date of this agreement.]

5. Implementation procedures.

A plan amendment agreed to by both the city and county must occur in order to annex, or allow any use or development, or acquire for open space any parcel within the plan area where such annexation, use or development, or acquisition does not comply with the plan. Where the county seeks to acquire land for open space within the LPA after referral as provided in section 6(a), the City Council may, by resolution, agree to such acquisition and may condition its consent, and substantial compliance with such conditions shall be required for such acquisition to proceed.

The parties each agree to undertake all steps to adopt procedures, plans, policies, and ordinances or other regulations as may be necessary to implement and enforce the provisions of this plan. The parties agree that, in adopting such procedures, plans, policies, ordinances or regulations, each will give the other party sufficient advance notice of such action as will enable such party, if it so desires, to comment upon the planned actions of that party.

6. Referrals.

(a) Any application for annexation or development on any parcel outside the LPA, and/or any proposal for acquisition of open space within the LPA, shall be referred in writing to the other party, and no action shall be taken thereon by the referring party until the receiving party has had the opportunity to respond concerning the proposal's conformity to this plan and any other land use concerns, provided those comments are made within existing state and local regulations regarding the processing of the application. All such responses shall be sent within 30 days of the date of receipt of the referral by the receiving party.

(b) The city shall refer in writing to the county, any application for annexation and/or development, for an amendment to the Longmont Comprehensive Plan, for any parcel within the LPA and outside of the Municipal Service Area, unless otherwise determined through this agreement.

(c) The county shall refer in writing to the city, any application for discretionary development and/or amendment to the Boulder County Comprehensive Plan for any parcel within the St. Vrain Valley Planning Area, Longmont Planning Area, or Municipal Service Area unless otherwise determined through this agreement.

(d) Annexation applications of ten or more acres within the LPA, and Longmont Area Comprehensive Plan amendments shall adhere to the following referral process unless otherwise determined through this agreement:

(i) The staff of the referring party shall send the receiving party the pertinent information.

(ii) The staff of the receiving party shall have 30 days from the date of receipt of the referral to respond in writing to the referring party, unless otherwise required by state statute. The receiving party will call the referring party for clarification on questions and to give an idea of issues before sending formal comments. If the referring party does not receive a response within the 30 day period, the referring party may assume that the receiving party has no conflict with the proposal.

(e) Annexation applications of less than ten acres within the LPA and county discretionary review processes other than PUD development, shall adhere to the following referral process unless otherwise determined through this agreement:

(i) The staff of the referring party shall mail the receiving party the pertinent information.

(ii) The staff of the receiving party shall have 14 days from the date of receipt of the referral to respond in writing to the referring party, unless otherwise required by state statute. The receiving party will call the referring party for clarification on questions and to give an idea on issues before sending formal comments. If the referring party does not receive a response within the 14 day period, the referring party may assume that the receiving party has no conflict with the proposal.

(f) Every six months, each party shall provide the other party with a written notice of the status of each referral, including but not limited to, the status of the proposal within the approval process and, if applicable, the final density approved for a proposal.

7. Amendments.

This plan contains the entire agreement between the parties. Any proposed amendment of the plan affecting the jurisdiction over lands or the development regulation of lands must be referred to the other party by the regulatory party. The "regulatory party" is hereby defined as the party having final land use or annexation approval jurisdiction, as the context requires. Amendment of the plan shall take place only upon approval by resolution or ordinance adopted by the governing body of each of the parties, after notice and hearing as may be required by law. The regulatory party shall not approve nor permit any development or change of use of any parcel in the plan by any means in a manner inconsistent with this agreement until and unless the plan has been amended so that the proposed development or use of such parcel is consistent with the plan.

8. Non-severability.

If any portion of this plan is held by a court in a final, non-appealable decision to be per se invalid or unenforceable as to any party, the entire agreement and the plan shall be terminated, it being the understanding and intent of the parties that every portion of the agreement and plan is essential to and not severable from the remainder.

9. Beneficiaries.

The parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the plan, and no other person or entity is so intended.

10. Enforcement.

Any one or more of the parties may enforce this agreement by any legal or equitable means including specific performance, declaratory and injunctive relief. No other person or entity shall have any right to enforce the provisions of this agreement.

11. Defense of claims/indemnification.

If any person allegedly aggrieved by any provision of the plan and who is not a party to the plan should sue any party concerning such plan provision, Boulder County shall, and any other party may, defend such claim upon receiving timely and appropriate notice of pendency of such claim. Defense costs shall be paid by the party providing such defense.

In the event that any person not a party to the plan should obtain a final money judgment against any party who is the regulatory party for the diminution in value of any regulated parcel resulting from regulations in the plan or regulations adopted by such party implementing the plan, Boulder County shall, to the extent permitted by law, indemnify such party for the amount of said judgment.

12. Governing law and venue.

This agreement shall be governed by the laws of the State of Colorado and venue shall lie in the County of Boulder.

13. Term and effective date.

This agreement shall become effective when signed by authorized representatives of the governing bodies of each of the parties. Except as provided herein, this agreement shall remain in effect for a period of 20 years, unless terminated prior thereto by agreement of all the parties or pursuant to the terms of section 7 above.

At any time until 90 days prior to the tenth anniversary of the effective date of the agreement, either party may give written notice to the other party by first class certified mail that it intends to terminate the agreement effective on that anniversary and may, accordingly, terminate the agreement.

Each party shall, at least 90 days before the then current expiration date, hold a duly noticed public hearing to determine whether the term of this agreement shall be extended an additional five years from the expiration date then in effect. Notices of the hearing and subsequent action of the party shall be sent to the other party.

14. Party representatives.

Referrals made under the terms of this agreement shall be sent to the parties' and parties' representatives as follows:

ENTITY	REPRESENTATIVE

County of Boulder	Director, Land Use Department P.O. Box 471 Boulder, CO 80306
City of Longmont	Director of Community Development Civic Center Complex 350 Kimbark Street Longmont, CO 80501

Name and address changes for representatives shall be made in writing, mailed to the other representatives at the then current address.

THIS AGREEMENT made and entered into to be effective on the date as set forth above.

15app.E-052.png

APPENDIX E-3

EXHIBIT A

SECOND AMENDED INTERGOVERNMENTAL AGREEMENT CONCERNING FAIR CONTRIBUTIONS FOR PUBLIC SCHOOL SITES BETWEEN THE CITY OF LONGMONT AND THE ST. VRAIN VALLEY SCHOOL DISTRICT RE-1J

Effective November 15, 1995

Amended July 11, 2006

This agreement is entered into by and between the City of Longmont (city), a municipal corporation, and the St. Vrain Valley School District RE-1J (School District), a political subdivision of the State of Colorado, to be effective as of the 15th day of November, 1995 (Effective Date).

RECITALS

A. Pursuant to C.R.S. § 31-23-202, as amended, and article XX of the Colorado Constitution, the city council of the City of Longmont has adopted the Longmont Area Comprehensive Plan (LACP) which provides goals and policies to plan for the orderly growth of the city.

B. Local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to C.R.S. § 29-20-105, for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations.

C. The city and school district have cooperated with respect to managing the orderly growth of the community of Longmont by identifying potential public school site locations in the LACP.

D. Growth in residential land development and the construction of new residential dwellings in the city necessitates the acquisition of additional public school sites to accommodate the corresponding increases in the student population. Requiring land dedication or conveyance for public school sites, or payments in-lieu of land dedication or conveyance for public school sites, (hereinafter collectively referred to as "fair contribution for public school sites"), will provide a portion of the land to meet such demand.

E. To provide adequate public school sites to serve the city residents of newly constructed residential dwelling units, it is appropriate that the school district and city cooperate in the area of public school site acquisition by use of fair contribution for public school sites.

F. Requiring fair contribution for public school sites implements the goals and policies of the LACP to make provision for public improvements in a manner appropriate for a modern, efficiently functioning city and to ensure that new development does not negatively impact the provision of municipal services.

G. The Municipal Charter grants the city the power of local self-government and home rule, and it is a reasonable exercise of this power to require fair contribution for public school sites as a method of ensuring that new residential construction and residential development bear a proportionate share of the cost of public school site acquisition necessary to accommodate the educational service capacity demands of the residents who will be living in the new dwelling units.

H. Requiring fair contribution for public school sites for new residential construction and development is reasonable and necessary to protect, enhance, and preserve the public health, safety, and welfare of the city's citizens.

I. The city and school district, upon consideration of the impacts of new residential construction and residential land development on the ability of the school district to provide public school facilities in the city, agree that it is in the best interests of the citizens of the city to mutually enter into an intergovernmental agreement for the purpose of providing for fair contribution for public school sites, as provided in this agreement.

J. The city and school district do hereby define the rights and obligations of each entity with respect to planning for new public school sites and fair contribution for public school sites.

AGREEMENT

NOW, THEREFORE, in consideration of the objectives and policies expressed in the recitals and the mutual promises contained in this agreement, the city and school district agree as follows:

1. **School site coordination and development referrals.**
   a. The city has adopted the LACP which identifies potential public school locations in the Longmont Planning Area. The school district agrees to locate future public school sites in conformity with the LACP designations, insofar as is feasible, and to consult with and advise the city in writing in advance of public school site acquisition and site development.
   b. The city shall refer to the school district all residential land development applications for review and comment concerning the adequacy of public school sites and facilities. The city will consider the school district's comments in conjunction with the review and processing of each individual residential development application, and will implement land dedication for public school sites or payments in-lieu of land dedication for public school sites consistent with this agreement and the Municipal Code then in effect. If a nonresidential land development application is filed with the city that may have influence or effect on property owned by or activities of the school district, the city shall also refer information pertaining to that application to the school district for review and comment. The school district agrees to promptly review the referred development application and promptly submit its comments, recommendations, and requests to the city.
   c. The city shall cooperate with the school district in any amendments to the LACP. Such cooperation shall consist of providing advance notice of any pending or forthcoming LACP amendments to the school district, and formal referral during the city review process. The city shall consider the comments of the school district in making its decision with regard to modifications or amendment to the LACP.
2. **Methodology.**
   a. Contemporaneous with the effective date and the effective date of the city Municipal Code amendment requiring fair contribution for public school sites, the city agrees to enforce such Municipal Code amendment as a precondition to the lawfully authorized construction of new residential dwelling units not otherwise exempted under section 5 below.
   b. The school district has amended and adopted a methodology, dated July 11, 2006, (methodology) to determine fair contribution for public school sites for five categories of dwelling units. The parties agree the methodology has been developed in a manner so as to fairly apportion the cost of acquiring public school sites made necessary by new residential development. Copies of the methodology, as defined below, are on file in the respective offices of the parties.
   c. As part of the methodology, the school district has adopted planning standards related to facility enrollment capacities, public school site acreage requirements, and student yields for each of five types of residential dwellings (single family homes, duplexes/triplexes, multifamily units, condos/townhouses, and mobile homes). The city and the school district agree that the methodology is reasonable and the approved then-current methodology shall apply to new residential construction within the city. The methodology shall be the basis for computing the fair contribution for public school sites for new residential construction. The city and school district agree that the methodology adopted by the school district shall be periodically reviewed and revised to reflect the current standards and conditions within the school district.
   d. Unless and until modified by the parties, the methodology and its supplementary background materials shall include, but shall not be limited to, the following factors:
      (1) School planning standards which establish the student yields and technical and educational specifications for facilities for each category of school facility (elementary, middle, and high school levels), consistent with the policy of the board of education of the school district;
      (2) The capacity demand for each category of school facility resulting from each category of residential dwelling (single family, duplexes/triplexes, multifamily units, condos/townhouses, and mobile homes);

(3) The means for determining the per acre fair market value of land for each type of residential dwelling; and

(4) The procedure for calculating fair contribution for public school sites required and applicable to each type of residential dwelling.

e. The methodology shall be updated periodically as conditions warrant by the mutual consent of the city and the school district. A copy of the updated methodology shall be furnished to the city within 30 days after its adoption by the school district. The city shall hold a public hearing before revising the methodology.

3. Fair contribution for public school sites requirement.

a. As fair contribution for public school sites, any person or entity making any development application to the city (developer) as part of a residential land development application that includes land identified in the LACP for a public school site ("school site"), shall dedicate or convey such school site to the school district. Residential development applications that do not include school sites shall require a payment in-lieu of land dedication or conveyance to the school district. The manner and amount of either type of fair contribution for public school sites shall be as stated in this agreement and the referenced methodology. This shall not preclude the school district and any developer from mutually agreeing to resolve the issue of fair contribution for public school sites in a manner other than as stated above.

b. If the fair contribution for public school sites includes the dedication of land, according to paragraph 3.a. above, the city agrees, before recording of the final plat, to require proof that the dedication has been made to the school district in accordance with the following requirement:

(1) The developer shall convey title to the land to the school district by general warranty deed, 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.

(2) At the time of conveyance, the developer shall provide an ALTA title insurance policy insuring the title described above in an amount equal to the fair market value of the dedicated property.

(3) The developer shall locate and configure the dedicated or conveyed land so that, as determined by the school district, it can properly accommodate a school campus.

(4) The developer shall satisfy the city's water rights requirement for the land conveyed, before conveying the property to the school district.

(5) In addition to any lands dedicated or conveyed, the developer shall provide to the school district an option to purchase abutting lands identified as a school site at their fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel which meets the school district's land area requirements listed in the LACP.

c. If the fair contribution includes the dedication of land, the developer shall, no later than the issuance of the first building permit for the subdivision, construct or provide for the payment for the construction of one-half of adjacent street development costs for the land dedicated to the school district under this section; construct or provide for payment of the costs associated with making improvements for water, sewer, gas, electric, and other normal utilities stubbed to the dedicated land; and grade or provide payment for the overlot grading of the dedicated land. The developer shall also furnish any off-site easements that the school district needs to develop the site.

d. The city agrees that before issuing a building permit for any residential dwelling unit not otherwise exempted under section 5 below, it will require proof that the fair contribution for public school sites, according to paragraph 3.a. above, has been received by the school district. The superintendent of the school district, or the superintendent's designee, shall provide such proof in a timely manner to the city manager of the city, or the city manager's designee.

e. Nothing contained in this agreement shall preclude the school district from commenting to the city upon the adequacy of public school sites or facilities, necessary in its judgment, to serve the proposed residential land development project.

4. Use of fair contribution for public school sites.

a. The school district shall hold or deposit in trust for public school sites all funds it receives as fair contribution for public school sites, and all funds it may receive from the sale of land dedicated or conveyed as fair contribution for public school sites. The school district shall meet all requirements of C.R.S. §§ 29-1-801 to 29-1-803, if applicable. The school district shall be solely responsible for each fair contribution for public school sites it receives. No fair contribution for public school sites shall constitute revenue of the city under the provisions of article X, section 20 of the Colorado Constitution.

b. The school district shall use all funds it receives as fair contribution for public school sites solely for acquisition, development or expansion of public school sites designated in the LACP within the senior high school feeder attendance area boundaries that include the residential dwelling unit for which the fair contribution for public school sites was paid. Subject to the limitations in this agreement, the time for, nature, method, and extent of each public school site acquisition shall be within the sole discretion of the school district.

c. Except as otherwise provided in this agreement, the school district shall tender for refund any funds received as fair contribution for public school sites, the school district has not used for acquisition or development of public school sites within nine years of collection with interest earned and credited according to C.R.S. §§ 29-1-801 to 29-1-803, to the developer who made the fair contribution for public school sites. The school district shall give written notice by first-class mail to the developer who made the fair contribution for public school sites at his or her address as reflected in the records maintained by the school district. If the developer does not file a written claim for refund of the funds with the school district within 90 days of the mailing of such notice, the fair contribution for public school sites refund shall be forfeited and surrendered to the city for capital facilities or improvements that will benefit the residence for which fair contribution for public school sites funds were paid.

5. Exemptions from fair contribution for public school sites.

a. The following uses within the city's boundaries shall be excepted from fair contribution for public school sites:

(1) Construction of any nonresidential building or structure;

(2) 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;

(3) Construction of any building or structure 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; and

(4) Construction of any residential building or structure classified as housing for older persons, pursuant to the federal Fair Housing Act then in effect.

6. Annual report, accounting, and audit.

a. The school district shall submit an annual report on or before March 1 of each year to the city describing the school district's use of the fair contribution for public school sites funds during the preceding fiscal year. This report shall also include:

(1) A review of the assumptions and data upon which the methodology is based, including student generation ratios, and attendance area boundaries;

(2) Statutory changes or changes in the methodology, including the school planning standards, and in school district policies related to acquisition or construction of school sites and facilities; and

(3) Any recommended modifications to fair contribution for public school sites land areas or amounts included in the methodology.

b. After receipt of the report, the city shall review it, considering those matters listed in the previous subsection, and complete its review within 60 days of receipt.

c. The school district shall establish and maintain a separate accounting system to ensure that all fair contribution for public school sites funds are used according to this agreement.

d. The school district shall cause an audit to be performed annually of the fair contribution for public school sites funds it receives, uses or expends under this agreement. The audit shall be conducted according to the generally accepted accounting principles for governmental entities. A copy of said audit shall be furnished to the city. The cost of the audit shall be paid for by the school district.

e. At any time the city deems necessary, the school district shall honor the city's request for an accounting from the chief financial officer of the school district concerning the school district's use of the fair contribution for public school sites.

7. Term of agreement.

The term of this agreement shall commence on the effective date, and continue for a period of ten years thereafter unless renewed or extended by the mutual consent of the city and the school district. However, either party may terminate this agreement, at any time and for any reason, upon one year written notice to the other party.

8. Miscellaneous provisions.

a. *Faith and credit.* Neither party shall extend the faith or credit of the other to any third person or entity.

b. *Amendments.* This agreement may be amended only by mutual agreement of the parties and shall be evidenced by a written instrument authorized and executed with the same formality as accorded this agreement.

c. *Notice.* Any notice required by this agreement shall be in writing. If such notice is hand delivered or personally served, it shall be effective immediately upon such delivery or service. If given by mail, it shall be certified with return receipt requested and addressed to the following addresses:

The City of Longmont Attention: City Manager Civic Center Complex 350 Kimbark St. Longmont, Colorado 80501	The St. Vrain Valley School District RE-1J Attention: Superintendent 395 S. Pratt Parkway Longmont, Colorado 80501

Notice given by mail shall be effective upon receipt.

d. *Governing law.* This agreement and the rights and obligations of the parties hereto shall be interpreted and construed in accordance with the laws of the State of Colorado.

e. *Severability.* If this agreement, or any portion of it, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the agreement.

f. *Indemnification.* The parties agree to cooperate in the defense of any legal action that may be brought contesting the validity of this agreement or the implementing ordinances. The school district shall be responsible for its attorneys' fees and, to the extent allowed by law, for the payment of any final monetary judgment entered against the city in any such action. Nothing contained in this agreement shall constitute any waiver by the city or the school district of the provisions of the Colorado Governmental Immunity Act or other applicable immunity defense. This provision shall survive termination of the agreement, and be enforceable until all claims are precluded by statutes of limitation.

g. *Provisions construed as to fair meaning.* The provisions of this agreement shall be construed as to their fair meaning, and not for or against any party based upon any attributes to such party of the source of the language in question.

h. *Compliance with ordinances and regulations.* This agreement shall be administered consistent with all current and future city laws, rules, charters, ordinances and regulations concerning land dedication or conveyance for public school sites, or payment in-lieu of land dedication or conveyance for public school sites.

i. *No implied representations.* No representations, warranties or certifications, express or implied, shall exist as between the parties, except as specifically stated in this agreement.

j. *No third party beneficiaries.* None of the terms, conditions or covenants in this agreement shall give or allow any claim, benefit, or right of action by any third person not a party hereto. Any person other than the city or the school district receiving services or benefits under this agreement shall be only an incidental beneficiary.

k. *Financial obligations.* This agreement shall not be deemed a pledge of the credit of the city or the school district, or a collection or payment guarantee by the city to the school district. Nothing in this agreement shall be construed to create a multiple-fiscal year direct or indirect municipal debt or municipal financial obligation.

l. *Integrated agreement and amendments.* This agreement is an integration of the entire understanding of the parties with respect to the matters stated herein. The parties shall only amend this agreement in writing with the proper official signatures attached thereto.

m. *Waiver.* No waiver of any breach or default under this agreement shall be a waiver of any other or subsequent breach or default.

APPENDIX E-4

AGREEMENT REGARDING WATER SERVICE AND BOUNDARIES

1. **Parties.** The parties to this agreement are the City of Longmont, a municipal corporation (city), and Left Hand Water District, a title 32 special district (district).
2. **Recitals and purpose.** The District owns and operates a treated water system in rural areas of Boulder and Weld Counties, including areas which are immediately adjacent to the corporate limits of the city. The District's boundaries include certain lands lying within the Municipal Service Area (MSA) or Longmont Planning Area (LPA). The purpose of this agreement is to set forth the terms and conditions upon which the District will provide service to present and future water users in such area, as well as to establish how the District will respond to future annexations to the city of properties which are included in or serviced by the District. Accordingly, in consideration of the mutual covenants, the parties agree to the terms and conditions set forth in the following paragraphs.
3.

City Comprehensive Plan/district service area. Attached as Exhibit A is a current map depicting the current boundaries of the city's MSA and LPA as currently designated by the Longmont Area Comprehensive Plan. The District recognizes that certain properties which it currently services lie within the MSA and LPA. Also set forth on Exhibit A are the boundaries of the District (designated service area) in relation to the city's municipal boundaries and the LPA and the expansion of the LPA proposed by the owner of the Mayeda Annexation.

4. **Continuation of service.** The parties agree that any existing water service provided by the District to any property currently within the city's LPA may continue until such time as that property is annexed to the city. For the purposes of this agreement, the term "annexation" means that point in time when the annexation ordinance is recorded in the records of Boulder County, Colorado and/or Weld County, Colorado, as applicable. Nothing in this paragraph shall be construed as a limitation on the ability of the parties to agree to a trade of taps/customers on a case by case basis pursuant to paragraph 13 herein.
5. **City's right to serve upon annexation.** Upon annexation by the city of property served by the District, the city, at its sole and absolute discretion, subject to this agreement, shall have the option of servicing such property through its municipal water utility system as follows:
   5.1 Recognizing that many of the properties to be possibly annexed by the city are rural residences upon large undeveloped tracts of land, the parties agree that, within 90 days of the city's receipt of an annexation petition, the District shall coordinate with the city to develop a plan to provide continued and uninterrupted water service to the residence or other structures on the property until such time as the property is receiving water service from the city.
   5.2 If an annexation petition is filed with the city for lands within the District, and if the Longmont City Council finds that the annexation petition is in substantial compliance with C.R.S. § 31-12-107, the city shall refer the annexation application to the District within 14 days of the city council's finding of substantial compliance. In addition, the city will provide the District at least 25 days' advance written notice of the date and time on which the city council will hold a public hearing on the annexation pursuant to C.R.S. § 31-12-108(2).
   5.3 In the event that the city elects not to provide municipal water service to the property at the time of annexation, the District shall continue to provide such service to the then existing tap(s) servicing such properties for such period of time as may be mutually agreed by the parties. Any continued service by the District shall be subject to its then existing rules and policies and nothing in this agreement shall be construed as an obligation of the District to provide service in contravention of such rules and policies. The city shall have the right to preempt such service at any later date upon 90 days' advance written notice to the District of the intended date of the changeover to the municipal system.
6. **Transfer of facilities, water rights, etc.** Upon annexation and the transfer of service to the property from the District to the city, the following shall occur:
   6.1 All raw water rights owned by the District shall be retained by the District.
   6.2 The city acknowledges that the District may require the property owner which is seeking annexation to pay all costs of exclusion and to reimburse the District an amount equal to the total revenue received by the District for the 36-month period preceding the filing date of the annexation application for each tap which will be disconnected from the District's system as result of the annexation.
   6.3 Unless the parties agree otherwise, the District shall convey to the city any existing water line(s) and non-publicly dedicated easements serving the property annexed if such water line(s) is/are capable of being integrated into the city's utility system, as determined by the city in its sole discretion. The compensation payable to the District for such line(s) and easements shall be determined in accordance with paragraph 11 below.
   6.4 The district shall retain whatever water lines and easements in the property annexed it may require, if any, for the continued operations of its remaining water system. Where feasible, both the city and the District may continue to jointly use those easements in which both the city and the District maintain water lines.
7. **Inclusions and expansion of service.**
   7.1 All future proposed inclusions of properties into the district and which lie within the city's existing MSA or LPA beyond those shown on the attached Exhibit A shall be subject to city's prior approval. Requests to the district for service and/or petitions to the district for inclusions of properties lying within the existing MSA or LPA shall be timely referred by the district to the city for its review within ten days of the district's receipt of such requests or petitions. The city shall approve or disapprove the proposed inclusion within 45 days of such referral.
   7.2 All future expansion of services by the District to properties which lie within the city's existing MSA or LPA as shown by Exhibit A shall be subject to city's prior approval. The term "expansion of services" shall include the addition of new taps on such parcels of property currently serviced by the District and the sale of new taps within the existing MSA or LPA. The purpose of this referral process is to provide assurance to the city that a new development immediately outside of its corporate limits can be evaluated to determine what impacts such development will have on the city's water system. The intent is not to totally preclude the District from extending or expanding water service or to preclude any development in Boulder or Weld Counties. The District agrees to consult with the city regarding the appropriate design, capacity and location of proposed new District lines within the MSA or LPA in order to avoid the necessity of duplicating line construction in the future as additional development occurs. The District further agrees to permit the city to participate in the line capacity of any new transmission line constructed by the District within the LPA. Approval by city council shall only be withheld on the grounds set forth in C.R.S. § 32-1-401(l)(c)(11), that is, that the city will provide adequate water service to the real property described in the petition for inclusion within a reasonable time and on a comparable basis.
8. **Consultation.** Whenever any distribution lines owned and operated by the District within the city's MSA or LPA are being replaced, expanded, or added to, the District agrees to consult with the city concerning such replacement, expansion or addition to such lines. If the city agrees to purchase such distribution lines (for the amount set forth in paragraph 11.1) when the property under which they are located is annexed to the city, they shall be designed to meet or, at the option of the District, to exceed the then applicable standards of the city, including fire flows. For the purposes of this agreement, a "distribution line" is a water line which is used to provide water service to taps within a subdivision or within a defined area and is eight inches in diameter or less. For the purposes of this agreement, a "transmission line" is a water line which transmits water for use in a grid or multiple area and which typically does not have taps connected directly into it, and is greater than eight inches in diameter.
9. **Exclusions from district.** Upon annexation by the city of property within the District, the city shall have the right to condition annexation upon the submittal by the property owner of a petition for exclusion from the District. The District agrees to timely process and grant such exclusion petition subject to payment by the property owner of any costs and reimbursements required by the District pursuant to paragraph 6.2 above. In the event of unilateral annexations, the city and the District shall stipulate to exclusion pursuant to proceedings initiated under C.R.S. § 32-1-502. The parties acknowledge that, under existing state statutes, objecting property owner(s) may petition the court for an election on the issue of continuation of services by the District, and that notwithstanding the provisions of this agreement, the parties are unable to agree to limit this statutory right. In addition, the District agrees to timely process and grant exclusion petitions submitted by the city as the owner of property which may lie within the District's boundaries. The city shall pay the normal publication and standard related costs of any such exclusions of such city owned property.
10. **Future expansion of LPA.** In the event the city expands its LPA or MSA beyond the LPA or MSA boundaries set forth on Exhibit A and into the District's service area which may be further amended from time to time hereafter, the provisions of this agreement shall govern such expansion to the extent that such provisions are applicable. In the event the provisions of this agreement are not applicable, the parties agree to meet, confer and negotiate in good faith concerning issues of mutual

concern including but not limited to:

10.1 The options available to providing water to such properties using existing infrastructures of the District.

10.2 Terms and conditions of a new agreement or an addendum to this agreement.

10.3 The parties acknowledge that the owners of the Mayeda Property which is depicted on Exhibit A have petitioned for expansion of the LPA and annexation of that property. The District agrees to timely process an exclusion petition if submitted for the Mayeda Property.

11. Compensation.

11.1 The city shall compensate the District in an amount reflecting the amortized value of any existing water line(s) serving property annexed by the city if, as determined by the city in its sole discretion, such water line(s) is/are integrated into the city's domestic water system. In the event that the parties cannot otherwise agree to the amortized value of the water line(s) to be integrated into the city's system, the following presumption shall be applied by the parties in deriving such value: a 40-year useful life shall be presumed and the value, based on original cost to the District, shall be calculated on the nearest half year from the date of construction.

11.2 In the event that the city determines to expand its LPA or MSA beyond the boundaries set forth on Exhibit A and the District has developed water storage facilities, water treatment plants and transmission facilities serving the area contemplated by the expanded LPA or MSA those facilities not existing as of the date of this agreement, prior to such expansion, the city shall agree as a function of the expansion of its LPA or MSA to restore the District with such moneys, based on original cost to the District, as remain unsatisfied which are attributable on a pro rata basis to the area sought for expansion as may be required to recoup such capital investment. Such amount shall be established and shall become due and payable at the time of annexation and assumption of domestic water service by the city.

12. Effective date. This agreement shall become effective upon its execution by the respective governing boards of each of the parties.

13. Tap trades. In the event taps are traded between the District and the city, such trades shall not be governed by this agreement. Such trades shall be considered as separate agreements to be reached on a case-by-case basis. It is understood by the parties that such trades are made for the mutual benefit of the parties and neither party is considered damaged.

14. General obligation bonds. The service plan of the District states that the District intends to issue only revenue bonds and does not intend to issue general obligation bonds. The District acknowledges that any plan by the District to issue general obligation bonds would constitute a material modification to District's service plan which would require the District to comply with statutory procedures applicable to service plan modifications.

15. Arbitration. Any dispute arising under this agreement which cannot be resolved by the parties shall be submitted to arbitration in Longmont, Colorado, by a board of three persons, one chosen by each party and the third by the two persons previously chosen. The parties agree to abide by the decision of the three-person board. If either party fails to choose a representative within ten days after demand for arbitration, the decision of the person chosen by the other party shall govern. The prevailing party may file such award with the clerk of the District Court of Boulder County who shall enter judgment thereon, and if such award requires the payment of money, execution shall issue on such judgment.

16. Assignment. This agreement shall not be assigned or delegated except with the prior written consent of the parties.

17. Notices. Any notice required or permitted by this agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified or registered mail, postage and fees prepaid, addressed to the party to whom such notice is intended to be given at the address set forth on the signature page below, or at such other address as has been previously furnished in writing to the other party or parties. Such notice shall be deemed to have been given when deposited in the U.S. Mail.

18. Exhibits. All exhibits referred to in this agreement are, by reference, incorporated in this agreement for all purposes.

19. Delays. Any delays in, or failure of, performance by any party of his or its obligations under this agreement shall be excused if such delays or failure are a result of acts of God, fires, floods, strikes, labor disputes, accidents, regulations or orders of civil or military authorities, shortages of labor or materials, or other causes, similar or dissimilar, which are beyond the control of such party.

20. Paragraph captions. The captions of the paragraphs are set forth only for convenience and reference, and are not intended in any way to define, limit, or describe the scope or intent of this agreement.

21. Additional documents or action. The parties agree to execute any additional documents and to take any additional action reasonably necessary to carry out this agreement.

22. Integration and amendment. This agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This agreement may be amended only by an instrument in writing signed by the parties. This agreement shall replace the agreement between the parties dated March 9, 1981.

23. Default and/or termination. All terms and conditions of this agreement are considered material and in the event that either party defaults in the performance of any of the covenants or agreements to be kept, done or performed by and under the requirements of this agreement, the non-defaulting party shall give the defaulting party 20 days' written notice of such default, and if the defaulting party fails and neglects or refuses for a period of more than 20 days thereafter to make good or perform the default, then the non-defaulting party, without further notice, may, in addition to any other remedies available to it, terminate all rights and privileges granted in this agreement and this agreement shall be of no further force or effect.

24. Waiver of breach. The waiver by any party to this agreement of a breach of any term or provision of this agreement shall not operate or be construed as a waiver of any subsequent breach by any party.

25. Binding effect. This agreement shall inure to the benefit of, and be binding upon, the parties, and their respective legal representatives, successors, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this agreement except as otherwise specifically authorized in this agreement. Except as expressly provided for in this agreement, the parties, by entering into this agreement, do not intend to grant or confer any rights or benefits to or upon any third party.

26. Governing law. This agreement shall be governed by the laws of Colorado.

27. Severability. If any provision of this agreement is declared by an arbitrator to be invalid, void or unenforceable, such provision shall be deemed to be severable, and all other provisions of this agreement shall remain fully enforceable, and this agreement shall be interpreted in all respects as if such provision were omitted.

APPENDIX E-5

COORDINATED PLANNING AGREEMENT

This Coordinated Planning Agreement is made and entered into effective as of the 26 day of, November, 2002, A.D., between the County of Weld, State of Colorado, whose address is 915 10th Street, P. O. Box 758, Greeley, CO 80632, hereinafter called the "COUNTY," and the CITY OF LONGMONT, a Colorado Municipality, whose address is 350 Kimbark Street, Longmont, CO 80501, hereinafter called the "MUNICIPALITY."

RECITALS

A. The county exercises governmental authority regulating land use, growth and development in its unincorporated areas, which areas include lands surrounding the municipality; and

B. The municipality exercises governmental authority over the same matters within its municipal boundaries, and annexations, and is able to provide municipal services and facilities for efficient and desirable urban development; and

C. In title 29, article 20, Colorado Revised Statutes, the General Assembly of the State of Colorado has granted broad authority to local governments to plan for and regulate the development and use of land within their respective jurisdictions; and

D. In said title 29, article 20, Colorado Revised Statutes, the General Assembly has further authorized and encouraged local governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by the joint and coordinated exercise of planning, zoning, subdivisions, building, and related regulatory powers; and

E. Existing and anticipated pressures for growth and development in areas surrounding the municipality indicate that the joint and coordinated exercise by the county and the municipality of their respective planning, zoning, subdivision, building and related regulatory powers in such areas will best promote the objectives stated in this agreement.

Now therefore, for and in consideration of the mutual promises and undertakings herein set forth, the parties agree as follows:

1. **Purposes and objectives.** The purpose of this agreement is to establish procedures and standards pursuant to which the parties will move toward greater coordination in the exercise of their land use and related regulatory powers within unincorporated areas surrounding the municipality. The objectives of such efforts are to accomplish the type of development in such areas which best protects the health, safety, prosperity, and general welfare of the inhabitants thereof by reducing the waste of physical, financial, and human resources which result from either excessive congestion or excessive scattering of population, and to achieve maximum efficiency and economy in the process of development. However, any action taken pursuant to this agreement that pertains to any land within the municipality, for incorporated areas, and within the County, for unincorporated areas, is subject to final approval by the governing body of the municipality or county, respectively.
2. **Definitions.** For the purposes of this agreement the following terms shall be defined as set forth herein:
   2.1 *Development.* Any land use requiring regulatory approval by the elected governing body of the applicable party in the urban growth area except for an amendment to a plat or a down-zoning, neither of which creates any additional lots and except for a recorded exemption or subdivision exemption. Existing agricultural uses, which are lawful uses, either as uses by right under the Weld County Code, as amended, or as legally existing non-conforming uses, are also exempt from the definition of "Development."
   2.2 *Non-urban development.* Developments comprised of nine or fewer residential lots, located in a non-urban area as defined in chapter 22 of the Weld County Code, not adjacent to other PUD's, subdivisions, municipal boundaries or urban growth corridors. Non-urban development shall also include land used or capable of being used for agricultural purposes and including development which combine clustered residential uses and agricultural uses in a manner that the agricultural lands are suitable for farming and ranching operations for the next 40 years. Non-urban development on public water and septic systems may have a minimum lot size of one acre and an overall gross density of 2½ acres per septic system. Non-urban development proposing individual, private wells and septic systems shall have a minimum lot size of 2½ acres per lot.
   2.3 *Municipal referral area.* The area located outside of but within three miles of the municipality's municipal boundaries, being more specifically located within the area shown on the attached map described as the "St. Vrain Valley Planning Area."
   2.4 *Urban development.* Developments exceeding nine lots and/or located in close proximity to existing PUD's, subdivisions, municipal boundaries or urban growth corridors and boundaries. All urban development shall pave the internal road systems of the developments. Urban development requires support services such as central water, sewer systems, road networks, park and recreation facilities and programs, and storm drainage.
   2.5 *The urban growth area* is hereby established and shall consist of all lands so designated on the map attached hereto that includes the proposed Sandstone Ranch and Union Reservoir Neighborhood area and referred to herein as "Exhibit A," excepting those lands located within the municipality's municipal boundaries.
3. **Planning coordination.** This agreement is intended to be a comprehensive development plan adopted and implemented pursuant to C.R.S. § 29-20-105(2). Following the execution of this agreement by both parties, county development approvals in the municipality's referral area will be processed and determined in accordance with the following:
   3.1 *Referral.* The county will refer all proposals for development within the municipal referral area to the municipality for its review and recommendation. Such referral will include at least a copy of the written development proposal and preliminary county staff summary of the case. The county will allow not less than 21 days for the municipality to review same and furnish its recommendations to county staff prior to formulation of the county staff recommendation. If the municipality does not respond within such time, county staff may proceed with its recommendation, but any municipality comment or recommendation received on or before the Thursday next preceding the meeting of the board of county commissioners or planning commission at which the matter will be considered will be transmitted to the board or commission. If the municipality submits no comment or recommendation the county may assume it has no objection to the proposal. If the municipality submits recommendations, the county will either include within its written decision the reasons for any action taken contrary to the same or furnish such reasons to the municipality by a separate writing.
   3.2 *Development outside urban growth area.* To the extent legally possible the county will disapprove proposals for urban development in areas of the municipal referral area outside the urban growth area. In reviewing proposals for non-urban development in such areas, the county will apply its comprehensive plan and zoning and subdivision ordinances, and, where appropriate, the MUD plan.
   3.3 *Development in urban growth area.* The following shall apply to proposed development in the urban growth area:
      (a) Upon receipt of any proposal for development of property then currently eligible for voluntary annexation to the municipality, the county will, in writing, notify the proponent of the opportunity for annexation and notify the municipality of the proposal. The county will not consider such proposal for development unless the applicant or its predecessor has submitted a complete annexation petition and been denied said annexation by the municipality board or electorate for a substantially similar development on the same property within the preceding 12 months. The county may consider such a proposal if, after a period of seven months from the date of filing of a complete annexation petition pursued in good faith by the applicant or its predecessor, the municipality has failed to approve or deny such annexation.
      (b)

The municipality will allow the extension of sanitary sewer service to property in the urban growth area, subject to its charter, municipal code, and rules and regulations, which include provisions requiring a written contract for extraterritorial service and the construction of new mains and other facilities necessary to serve the property with costs assessed in accordance with the municipality's rules and regulations. Municipality agrees to give notice of any proposed change in said rules and regulations to county 21 days prior to adoption.

(c) The municipality will require the extension of treated water service to property in the urban growth area, subject to its charter, municipal code, and rules and regulations, which include provisions requiring a written contract for extraterritorial service and the construction of new mains and other facilities necessary to serve the property with costs assessed in accordance with the municipality's rules and regulations. Municipality agrees to give notice of any proposed change in said rules and regulations to county 21 days prior to adoption. The county acknowledges that the municipality has intergovernmental agreements with the Left Hand and Longs Peak Water Districts that address the provision of water service in the urban growth area. The municipality agrees to give notice of any proposed change to such Intergovernmental agreements to county at least 21 days prior to adoption by the municipality.

(d) In recognition of the availability of public water within the urban growth area as indicated in paragraph (b) above, the county will require public water as a condition of approval of any subdivision, rezoning or planned unit development and will not approve such development until the applicant obtains a written contract for same with the municipality, or service from existing water district(s), in the event the municipality declines to provide service within the time frames outlined in section 3.3(a), above. Neither this provision, nor any other provision in this agreement, is intended to deny the ability to construct or reconstruct septic systems servicing existing buildings located in the urban growth area in the event public sewers are more than 400 feet from the subject property. This agreement shall be prima facie evidence of the availability of municipal water within the meaning of C.R.S. § 32-1-203(2.5)(a).

(e) The county will not grant any waiver of current municipal street standards for any development without the consent of the municipality and will consider identifiable impacts on the municipality's road system resulting from such development on the same basis as in-county impacts.

(f) To the extent legally possible, as determined by the county, the county will deny proposals for non-urban development in the urban growth area. Nothing in this subsection shall restrict the county from approving the division of ownership parcels located in the urban growth area having residential improvements served by septic systems, regardless of the size of resulting lots. Furthermore, the county shall not be restricted from allowing the expansion of legally existing non-urban uses provided adequate protection for future urban uses is included in any such approval.

(g) If any municipality recommendation of disapproval of a development proposal is based upon a conflict or incompatibility between proposed uses in the development and anticipated municipality zoning classification for the property, the county will not approve same unless the applicant demonstrates (i) that no such conflict or incompatibility will reasonably occur, (ii) that suitable mitigation measures to be imposed by the county as conditions of approval will eliminate or adequately mitigate adverse consequences of incompatibility or conflict, or (iii) that the municipality's anticipated zoning classification of the property is unreasonable because of existing or planned uses of adjacent property. The municipality shall be given notice of, and may appear and be heard at any hearing or other proceeding at which the county will consider such issues.

(h) The parties anticipate that paragraph 3.3(e)—(g) will be addressed in more detail if a mutually acceptable plan is considered and adopted for the UGA or the referral area.

(i) The county shall require that all storm water detention facilities in subdivisions approved within the UGA shall be designed to detain the storm water runoff from the fully developed subdivision from a 100-year storm and release the detained water at a quantity and rate not to exceed the quantity and rate of a five-year storm falling on the undeveloped site. All applicable National Pollutant Discharge Elimination System (NPDES) Phase II storm water requirements for new development will also need to be met.

3.4 *Mutuality of impact consideration.* The parties recognize that decisions by one party regarding development may impact property outside of each particular jurisdiction. The parties agree that those jurisdictional boundaries will not be the basis for giving any greater or lesser weight to those impacts during the course of deliberations.

3.5 *Referrals to county.* The municipality will refer proposals for development which lie within 500 feet of any property in unincorporated Weld County to the county for its review and recommendation. Such referral will include at least a copy of the written development proposal. The municipality will allow not less than 21 days for the county to review same and furnish its recommendations to municipality. If the county submits no comment or recommendation, the municipality may assume it has no objection to the proposal. If the county submits recommendations the municipality will either include within its written decision the reasons for any action taken contrary to the same or furnish such reasons to the county by a separate writing. Where the development is proposed as part of an annexation of more than ten acres, the provisions of this section shall be deemed satisfied by compliance by the municipality with the notice and impact statement provisions of the most current version of the Municipal Annexation Act then in effect. If any county recommendation of disapproval of a development proposal within 500 feet of any property in unincorporated Weld County is based upon a conflict or incompatibility between proposed uses in the development and existing or anticipated zoning classification for the property, to the extent legally possible the municipality will not approve same unless the applicant demonstrates (i) that no such conflict or incompatibility will reasonably occur, or (ii) that suitable mitigation measures to be imposed by the municipality as conditions of approval will eliminate or adequately mitigate adverse consequences of incompatibility or conflict. The county shall be given notice of, and may appear and be heard at any hearing or other proceeding at which the municipality will consider such issues.

4. Annexation.

4.1 The municipality will give serious consideration to all petitions for annexation of lands within the urban growth area and, without limiting it discretionary authority to annex or not annex any property, will consider, in any determination to annex such properties, without limitation, the following factors: (i) whether the extension of one or more municipal services to the area would place an unreasonable economic burden on the existing users of such services or upon the future residents or owners of property in the area itself; (ii) whether the area is not reasonably contiguous in fact to the municipality's existing boundaries, and whether its annexation would result in disconnected municipal satellites.

4.2 The municipality will not annex properties located outside the urban growth area unless such property is both eligible for annexation and is necessary to the municipality for municipal purposes such as utilities.

4.3 To the extent legally possible the municipality will annex the full width of each county road right of way contiguous to newly annexed property unless such road serves primarily county properties rather than existing or newly annexed municipal properties, in which case the municipality will annex none of such county road right of way as determined by the parties upon consultation.

4.4 Notwithstanding any provision hereof to the contrary, the municipality need not consider the annexation of any property within a development approved by the county after the execution of this agreement by both parties which does not conform to the county urban growth area standards, unless a waiver or modification of such standards was granted by the county and approved by the municipality.

4.5 In determining site-related improvements to be constructed by proponents of in-municipality development, the municipality will consider identifiable impacts on the county road system resulting from such development on the same basis as in-municipality impacts.

5. **Implementation of agreement.** Following the mutual execution of this agreement each party will promptly enact and implement such amendments to its existing regulations as may be necessary to give effect to the provisions of sections 3, and 4. Each party shall have sole and exclusive discretion to determine such measures and any new ones enabling it to perform this agreement. Each party's land use regulations as referred to herein are ordinances whose amendment requires certain formalities, including notice and public hearings. The mutual covenants in this section and elsewhere to implement this agreement promptly are given and received with mutual recognition and understanding of the legislative processes involved, and such covenants will be liberally construed in light thereof.
6. **Miscellaneous provisions.**

6.1 *Severability.* Should any one or more sections or paragraphs of this agreement be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this agreement, the intention being that the various sections and paragraphs are severable; provided, however, that the parties shall then review the remaining provisions to determine if the agreement should continue, as modified, or if the agreement should be terminated.

6.2 *Enforcement.* Either party may seek specific performance or enforcement of this agreement in a court of competent jurisdiction, but neither party shall have any claim or remedy for damages arising from an alleged breach hereof against the other, nor shall this agreement confer on either part standing to contest a land use decision or action of the other except as a breach of this agreement. This agreement is not intended to modify the standing the parties may possess independent of this agreement to contest annexations or land use decisions, nor to extend standing to any third party. This agreement is between the municipality and the county and no third party rights or beneficiaries exist or are created hereby.

6.3 *Termination.* This agreement will continue in effect until June 30, 2008, and shall be renewed automatically thereafter for successive one year periods. Notwithstanding the foregoing, however, either party may terminate this agreement by giving at least 12 months' written notice thereof to the other party.

6.4 *Amendment.* Upon the request of either party, this agreement shall be subject to amendment according to the same procedures as the original adoption (requiring the written consent of the amendment by both parties); provided, however, that changes in the urban growth area defined in paragraph 2.5 herein may occur by resolution of the municipality concurred in by the county when the change is a deletion to the UGA or an addition of property which (a) was in common ownership and contained within a common legal description with property previously included in the UGA; or (b) directly adjacent to and contiguous with property previously contained within the UGA and capable of being served by municipal services, including water or sewer, within a reasonable period of time.

15app.E-053.png

APPENDIX E-6

BOULDER COUNTY COUNTYWIDE COORDINATED COMPREHENSIVE DEVELOPMENT PLAN
INTERGOVERNMENTAL AGREEMENT

This intergovernmental agreement by, between and among the City of Boulder, a Colorado home rule city (Boulder); the City of Lafayette, a Colorado home rule city (Lafayette); the City of Longmont, a Colorado home rule city (Longmont); the City of Louisville, a Colorado home rule city (Louisville); the Town of Erie, a Colorado statutory town (Erie); the Town of Jamestown, a Colorado statutory town (Jamestown); the Town of Lyons, a Colorado statutory town (Lyons); the Town of Nederland, a Colorado statutory town (Nederland); the Town of Superior, a Colorado statutory town (Superior); (hereinafter, the collectively municipal signatories to be known as, the "municipal parties"); and the County of Boulder, a body politic and corporate of the State of Colorado (Boulder County); (the collective signatories to be known as the "Parties") is made to be effective on the 15th day of August, 2003.

WITNESSETH:

Whereas, C.R.S. § 29-20-101 et seq., as amended, enables the parties to enter into Intergovernmental agreements to plan for and regulate land uses, in order to minimize the negative impacts of development on the surrounding areas and protect the environment, and specifically authorizes local governments to cooperate and contract with each other for the purpose of planning and regulating the development of land by means of a "comprehensive development plan"; and

Whereas, the parties have previously entered into various comprehensive development plans by Intergovernmental agreements, and desire now to provide an overlay coordinating all of the various comprehensive development plan intergovernmental agreements, to-wit: East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement; Southeast Boulder County, South 96th St., Dillon Road, and Midway Blvd. Area Comprehensive Development Plan Intergovernmental Agreement; US 36 Corridor Comprehensive Development Plan Intergovernmental Agreement; Longmont Planning Area Comprehensive Development Plan Intergovernmental Agreement; Boulder Valley Comprehensive Plan; Intergovernmental Cooperative Agreement between the Town of Jamestown and the County of Boulder for the Purpose of Planning and Regulating the Development of Land in the Jamestown Vicinity; Lafayette/Louisville Buffer Area Comprehensive Development Plan Intergovernmental Agreement; Lyons Area Comprehensive Development Plan Intergovernmental Agreement; Nederland Area Comprehensive Development Plan Intergovernmental Agreement; and Superior Area Comprehensive Development Plan Intergovernmental Agreement; and

WHEREAS, in order to ensure that the unique and individual character of the municipal parties are preserved, the parties believe that a comprehensive development plan (hereinafter the "plan") which recognizes the annexed areas and development approved by each community, accompanied by binding commitments by the responsible jurisdictions for the preservation of the rural character of surrounding lands as identified within the area of the plan, is in the best interest of the citizens of each of the parties; and

WHEREAS, this agreement and plan is intended to supplement the underlying plans, providing agreement by municipal parties to comply in certain respects with the underlying plans to which the municipal party was not a party, to permit in certain instances new extraterritorial water service by non-designated municipal parties, and to cover additional unincorporated areas not covered by any underlying plan; and

WHEREAS, the provisions concerning annexation or development by the municipal parties of certain lands designated unincorporated rural land area within the plan area, as shown on the attached Exhibit A, are intended to preclude increased development and urban sprawl which would obliterate the boundaries of the municipal parties; and

WHEREAS, certain undeveloped parcels within the rural preservation area do not currently have municipal party utility services, and, except as noted herein, the municipal parties are not desirous of providing such services to new development on such parcels; and

WHEREAS, Lafayette is currently in the process of achieving compliance with a city charter amendment approved by its voters in November, 2001, which requires that the city council adopt an "urban growth boundary" on or before December 31, 2003, and the city's planning commission is currently considering this matter, and therefore, in order not to preempt its compliance with the charter amendment, the Exhibit A shows an outer boundary (the entire area of the Lafayette comprehensive plan as it exists on the effective date hereof) within which Lafayette will, on or before February 1, 2004, commit to its municipal influence area, conforming to its then-adopted "urban growth boundary," for purposes of the East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement, an underlying plan as defined in this agreement and plan, and so long as said municipal influence area designation does not exceed said current outer boundary, such municipal influence area shall be recognized as such for all purposes under this agreement and plan; and

WHEREAS, the parties desire to enter into this Intergovernmental agreement in order to plan for and regulate the use of the lands within the plan area through joint adoption of this mutually binding and enforceable comprehensive development plan overlaying the underlying plans and covering those areas outside the underlying plans designated unincorporated rural land areas; and

WHEREAS, the parties find that designating a portion of the plan area to remain as rural preservation area or unincorporated rural land area for the purpose of preserving a community buffer serves the economic and civic interest of their citizens and meets the goals of the Boulder County comprehensive plan, and meets the goals and furthers the purposes of the comprehensive and master plans of the municipal parties, as stated in such plans and applicable laws; and

WHEREAS, with respect to the annexation provisions herein, the parties declare that the unincorporated rural land area, rural preservation area, and municipal influence area designations and land use regulations contained in this agreement affect the future development of each municipal party. Consistent with the municipal annexation, utility service, and land use laws of the State of Colorado, this agreement, including specifically the annexation and utility service portions hereof, is intended to encourage the natural and well-ordered future development of each party; to promote planned and orderly growth in the affected areas; to distribute fairly and equitably the costs of government services among those persons who benefit therefrom; to extend government services and facilities to the affected areas in a logical fashion; to simplify providing utility services to the affected areas; to simplify the governmental structure of the affected areas; to reduce and avoid, where possible, friction between the parties; and to promote the economic viability of the parties; and

WHEREAS, the functions described in this agreement are lawfully authorized to each of the parties which perform such functions hereunder, as provided in article 20 of title 29; part 1 of article 28 of title 30; part 1 of article 12 of title 31; and parts 2 and 3 of article 23 of title 31, C.R.S., as amended; and

WHEREAS, C.R.S. § 29-1-201 et seq., as amended, authorizes the parties to cooperate and contract with one another with respect to functions lawfully authorized to each of the parties and the people of the State of Colorado have encouraged such cooperation and contracting through the adoption of Colorado Constitution, article XIV, 18(2); and

WHEREAS, the parties have each held hearings after proper public notice for the consideration of entering into this agreement and the adoption of a comprehensive development plan for the subject lands, hereinafter referred to as the "plan area", as shown on the Exhibit A.

Now therefore, in consideration of the above and the mutual covenants and commitments made herein, the parties agree as follows:

1. Boulder County Countywide Coordinated Comprehensive Development Plan.

1.1 *Adoption and purposes.* This agreement, including Exhibit A, is adopted by the parties as the Boulder County Countywide Coordinated Comprehensive Development Plan (the "plan") governing the plan area. Exhibit A attached hereto has three purposes: first, it shows the lands designated rural preservation area and municipal influence area on the underlying plans. Second, Exhibit A designates "Unincorporated Rural Land Area" for purposes of the application of the provisions of this agreement and plan to lands so designated. Third, it shows additional lands that may be designated municipal influence pursuant to section 3.5 of this agreement that are not shown as such on any underlying plan.

1.2 *Relationship to underlying plans.* Except as expressly provided herein, including but not limited to the provisions of section 3.5 of this agreement, the underlying plans, as they exist on the date hereof and as they may be amended from time to time, are the sole effective determinants of the status of lands as rural preservation area or municipal influence area for the purpose of the application of the provisions of this agreement and plan, and the underlying plan controls as to the limitations on annexation, land uses, regulations, and utility services, and the county's application of its "areas and activities of state interest" regulations in unincorporated areas, as between the parties to the underlying plan. Nothing in this agreement is intended nor shall be construed to require the consent to the amendment of an underlying plan by any party hereto which is not a party to the underlying plan.

1.3. *Definitions.*

Designated municipal party means the municipal party to the underlying plan expressly permitted in the underlying plan to annex subject municipal influence area lands, or to provide extraterritorial water and/or sewer services to the subject rural preservation area lands.

Plan area means the entire unincorporated area of Boulder County except for those lands contained within the Niwot Community Service Area as defined by the Boulder County Comprehensive Plan."

Underlying plan(s) means the East Central Boulder County Comprehensive Development Plan Intergovernmental Agreement; Southeast Boulder County, South 96th St., Dillon Road, and Midway Blvd. Area Comprehensive Development Plan Intergovernmental Agreement; US 36 Corridor Comprehensive Development Plan Intergovernmental Agreement; Longmont Planning Area Comprehensive Development Plan Intergovernmental Agreement; Boulder Valley comprehensive plan; Lafayette/Louisville Buffer Area Comprehensive Development Plan Intergovernmental Agreement; Lyons Area Comprehensive Development Plan Intergovernmental Agreement; Nederland Area Comprehensive Development Plan Intergovernmental Agreement; and the Superior Area Comprehensive Development Plan Intergovernmental Agreement.

Unincorporated rural land area means the entire unincorporated area of Boulder County that has not been designated municipal influence area or rural preservation area in one or more underlying plans.

2. Rural preservation area.

2.1. The municipal parties each agree that they will immediately disclose to the others and to Boulder County any and all instances in which they have received an annexation petition from landowners in the rural preservation area seeking annexation. Further, the municipal parties each commit that they are not currently pursuing any annexations within the rural preservation area.

2.2. The map attached and incorporated as Exhibit A shows certain lands within the plan area that are designated "rural preservation area" in the various underlying plans. These lands are intended to remain within the unincorporated area of Boulder County, subject to Boulder County's land use regulatory jurisdiction as limited in the underlying plans. The municipal parties each agree that none of them will initiate or approve an annexation of any portion of any of the lands shown as "rural preservation area" on the Exhibit A which are not within the rural preservation area of any underlying plan to which such municipality is a party unless the rural preservation area as designated in the underlying plan is first amended to remove such lands from the rural preservation area and to permit the municipal party to which annexation is sought to annex the subject lands, except as may be provided in the underlying plan.

2.3. By authorizing the execution of this agreement, the city councils and the town boards of the municipal parties each respectively finds and declares that there is no community of interest between the lands designated Rural preservation area in the underlying plans that are shown on Exhibit A but which are not within the rural preservation area of any underlying plan to which such municipality is a party and their respective jurisdictions, that none of these lands is urban nor is likely to urbanize within the term of this plan, unless amended as indicated in section 2.2, and that none of these lands is currently integrated with, nor for the term of this plan will any of them be capable of being integrated with their respective jurisdictions, unless amended as indicated in section 2.2

2.4. Although most of Area III of the Boulder Valley comprehensive plan is to be treated as rural preservation area under this agreement, that portion of Area III shown as "planning reserve" on the Boulder Valley Comprehensive Plan Area I, Area II, Area III Map adopted November, 2001, shall for purposes of this agreement be treated as municipal influence area. Prior to annexation of any area shown as the city of Boulder's Planning Reserve Area in the November 2001, Boulder Valley Comprehensive Plan, the city of Boulder and Boulder County shall complete the process and meet the standards for a service area expansion from Area III—Planning Reserve to Area II as set forth in the Boulder Valley Comprehensive Plan.

3. Municipal influence area parcels.

3.1. The Exhibit A reflects municipal influence areas currently located within unincorporated Boulder County as adopted in the underlying plans and shown on the maps attached to said underlying plans. These are areas that include lands that may in the future be annexed to the designated municipal party, as denoted by the "influence area" designation. Nothing in this section or the plan is intended to require such municipal party to annex such area. However, the municipal parties agree that, if such area is to be annexed to or is to be provided water or sewer service, except as provided hereinbelow, by a municipal party during the term of this agreement, such area will be annexed to and/or will be so served by the designated municipal party and not by any of the other municipal parties. By authorizing the execution of this agreement, each city council and town board finds and declares that the community of interest in the influence areas so designated on the underlying plan map is, or for the term of the underlying plan, will be, with the designated municipal party and not with any other municipal party.

3.2. Until and unless annexed, Boulder County shall enforce its "Areas and Activities of State Interest" regulations upon any parcels identified as within the influence area of any municipal party, except to the extent that any of such regulations are inapplicable under the express language of any underlying plan, so long as said underlying plan remains effective. Where those regulations are applicable, Boulder County shall not grant a permit for development pursuant to such regulations unless such permit has been first submitted for review and comment by the municipal party whose influence area on the underlying plan map includes such parcel(s).

Review and comment by a municipal party pursuant to this provision shall be based upon the application of Boulder County's "Areas and Activities of State Interest" regulations. Where those regulations are applicable, a comment of a municipal party regarding the satisfaction of the "Areas and Activities of State Interest" regulations shall be given consideration by Boulder County, which will nonetheless independently execute its duty under state law with reference to the application of its regulations. The provisions of this paragraph shall control over any provision in the US 36 Corridor Comprehensive Development Plan Intergovernmental Agreement.

3.3. Boulder County agrees that, for purposes of the Municipal Annexation Act, there is, or for the term of this plan, will be, a community of interest of the parcels designated as municipal party Influence Areas as agreed in underlying plans and shown on the maps attached to said underlying plans with the designated municipal party, and Boulder County consents to annexation of such areas by the designated municipal party.

3.4. No party shall purchase any parcel of land either within the incorporated limits of another party or within the Influence Area of another party as designated on the Exhibit A, without the express consent of such other party. However, this restriction shall not apply to parcels to be acquired solely for municipal utility purposes.

3.5. Lafayette is currently in the process of achieving compliance with a City Charter amendment approved by its voters in November, 2001, which requires that the city council adopt an "urban growth boundary" on or before December 31, 2003, and the city's planning commission is currently considering this matter, and therefore, in order not to preempt its compliance with the Charter amendment, the Exhibit A shows an outer boundary within which Lafayette will, on or before

February 1, 2004, commit to its municipal influence area, conforming to its then-adopted "urban growth boundary." Such municipal influence area shall be recognized as such for all purposes under this agreement and plan. Any portion of the area within the outer boundary shown on Exhibit A which is not included by Lafayette in its municipal influence area as provided herein shall be treated for all purposes as unincorporated rural land area.

4. **Unincorporated rural land areas.** Those portions of the unincorporated area of Boulder County not heretofore covered by any of the underlying plans as shown on the maps attached thereto, which are reflected on the Exhibit A attached hereto designated "unincorporated rural land area" shall be subject to the same restrictions on and procedures concerning annexation as the lands designated rural preservation area in the underlying plans.

   Notwithstanding any other provision of this agreement, any platted residential subdivision, excluding NUPUDs and subdivision exemptions, in the unincorporated area of the county may be annexed in whole or in part by any municipal party to which it has been adjacent for a period of one year or more, in accordance with the provisions of the Colorado annexation statutes then in effect.

5. **Issues for continued countywide discussion.** The parties agree that additional issues exist which may be solved through countywide or regional agreements. The parties agree to schedule these issues as desired on agendas of future Consortium of Cities meetings. These issues include, but are not limited to, the following:

   Revenue sharing, in particular of sales tax revenues.

   Affordable housing funding and locations.

   Library services.

6. **Utility service provision.** Any designated municipal party may provide extraterritorial water and/or sewer services in areas designated for such party's water and/or sewer services in the underlying plan. for municipal influence areas designated on the underlying plan, where no municipal party is designated to provide such services, any municipal party to the underlying plan, or a public water and/or sanitation district permitted to provide water and/or sanitary sewer services to the subject area under an approved special district service plan, may provide water and/or sanitary sewer services to the subject lands within the underlying plan area.

   Any municipal party to this agreement may provide extraterritorial water service in the rural preservation area and unincorporated rural land area shown on Exhibit A within 2640 feet of such municipal party's existing or approved water line main to serve existing land uses or development, as well as new single family residential development upon legal building lots and parcels at a maximum density equal to that permitted by the provisions of the Boulder County Comprehensive Plan in effect on the effective date of this agreement, and may provide service in any event in accordance with service contracts which were entered into and enforceable prior to the effective date of this agreement. A municipal party shall not provide any water service to parcels in the rural preservation area and unincorporated rural land area shown on Exhibit A except as provided herein or in the underlying plan. Nothing in this section shall be construed to prohibit a municipal party from supplying raw or treated water to another municipal party.

7. **Referrals.**

   7.1 Any application or other proposal for annexation by any municipal party of any parcel within that portion of the plan area designated rural preservation area, as shown on the Exhibit A, but which parcel is not within the rural preservation area of any underlying plan to which such municipality is a party, shall be immediately referred in writing to all parties. No action shall be taken upon such an application or proposal by the referring party until each other party has had the opportunity to respond concerning the proposal's conformity to this plan and other land use policies.

   7.2 Responses shall be received within 30 days of date of referral. However, upon timely request, the county shall be authorized to grant reasonable requests for extensions of time within which to respond. In evaluating any request for an extension of time within which to respond, the county shall give appropriate consideration to factors such as the complexity of the application, any standard administrative processes that are applicable and to the reasonable scheduling needs of a responding party. The provisions of this subsection 7.2 shall apply to all referrals required by this agreement and also by any underlying plan, notwithstanding any provision in the underlying plan to the contrary.

8. **Amendments.** This plan contains the entire agreement between the parties, but is supplemental to the underlying plans. Any proposed amendment of this plan must be referred to the parties. Amendment of this plan shall take place only upon approval by resolution or ordinance adopted by the governing body of each of the parties, after notice and hearing as may be required by law. No party shall approve any annexation, which is inconsistent with this agreement and plan until and unless the plan has been amended so that the proposed annexation is consistent with the plan. amendments to underlying plans shall be distributed to all parties hereto by Boulder County, and updates to the limits of rural preservation areas as amended in underlying plans will be distributed to the parties by Boulder County through updated maps, which will supplant the attached Exhibit A to the extent of those changes.

9. **Severability.** If any portion of this plan is held by a court in a final, nonappealable decision to be per se invalid or unenforceable as to any party, the entire agreement and the plan shall be terminated, it being the understanding and intent of the parties that every portion of the agreement and plan is essential to and not severable from the remainder.

10. **Beneficiaries.** The parties, in their corporate and representative governmental capacities, are the only entities intended to be the beneficiaries of the agreement and the plan, and no other person or entity is so intended or may bring any action, including a derivative action, to enforce the agreement or the plan.

11. **Enforcement.** Any one or more of the parties may enforce this agreement by any legal or equitable means including specific performance, declaratory and injunctive relief. No other person or entity shall have any right to enforce the provisions of this agreement or the plan.

12. **Defense of claims/indemnification.** If any person allegedly aggrieved by any provision of the plan and who is not a party to the plan should sue any party concerning such plan provision, all parties shall be notified promptly by any party served; any party served shall, and any other party may, defend such claim. Defense costs shall be paid by the party providing such defense.

    Notwithstanding the foregoing, if the claim concerns the designation of property as "rural preservation area" or "unincorporated rural lands", Boulder County shall provide a defense in such action. If the claim concerns the designation of property as "influence area," the designated municipal party shall provide such defense.

    In the event that any person not a party to the plan should obtain a final money judgment against any party who is not the regulating party for the diminution in value of any regulated parcel resulting from regulations in the plan, or regulations adopted by the regulating party implementing the plan, the regulating party shall, to the extent permitted by law, indemnify such party for the amount of said judgment.

13. **Governing law and venue.** This agreement shall be governed by the laws of the State of Colorado, and venue shall lie in the County of Boulder.

14. **Term and effective date of this plan and applicability of provisions to expired underlying plans.** This agreement shall become effective when signed by an authorized representative of the governing bodies of Boulder County and the municipal parties set forth above; except that, in the event that, as of September 4, 2003, all of the parties have not authorized signature, each of the parties which have at that date authorized signature shall review the status of the agreement and

determine whether to proceed to sign, in which case the agreement shall become effective upon the signature of each of those entities which have determined to proceed in the absence of those listed municipal parties which have not authorized signature on or before that date. Additional parties may sign thereafter, and upon signature, such agreement shall govern such additional parties.

Except as provided herein, this agreement shall remain in effect for a period of 20 years from its initial effective date, unless terminated prior thereto by agreement of all the parties or pursuant to the terms of section 8 above. The provisions of this agreement and plan shall apply to underlying plans for the term thereof. Upon expiration or termination of such underlying plan, the rural preservation area lands designated by the expired underlying plan shall be treated by this plan for all purposes as designated unincorporated rural land area for the balance of the term of this agreement and plan.

At any time until 90 days prior to the tenth anniversary of the effective date of the agreement, any municipal party may give written notice to all other parties by first class certified mail that it intends to withdraw as a party from the agreement effective on that anniversary. If any municipal party gives such notice, any other municipal party shall have 45 days from the date of such notice to give notice by the same means that it also intends to withdraw. In no event shall any such notice be given later than 45 days prior to the tenth anniversary date. After giving such notice in compliance with this provision, such party or parties shall no longer be a party or parties to this agreement effective on the tenth anniversary date.

Each party agrees that, at any time within 90 days prior to the tenth anniversary of the effective date of this agreement, it will hold a duly noticed public hearing for the purpose of determining if the term of this agreement shall be extended an additional five years from the date of termination then in effect. Notices of the hearing and subsequent action of each party shall be sent to each of the other parties.

15. Party representatives. Referrals made under the terms of this agreement shall be sent to the parties' representatives as follows:

ENTITY	REPRESENTATIVES
CITY OF BOULDER	City Manager P.O. Box 791 Boulder, CO 80306
TOWN OF ERIE	Town Manager P.O. Box 750 Erie, CO 80516
TOWN OF JAMESTOWN	Town Clerk 118 Main Street Jamestown, CO 80455
CITY OF LAFAYETTE	City Administrator 1290 S. Public Rd. Lafayette, CO 80026
CITY OF LONGMONT	City Manager Civic Center Complex 350 Kimbark Street Longmont, CO 80501
CITY OF LOUISVILLE	City Administrator 749 Main St. Louisville, CO 80027
TOWN OF LYONS	Town Manager P.O. Box 49 Lyons, CO 80540
TOWN OF NEDERLAND	Town Clerk P.O. Box 396 Nederland, CO 80466
TOWN OF SUPERIOR	Town Manager 124 E. Coal Creek Dr. Superior, CO 80027
COUNTY OF BOULDER	Director, Land Use Department P.O. Box 471 Boulder, CO 80306

Name and address changes for representatives shall be made in writing, mailed to the other representatives at the then current address.

This agreement made and entered into to be effective on the date as set forth above.

[Signature blocks.]

(Code 1993, ch. 15, app. E)

APPENDIX E-7

ATTACHMENT A

INTERGOVERNMENTAL AGREEMENT CONCERNING ADEQUATE SCHOOL CAPACITY BETWEEN THE CITY OF LONGMONT AND THE ST. VRAIN VALLEY SCHOOL DISTRICT RE-1J

EFFECTIVE _____/_____/_____/_____, 2013

THIS AGREEMENT is entered into by and between the City of Longmont (city), a municipal corporation, and the St. Vrain Valley School District RE-1J (School District), a political subdivision of the State of Colorado, to be effective as of the _____ day of _____/_____/_____, 2013 (Effective Date).

RECITALS

A. Pursuant to C.R.S. § 31-23-202, as amended, and article XX of the Colorado Constitution, the City Council of the City of Longmont has adopted the Longmont Area Comprehensive Plan (LACP) which provides goals and policies to plan for the orderly growth of the city.
B. Local governments are encouraged and authorized to cooperate or contract with other units of government, pursuant to C.R.S. § 29-20-105, for the purpose of planning or regulating the development of land, including, but not limited to, the joint exercise of planning, zoning, subdivision, building, and related regulations.
C. The City and School District recognize that adequate public school facilities are an essential public service.
D. Long and short term land development patterns and the construction of new residential dwellings in the City affect the acquisition of additional public school sites to accommodate the corresponding increases in the student population.
E. To provide adequate public school facilities to serve the City residents it is appropriate that the School District and City cooperate in the area of residential land use planning and approval.
F. Requiring adequate public school facilities implements the goals and policies of the LACP to ensure education opportunities for Longmont residents and to recognize the impacts that new residential development has on the District's ability to serve additional students.
G. The City and School District consider the impacts of residential construction, residential land development and the change in character of existing residential neighborhoods on the ability of the School District to provide public school facilities in the city. The City and School District further agree that it is in the best interests of the citizens of the City to mutually enter into and maintain an Intergovernmental Agreement to facilitate the ongoing review of residential development applications as well as the conditions of existing residential neighborhoods, as provided in this Agreement.
H. The City and School District do hereby define the rights and obligations of each entity with respect to planning for new public school sites and fair contribution for public school sites.

AGREEMENT

Section 1. Coordination and sharing of information.

Section 1.1. Joint meetings.

1.1.1. Staff of the City and the School District will meet at least annually, or more often as needed, to discuss issues regarding coordination of land use and school facilities planning, including such issues as population and student projections, development trends, school needs, colocation and joint use opportunities, and ancillary infrastructure improvements needed to support schools and ensure safe student access.

Section 1.2. Student enrollment, population projections, growth and development trends.

1.2.1. In fulfillment of their respective planning duties, the City and the School District shall coordinate and base their plans for growth and redevelopment upon consistent projections of the amount, type, and distribution of population growth and student enrollment.
1.2.2. The School District shall use both district-wide student population projections and projections based on each school's attendance area.
1.2.3. The City will provide the School District with information on growth and development trends within the jurisdiction of the City for the previous calendar year as provided in section 3 of this Agreement. The City will provide, as available, the following:
   A. The type, number, and location of residential units which have received zoning approval or site plan approval;
   B. Information, to the extent available, regarding the conversion or redevelopment of housing or other structures into residential units which are likely to generate new students;
   C. An estimate of future residential units and/or redevelopment potential within the city;
   D. Building permits issued and certificates of occupancy issued by address and the city's five-year estimate of new building permit issuance; and
   E. A copy of the city's population most current estimate.
1.2.4. The School District will use the information described in section 1.2.3 to assist in determining projected student enrollment geographically, based on adopted attendance areas, to make the most efficient use of public school facilities. The distribution of projected student enrollment will be presented at the joint meetings described in subsection 1.1.1.

Section 1.3. Comprehensive plan amendments, rezonings, and development approvals.

1.3.1. The City shall provide the School District referrals for residential development applications filed with the City that may affect student enrollment, enrollment projections, or school facilities including rezonings, subdivisions, and developments of regional impact. The City shall refer to the School District any rezoning application that includes residential uses to the School District.
1.3.2. The City shall refer to the School District proposed developments involving amendments to the comprehensive plan that may affect student enrollment, enrollment projections, or school facilities.
1.3.3. Included within the response provided for each referral, the School District shall provide the estimated school enrollment impacts anticipated to result from the proposed development application, as well as whether sufficient capacity exists or is planned to accommodate the impacts.

Section 2. Planning process.

Section 2.1. District facilities plan.

2.1.1. The School District shall annually submit a district facilities plan (DFP) to the city, which shall include the projected student population apportioned geographically by school attendance area, an inventory of existing school facilities, general locations of new schools and anticipated closures of existing schools for the ensuing five-year time period as well as the following information:

A. All planned school facility projects, which include new construction, expansions, remodeling, and renovations that will create additional capacity;

B. Existing and projected enrollment of existing and planned school facilities;

C. A proposed date for opening each planned new school;

D. The projected source of funding for each planned school facility and the year in which the funding becomes available; and

E. The capacity created by each planned school facility.

Section 3. School concurrency implementation.

Section 3.1. Procedure.

3.1.1. Capacity standards. The capacity standards set forth herein shall be applied for purposes of implementing school concurrency, including determining whether sufficient school capacity exists to accommodate a particular development proposal. For the purposes of this Agreement, the term "school concurrency" means that adequate school facilities either exist at the time when residential areas generate student demand or that the facilities and capacity will be available at the time of future student demand.

3.1.2. The capacity standard to be used by the City and the School District to implement school concurrency shall be as follows:

A. Elementary: 125 percent of permanent capacity as adjusted by the School District annually to account for programmatic changes.

B. Middle: 125 percent of permanent capacity as adjusted by the School District annually to account for programmatic changes.

C. High: 125 percent of permanent capacity as adjusted by the School District annually to account for programmatic changes.

Section 3.2. Demand monitoring and evaluation.

3.2.1 The City shall provide the following information to the School District prior to the annual meetings required by section 1.1.1 of this Agreement to facilitate demand projection and student generation rate trends:

A. Building permit and certificate of occupancy data;

B. Summary of actions on preliminary and final plats; and

C. Summary of site development plan approvals for multifamily projects.

Section 3.3. Applicability and capacity determination.

3.3.1. Process for determining school facilities concurrency.

A. The City will accept and process final plats and residential site plans as provided by the terms of this Agreement.

B. Upon the receipt of a complete development application, the City will transmit the application to the School District for a determination of whether there is adequate school capacity, for each level of school, to accommodate the proposed development, based on the capacity standards.

C. Within 60 days of the initial transmittal from the city, the School District will review the final plat or residential site plan applications and, based on the capacity standards set forth in this Agreement, report in writing to the city:

1. Whether adequate school capacity exists for each level of school, based on the capacity standards set forth in this Agreement; or

2. If adequate capacity does not exist, whether appropriate measurable programmatic changes can be accepted consistent with this Agreement, as identified in section 3.4

D. The City will use the information received from the School District to determine whether the proposed programmatic changes and the timing and phasing, if any, of the development application comply with the capacity standards. In all cases, it is the City that will finally determine the applicability of this Agreement to the particular development and whether the development application complies with the capacity standard, and whether the application should be approved.

3.3.2. Concurrency determination.

A. *Components to consider in the review of adequacy.*

1. *Projections.* Enrollment projections are developed annually based upon growth trends in several distinct areas. These projections are then used in making decisions on staffing, budgeting, and for determining future facility/building needs and boundary adjustments. The primary factors that are considered include: the actual, official enrollment counts in October of each year; a cohort-survival methodology that looks at the progression ratios for each grade level; the amount and location of new residential development; student yields by residential building type; the status of subdivision plats by attendance area; private, charter, and home school enrollments; open enrollment data for students attending schools outside of their assigned attendance areas, birth rates, and the strength or weakness of the overall housing market.

2. *Building capacity.* Building capacity is analyzed on a yearly basis. Capacity can change based upon changes in the following variables:

a. *Staffing ratio.* Beyond the actual number of classrooms in a building, the primary determinant in identifying building capacity is the teacher-student ratio. For example, if the policy is for one teacher to be paired with between 18 to 24 students on average in the classroom, then for every 18 to 24 students an additional classroom and teacher are necessary. The individual staffing ratios for each school in the district are adopted by the board of education on a yearly basis. The actual, overall building capacity is based on this staffing ratio multiplied by the number of available rooms. All regular classrooms are to be counted in the capacity of the building at their overall staffing ratio with the exception of those identified as dedicated rooms (defined below). Kindergarten rooms that are used for half days are counted at double their capacity. Therefore an elementary school with 20 regular classrooms and 2 kindergarten rooms (half-day programs) that is staffed at 22 to 1 would have a building capacity of 528.

b. *Dedicated rooms.* Dedicated rooms are rooms that do not offer the opportunity for holding a regular class. They include, but are not limited to, special education rooms, and computer, language and literacy labs. At the elementary school level, music rooms, art rooms, and gymnasiums are also considered dedicated rooms.

c. *Physical changes.* New construction and physical changes to existing buildings represent another component to be considered in evaluating capacity. New facilities and additions to existing facilities contribute to the overall capacity of the district. As other facilities receive approval for construction through a successful bond election, the projected capacity increases and the timing of these new structures will be factored into determining building capacity across the district.

3.

Student yield. Student yield has been determined over years of following the trends in the number of students generated from various types of dwelling units. The five major types include single-family, duplex/triplex, multifamily, condo/townhouse, and mobile homes. These yields are also evaluated on a regular basis. The yields for specific grade levels are identified in section 15.07.020 of the Longmont Land Development Code.

4. *Total school facilities.* Existing school facilities, planned school facilities, and used capacity.
   a. *Existing school facilities.* School facilities constructed and operational at the time a school concurrency application is submitted to the city.
   b. *Planned school facilities.* School facility capacity that will be in place or under actual construction within five years after the issuance of final subdivision or site plan approval, pursuant to the School District's adopted five-year work program.
   c. *Used capacity.* School facility capacity consumed by or reserved for preexisting development.
5. *Previously approved development.* Development approved as follows:
   a. Single family lots of record having received final plat approval.
   b. Multifamily residential development having received final site plan approval.

B. *School capacity calculations.* The School District will review whether adequate school capacity exists for a proposed development, based on the capacity standards as follows:
   1. *Data needed from the developer.* Number of units, type of dwelling units, phasing plan estimating when units would be constructed.
   2. *Evaluation.* Each residential development referred to the School District will be analyzed to determine the student yield from the development over the course of the construction phase. These yields are then added to the five-year projected enrollment numbers for the applicable schools corresponding to the timing of the development. This information is provided to the City as part of the referral process. If multiple applications were submitted for a particular feeder, those filed first would be given preference over later projects. If a bond election is successful that includes facilities for the applicable feeder, the number of seats and the date of completion of the new facilities shall be considered in the calculation.

C. *School attendance areas.* In reviewing whether there is sufficient school capacity to accommodate a proposed development, the School District will consider whether the attendance area in which the proposed development is situated has available school capacity, based on the formula above.

Section 3.4. Programmatic change alternatives.

A. In the event that the School District reports that the capacity standards set forth in this Agreement otherwise would be exceeded, the School District may use the following programmatic changes to offset the impacts of a proposed development.

B. Acceptable forms of programmatic changes may include, but are not limited to:
   1. *Split/staggered schedules.* May include altering schedules to better use existing space within the facility.
   2. *Alternative utilization of facilities.* May include temporarily restructuring the traditional educational environment by moving a specific grade(s) or placing new students from schools over capacity into other district schools to maximize the utilization of district facilities and staff. This may include transporting students from neighborhood schools to alternate sites within the district.
   3. *Additional classrooms.* May include adding permanent classrooms to the existing structure.
   4. *Boundary changes.*
   5. *Year-round schedules.*

Section 4. Effective date and term.

This Agreement shall become effective upon the signatures of the School District and the City and shall remain in full force and effect for a period of five years from the effective date. This Agreement may be earlier cancelled by mutual Agreement of the School District and the city, unless otherwise cancelled as provided or allowed by law. This Agreement may be extended as provided or allowed by law, or upon the mutual consent of the School District and the city, for an additional five years, on the same terms and conditions as provided herein, provided that the party seeking an extension gives written notice to the other party of such intent to extend no later than one year prior to the expiration of the then current term, and the other party agrees in writing to such extension. Pursuant to section 1.2 herein this Agreement shall be reviewed annually.

Section 5. Miscellaneous provisions.

A. *Faith and credit.* Neither party shall extend the faith or credit of the other to any third person or entity.

B. *Amendments.* This Agreement may be amended only by mutual Agreement of the parties and shall be evidenced by a written instrument authorized and executed with the same formality as accorded this Agreement.

C. *Notice.* Any notice required by this Agreement shall be in writing. If such notice is hand delivered or personally served, it shall be effective immediately upon such delivery or service. If given by mail, it shall be certified with return receipt requested and addressed to the following addresses:

The City of Longmont Attention: City Manager Civic Center Complex 350 Kimbark St. Longmont, Colorado 80501	The St. Vrain Valley School District RE-lJ Attention: Superintendent 395 S. Pratt Parkway Longmont, Colorado 80501

Notice given by mail shall be effective upon receipt.

D. *Governing law.* This Agreement and the rights and obligations of the parties hereto shall be interpreted and construed in accordance with the laws of the State of Colorado.

E. *Severability.* If this Agreement, or any portion of it, is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions of the Agreement.

F. *Indemnification.* The parties agree to cooperate in the defense of any legal action that may be brought contesting the validity of this Agreement or the implementing ordinances. The School District shall be responsible for its own attorneys' fees and, to the extent allowed by law, for the payment of any final monetary judgment entered against the City in any such action. Nothing contained in this Agreement shall constitute any waiver by the City or the School District of the provisions of the Colorado

Governmental Immunity Act or other applicable immunity defense. This provision shall survive termination of the Agreement, and be enforceable until all claims are precluded by statutes of limitation.

G. *Provisions construed as to fair meaning.* The provisions of this Agreement shall be construed as to their fair meaning, and not for or against any party based upon any attributes to such party of the source of the language in question.

H. *Compliance with ordinances and regulations.* This Agreement shall be administered consistent with all current and future City laws, rules, charters, ordinances and regulations concerning land dedication or conveyance for public school sites, or payment in-lieu of land dedication or conveyance for public school sites.

I. *No implied representations.* No representations, warranties or certifications, express or implied, shall exist as between the parties, except as specifically stated in this Agreement.

J. *No third party beneficiaries.* None of the terms, conditions or covenants in this Agreement shall give or allow any claim, benefit, or right of action by any third person not a party hereto. Any person other than the City or the School District receiving services or benefits under this Agreement shall be only an incidental beneficiary.

K. *Financial obligations.* This Agreement shall not be deemed a pledge of the credit of the City to the School District or the School District to the city, or a collection or payment guarantee by the City to the School District. Nothing in this Agreement shall be construed to create a multiple-fiscal year direct or indirect City or School District debt or financial obligation.

L. *Integrated Agreement and amendments.* This Agreement is an integration of the entire understanding of the parties with respect to the matters stated herein. The parties shall only amend this Agreement in writing with the proper official signatures attached thereto.

M. *Waiver.* No waiver, any breach or default under this Agreement shall be a waiver of any other or subsequent breach or default.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement which shall be in full force and effect the day and year first above written.

[Signature blocks.]

(Ord. No. O-2013-11, § 1(exh. A), 4-23-2013)

15app.E-054.png

APPENDIX E-8

ATTACHMENT 1

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF MEAD AND THE CITY OF LONGMONT

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of _____/_____/_____, 2008, by and between the Town of Mead ("Mead"), a municipal corporation in the State of Colorado, and the City of Longmont ("Longmont"), a municipal corporation in the State of Colorado. Mead and Longmont, when referring to both, are also referred to herein as the "Parties" or "municipalities." Either party hereto may also be referred to separately as a "municipality" or "party."

WHEREAS, units of local government are authorized by Article 14, Section 18 of the Colorado Constitution and C.R.S 29-1-203 to enter into intergovernmental agreements among themselves, and more specifically for the purpose of planning or regulating development of land by the Local Government Land Use Enabling Act, C.R.S. § 29-20-105; and

WHEREAS, the corporate authorities of Mead and Longmont have each adopted Comprehensive Plans; and

WHEREAS, certain unincorporated territory is located between Mead and Longmont; and

WHEREAS, Mead and Longmont recognize that unincorporated land generally lying in the area between their present municipal boundaries is attractive for development activity, and has the potential to experience rapid growth and development and that there is the potential for problems pertaining to such issues as adequate open space, flood control, groundwater, ecological and environmental impacts, appearance, and other related issues; and

WHEREAS, Mead and Longmont realize that growth and development activity will be accompanied by increased needs and demands for municipal services, including, but not limited to, transportation and road infrastructure, government and police powers, provision of utilities, furnishing of public safety and health services, parks and recreational facilities and services, site and subdivision planning, building inspection, and code enforcement services, and other social services; and

WHEREAS, Mead and Longmont and their respective citizens are vitally affected by said problems, needs and demands, and any attempt to solve them and provide for the welfare and prosperity of the residents and property owners in said municipalities will be benefited by mutual action and intergovernmental cooperation with respect thereto; and

WHEREAS, Mead and Longmont realize the benefit of intergovernmental cooperation and the need to provide for logical corporate boundaries and areas of municipal authority between their respective municipalities; and

WHEREAS, Mead and Longmont recognize the desirability of establishing jurisdictional boundaries between their respective municipalities in order to plan effectively and efficiently for the orderly growth and potential development between their municipalities, the provision of services, the conservation of available resources for all of their respective citizens, the promotion of economic viability of both municipalities, and the raising of revenue sufficient to meet the needs of the citizens, as well as to avoid unnecessary duplication of governmental services, and to simplify governmental structure when possible; and

WHEREAS, it is the intent of both Parties that by entering into this Agreement, cooperation will be promoted between the municipalities as it may relate to exchanging information as each municipality considers land development proposals within their respective jurisdictional limits and/or revisions to their respective comprehensive plans; and

WHEREAS, increased coordination and cooperation between municipalities, including planning for and managing growth and development of land, recognition of appropriate growth patterns, communication of development policies and regulations, and consultation on provision of services will enhance the ability of the two municipalities to achieve their respective individual and common community goals; and

WHEREAS, Mead and Longmont have authorized the execution of this Agreement as an exercise of their intergovernmental cooperation authority under C.R.S. § 29-20-105;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and obligations contained herein and the recitals hereinabove set forth, the sufficiency of which are hereby acknowledged, it is hereby mutually agreed by and between Mead and Longmont as follows:

Section 1. Boundary Line.

The boundary line which marks the jurisdictional boundaries between Mead and Longmont is depicted on the map labeled Exhibit A attached hereto and made a part hereof. The textual description of the boundary line is as follows:

Commencing at the intersection of WCR 40 or its equivalent thereof, and WCR 1, and traveling southward along WCR 1 to the intersection of Highway 66; the territory designated to Longmont would be on the west side of WCR 1 and the territory designated to Mead would be on the east side of WCR 1 ; then commencing at the intersection of WCR 1 and State Highway 66 and traveling eastward along State Highway 66 to the intersection with the railroad tracks, then south along the railroad tracks to the ½ section line, then south towards Liberty Gulch and then south along Liberty Gulch to the intersection of WCR 7 and WCR 26, at which point the dividing line would continue southward on WCR 7 until the St. Vrain River is reached, with Longmont on the west side of said dividing line; while the territory designated to Mead would be the north side of State Highway 66 and all territory east of the aforesaid dividing line. In the case of any discrepancy the attached map is intended to more accurately reflect the intended boundary line.

Section 2. Annexation Policy Relative to Boundary Line.

Mead agrees to not annex, solicit the annexation of, enter into any agreement to annex, commence proceedings to annex, nor entertain a petition to annex any territory which lies beyond the Mead side of the jurisdictional line depicted in Exhibit A.

Longmont agrees to not annex, solicit the annexation of, enter into any agreement to annex, commence proceedings to annex, nor entertain a petition to annex any territory, excepting City owned property, which lies beyond the Longmont side of the jurisdictional line depicted in Exhibit A.

The Parties further agree that they shall not, in any manner, become directly or indirectly involved with the annexation of the aforesaid jurisdictional territory of the other municipality, or oppose the other municipality's annexation of property within its jurisdictional territory, except as provided herein.

In the event that either municipality is contacted by any person in connection with any matter involving the annexation of land which lies within the aforesaid jurisdictional territory of the other municipality, the contacted municipality shall immediately refer such person to the other municipality for disposition thereof.

Section 3. Highway Annexation, Maintenance and Access Control Planning.

Notwithstanding any provision of this Agreement to the contrary, the Parties acknowledge that they will coordinate the annexation of public roadways with the intent that those portions of County Line Road and State Highway 66 located within the respective boundary of either municipality should be included in any future annexation of land abutting those roadways. The roadway will be annexed for its entire width and the annexing municipality shall have jurisdiction over the road segment involved. The Parties

also agree to pursue roadway maintenance agreements in order to ensure the efficient and coordinated maintenance of public roads in the vicinity of the boundary line. The Parties also agree to work together with the Colorado Department of Transportation and Weld County to evaluate and develop an access control plan for State Highway 66.

Section 4. Sewer Service Boundaries (attach map with 208 planning boundaries).

The Parties agree to cooperate in the establishment of Section 208 Water Quality Plan sewer service boundaries in accordance with this Agreement, except as otherwise provided herein. If any party files a petition with the North Front Range Water Quality Association or other agency or unit of government to implement the terms of this Agreement, the other party shall cooperate in that action. Both Parties agree to oppose any third party request for modifications of such Section 208 boundaries. The Parties acknowledge the existing Intergovernmental Agreement dated October 11, 2002 between the City of Longmont and the St. Vrain Sanitation District delineating their respective 208 Water Quality Plan Boundaries and service areas.

Section 5. Minimum Development Standards.

The Parties agree that at a minimum they will require, to the extent allowed by law, that all development within the jurisdictional boundaries of this agreement, comply with the applicable portions of their Municipal codes relating to storm water drainage and detention, soil erosion and sedimentation control, stream and wetlands protection, floodplain regulations, and other public improvement standards such as those dealing with landscaping and parks. The Parties also agree to cooperatively work to evaluate and implement storm water best management practices (BMPs) for their respective municipal operations and to pursue requiring the implementation of applicable BMPs on all new development within their respective jurisdiction.

Section 6. Joint Impacts and Infrastructure Issues.

The Parties agree to jointly consult with and plan future road improvements for arterial roads and rights-of-way that traverse or parallel both municipalities (e.g. CR 7, CR 26), insofar as they have the jurisdiction to do so. Specifically, Mead and Longmont agree to confer and agree on the design and development of the intersection of CR 7 and CR 26. With regard to such planning and jurisdiction, the Parties agree to cause improvements to be accomplished according to uniform and consistent standards. The improvements to said roads shall be made by the developers (unless made by other units of government) and the municipalities shall cooperate with each other and with the developers to obtain recapture of expenses on a proportional basis for any improvements benefiting properties outside the particular development, regardless of whose municipal boundaries the benefited property may be in.

With regard to collector and minor streets and rights-of-way, as well as commercial development service drives and parking facility ingresses/egresses, the Parties agree that where practical, the same will interconnect across municipal boundary lines and that neither municipality will subsequently close or vacate a street or access connection without the written consent of the other municipality. Any such interconnection shall be made in a uniform and consistent manner. The Parties agree that mutual issues of importance in effectuating this policy, such as, but not limited to, access standards, signalization, and other related issues, including cost apportionment therefore, shall be included in and determined by a separate written instrument approved by both Parties.

If the Parties' standards differ, then the roadwork shall be improved and/or maintained to the stricter standard.

This Section 6 shall not be construed as to prevent the Parties from joining in and executing intergovernmental agreements that may be multi-jurisdictional with multiple municipalities, counties, and/or the State of Colorado relative to road planning and construction.

Mead and Longmont agree to cooperate with each other in the planning and construction for future utilities including, but not limited to, water and sewer, which are reasonably necessary to serve future development within the boundary areas covered by this agreement. Utilities will be constructed in accordance with the then current design specifications and construction standards and long range master plans. The Parties will cooperate in allowing utilities in rights-of-way or in utility easements, provided that rights-of-way or easements are restored to the condition that existed prior to construction or to a higher, more improved condition. Neither party shall charge the other party for use of such rights-of-way or easement if they were previously granted to the providing party without charge. The Parties agree to resolve any conflict with regard to the location and installation methods of utilities, whether public or private, or furnished by themselves or by other units of government. The Parties further may agree, by separate written instrument, in accordance with each party's then applicable charters and extraterritorial water or sewer service ordinances, rules and regulations, (e.g. extraterritorial service agreement) to share in utility infrastructure and service provision in order to assist development if they find it desirable to share or provide utilities beyond their corporate boundaries.

The Parties agree to cooperate in planning and constructing linked bicycle/pedestrian trails between the municipalities and to connect with regional bicycle/pedestrian trail systems.

The Parties agree that should there be a dispute in regard to the interpretation of this Section 6, before any litigation is initiated, the Parties shall mediate or arbitrate any dispute by jointly selecting an engineering firm that is independent of both municipalities that shall offer its opinion to resolve the issue. Mediation or arbitration rising from this provision shall be non-binding.

Section 7. Notice of Development Proposals and Comprehensive Plan Revisions.

Each party agrees to furnish the other with notice of all formal petitions and/or applications for and proceedings regarding the annexation, zoning, platting, subdividing, and/or development of any parcel of land located within 1,000 ft. of the other party's boundary established by this Agreement. Such notice shall be sent to the other party at least 15 days prior to any public meeting or hearing on the matter so that the other party may comment on the proposal and appear as an interested party and be heard. Comments, consideration, and input may pertain to, but shall not be restricted to, site access, layout, storm water management, building materials, landscaping, buffering, lighting, signage, setbacks, design criteria, and similar site-specific features.

Each party agrees to furnish the other with notice of any proposal to amend its Comprehensive Plan that affects land abutting the jurisdictional line established in this Agreement. Such notice shall be sent to the other party at least 15 days prior to any public meeting or hearing on the matter so that the other party may comment on the proposal and appear as an interested party and be heard. If the municipality submits recommendations, the party will either include within its written decision the reasons for any action taken contrary to the same or furnish such reasons to the municipality by a separate writing.

Section 8. Statutory Rights Preserved.

This Agreement shall not be construed so as to limit or adversely affect the right of either municipality to file a statutory objection to any proposed County zoning or to limit or adversely affect any other extraterritorial right granted to them by Colorado law.

Section 9. Divided Parcels.

The Parties acknowledge that there may now be, or in the future may be, lots, parcels or tracts of land under single ownership that lie on both sides of the boundary line. In the event such property divided by the boundary line is proposed for development, the Parties agree to cooperate in the development of such property as may be required to provide appropriate municipal services for the benefit of the property owners and each municipality. Nothing that may be accomplished by such cooperation shall be constructed as, or have the effect of, changing or abrogating the boundary line. It is the intention of the Parties to avoid duplication of municipal services wherever possible.

Section 10. Special Provisions.

Certain aspects of this Agreement are more specifically provided for as follows:

A. The Parties agree to explore revenue-sharing issues and methods, and if consensus on such a topic is reached, to formalize it with a separate intergovernmental agreement.

B. Mead acknowledges the existence of Longmont's conditional water storage right under Filing #W-6890 of 1971, that would allow the creation of a storage reservoir in a portion of the Liberty Gulch adjacent to where the boundary line lies when Longmont secures ownership of the necessary land. Accordingly, Longmont agrees to keep Mead informed as to land acquisition, applications for approval, construction, and other implementation measures of this right, and to consult with Mead as to any impacts thereof, and Mead agrees to cooperate with Longmont by taking into account such reservoir in its review and approvals of land uses and public improvements by Mead in that vicinity. Longmont agrees to consult with Mead concerning their potential interest in participating in the development and construction of Liberty Reservoir for the purpose of Mead obtaining storage capacity in the reservoir. This provision includes potential storage capacity in the reservoir but does not include any portion of the conditional storage decree. Mead agrees to not object to the development, construction and operation of the reservoir in accordance with the conditional water right subject to their receiving a minimum of 60 days to review and comment on the reservoir construction plans prior to Longmont's submittal of the plans for approval by the State of Colorado.

C. The Parties agree to require certain basic design standards that would be uniform for both municipalities for the roadside appearance of developments or redevelopments adjacent to State Highway 66, which may be known as a "scenic entry corridor" for both municipalities. These minimum standards include, but are not limited to:

1. A minimum setback of 50 feet from the existing State Highway 66 right-of-way at the time that this Agreement was executed is required. No buildings, structures, or facilities (such as parking lots) may be located within such setbacks, except for the following: a) storm water detention/retention facilities; b) any required street lighting for State Highway 66; c) approved small scale mass transit facilities such as bus shelters or bus stops; and d) monument signs not to exceed five (5) feet in height for single-tenant lots and out lots, and ten (10) feet in height for multi-tenant developments (provided, however, that they are on parcels over two (2) acres in size), such as shopping centers, that identify the development and its tenants as a whole, as further regulated by each municipality's storm water management, lighting, accessory structure, sign and other applicable codes.
2. Setbacks shall be landscaped in accordance with standards equivalent to or better than the following:
    a. All building setbacks adjacent to the Highway 66 right-of-way shall be landscaped at a ratio of at least one tree and five shrubs for every one thousand square feet of setback area.
    b. At least fifty percent of the trees shall be over story/shade deciduous species and twenty-five percent of the trees are coniferous species, where appropriate. Evergreens (conifers) should not be planted where they shall shade public streets and sidewalks during the winter months.
    c. Grouping of trees is allowed and encouraged where buffering of on-site improvements is desirable provided that minimum spacing is maintained.
    d. Irrigated lower water consuming grass or other comparable vegetation shall be the primary ground cover. 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.
    e. The municipalities may require a concrete path within the scenic entry corridor to provide pedestrian access to or across the property. All concrete paths shall be designed according to the respective community's standards.
    f. Landscaping and irrigation in scenic entry corridors shall be designed and constructed to city standards.
    g. In the case of infill development, redevelopment or change of use where strict compliance with the standards stated above is not possible or practical, the landscape standards shall meet the following requirements:
        (i) The scenic entry corridor area, width, and landscaping shall be commensurate with the scope of the project, depending on the type of use proposed and extent of site changes.
        (ii) Negative impacts on adjacent properties and along the highway right-of-way shall be mitigated with the use of landscaping.
        (iii) The intent, purpose and spirit of this section is to improve the appearance of the Highway 66 corridor through landscape regulations, and to provide gateway entrances to the municipalities that are attractive and provide an enhanced sense of community.
        (iv) Development shall be required to mitigate a lesser setback of scenic entry corridor area, if proposed, by providing a higher quality or otherwise more desirable landscape improvement.
        (v) If scenic entry corridor landscaping is not possible, the dollar value of the required landscaping shall be deposited into a fund designated by the affected municipality.
3. Tree preservation shall be practiced to the greatest extent feasible, consistent with good forestry practices, taking into account location, health, number and quality of species of trees that exist on a given parcel.

Section 11. Effect on Other Parties or Boundary Agreements.

This Agreement is intended to describe rights and responsibilities only as between the named parties hereto. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties hereto. Nothing contained in this Agreement shall be used or construed to affect, support, bind, or invalidate the boundary claims of either party insofar as they shall affect any municipality not a party to this Agreement. Nothing contained in this Agreement shall be construed to require Mead or Longmont to annex any property or to provide any services to any land. Nothing contained in this Agreement shall be construed to entitle either party, or any person, firm, partnership, or corporation claiming protection under or by virtue of the existence of this Agreement, to a judgment for monetary damages against the other for violation of the terms of this Agreement.

Section 12. Agreement Amendments and Enforcement.

It is mutually agreed that neither Mead nor Longmont shall either directly or indirectly seek any modification or rescission of this Agreement through court action, and that this Agreement shall remain in full force and effect until amended by a mutual written agreement approved by the respective corporate authorities of both Parties. The provisions of this Agreement may be enforced by either party against the other in any court of competent jurisdiction by means of either injunction or specific performance.

Section 13. Severability.

If any provision of this Agreement shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction as to either party or as to both Parties, such invalidation shall not affect any other provision of this Agreement which can be given effect without the invalid provision (except that if a requirement or limitation in such provision is declared invalid as to one party, any corresponding requirement or limitation shall be deemed invalid as to the other party), and to this end, the provision of this Agreement are to be severable.

Section 14. Term.

This Agreement shall be valid and binding and in full force and effect from the date of execution by both Parties for a five (5) year term. It may be extended for successive five year periods through mutual written agreement by the parties.

Section 15. Governing Law.

This Agreement shall be construed in accordance with the laws of the State of Colorado.

Section 16. Notices.

Notices shall be provided to the respective party by first-class mail, postage prepaid as follows:

Town of Mead
Attn: Town Manager
PO Box 626
Mead, CO 80542-0626

City of Longmont
Attn: City Manager
Civic Center Complex
350 Kimbark St
Longmont, CO 80501

Section 17. Recording and Availability of Agreement.

The Parties shall each record a certified copy of this Agreement with the Clerk and Record's Office for the county or counties in which the municipality is located, or with the given county or counties wherein any land affected by this Agreement is located. Each party shall make available for public inspection, copies of this Agreement in their respective offices as provided by statute.

15app.E-057.png

APPENDIX E-9

ATTACHMENT 1

INTERGOVERNMENTAL AGREEMENT BETWEEN THE TOWN OF FREDERICK AND THE CITY OF LONGMONT

THIS AGREEMENT ("Agreement") is made and entered into this _____ day of _____/_____/_____, 2011, by and between the Town of Frederick ("Frederick"), a municipal corporation in the State of Colorado, and the City of Longmont ("Longmont"), a municipal corporation in the State of Colorado. Frederick and Longmont, when referring to both, are also referred to herein as the "parties" or "municipalities." Either party hereto may also be referred to separately as a "municipality" or "party."

WHEREAS, units of local government are authorized by Article 14, Section 18 of the Colorado Constitution and C.R.S. § 29-1-203 to enter into intergovernmental agreements among themselves, and more specifically for the purpose of planning or regulating development of land by the Local Government Land Use Enabling Act, C.R.S. § 29-20-105; and

WHEREAS, the corporate authorities of Frederick and Longmont have each adopted Comprehensive Plans; and

WHEREAS, certain unincorporated territory is located between Frederick and Longmont; and

WHEREAS, since 2002, Longmont's Coordinated Planning Area, an intergovernmental agreement with Weld County, has included a portion of this unincorporated territory located between Frederick and Longmont, and

WHEREAS, since 2006, there has been an overlap between Frederick's Planning Area and Longmont's Coordinated Planning Area; and

WHEREAS, Frederick and Longmont recognize that unincorporated land generally lying in the area between their present municipal boundaries along the St. Vrain River and along Boulder Creek has the potential to develop, and said development creates the potential for problems pertaining to such issues as adequate open space and community separators or buffers, trail connections, wildlife habitat, flood control, groundwater, ecological and environmental impacts, appearance, and other related issues; and

WHEREAS, Frederick and Longmont realize that growth and development activity will create increased needs and demands for municipal services, including, but not limited to, transportation and road infrastructure, government and police powers, provision of utilities, furnishing of public safety and health services, parks and recreational facilities and services, trails, site and subdivision planning, building inspection, and code enforcement services, and other social services; and

WHEREAS, Frederick and Longmont and their respective citizens are vitally affected by said problems, needs and demands, and any attempt to solve them and provide for the welfare and prosperity of the residents and property owners in said municipalities will be benefitted by mutual action and intergovernmental cooperation with respect thereto; and

WHEREAS, Frederick and Longmont realize the benefit of intergovernmental cooperation and the need to provide for logical corporate boundaries and areas of municipal authority between their respective municipalities, to continue to establish open space community separators or buffers between the two municipalities, and to continue to buffer this open space from future development; and

WHEREAS, Frederick and Longmont intend to protect the St. Vrain River/Boulder Creek corridors from growth and development; and

WHEREAS, Frederick and Longmont intend to preserve the St. Vrain River/Boulder Creek corridors in their natural state and protect their water quality; and

WHEREAS, Frederick and Longmont intend to preserve and buffer wildlife habitat along the St. Vrain River/Boulder Creek corridors; and

WHEREAS, Frederick and Longmont intend to implement regional trail corridors and local trail connectors to them; and

WHEREAS, it is the intent of both parties, that by entering into this Agreement, cooperation will be promoted between the municipalities as it may relate to exchanging information as each municipality considers land development proposals on their respective sides of the boundary line and/or revisions to their respective comprehensive plans, open space plans, trail plans, and recreation plans; and

WHEREAS, increased coordination and cooperation between municipalities, including planning for and managing growth and development of land, recognition of appropriate growth patterns, communication of development policies and regulations, and consultation on provision of services will enhance the ability of the two municipalities to achieve their respective individual and common community goals; and

WHEREAS, Frederick and Longmont have authorized the execution of this Agreement as an exercise of their intergovernmental cooperation authority under C.R.S. § 29-20-105;

NOW, THEREFORE, in consideration of the mutual promises, covenants, and obligations contained herein and the recitals hereinabove set forth, the sufficiency of which are hereby acknowledged, it is hereby mutually agreed by and between Frederick and Longmont as follows:

Section 1. Boundary Line.

The boundary line which marks the jurisdictional boundaries between Frederick and Longmont within the City of Longmont and Weld County Coordinated Planning Area (also known as urban growth area) is depicted on the map labeled Exhibit A attached hereto and made a part hereof. The textual description of the boundary line is as follows:

Commencing at the crossing of SH119 over the St. Vrain River, and traveling southward along the St. Vrain River to its confluence with Boulder Creek, then traveling southward along Boulder Creek to WCR 20 extended.

In the case of any discrepancy, Exhibit A is intended to more accurately reflect the intended boundary line.

Section 2. Annexation Policy Relative to Boundary Line.

Frederick agrees to not annex, solicit the annexation of, enter into any agreement to annex, commence proceedings to annex, or entertain a petition to annex any territory which lies west of the boundary line depicted in Exhibit A.

Longmont agrees to not annex, solicit the annexation of, enter into any agreement to annex, commence proceedings to annex, nor entertain a petition to annex any territory, excepting property owned by the City in fee, which lies east of the boundary line depicted in Exhibit A. Notice shall be provided pursuant to Section 6 of this Agreement.

The parties further agree that they shall not, in any manner, become directly or indirectly involved with the annexation of the aforesaid jurisdictional territory of the other municipality, or oppose the other municipality's annexation of property within its jurisdictional territory, except as provided herein.

In the event that either municipality is contacted by any person in connection with any matter involving the annexation of land which lies within the aforesaid jurisdictional territory of the other municipality, the contacted municipality shall immediately refer such person to the other municipality for disposition thereof.

Section 3. Planning Coordination.

It is the intent of the parties that this agreement is not a "development plan" as defined by C.R.S. § 24-32-3209, but is limited to those mutual planning issues specifically addressed herein. The parties agree to coordinate on joint planning within the area located within one-half mile east and west of the boundary line established by this Agreement. If agreement on more specific topics is reached, the parties agree to formalize such by amending this Agreement, their respective plans, and/or applicable regulations as warranted. (Note: Coordinated planning does not necessarily imply a commitment by either party to budget dollars for open space in this area.) The specific topics for coordinated planning include the following:

1. Identifying critical areas worthy of preservation. Areas to be evaluated for preservation include stream corridors, riparian areas, unique landforms, sensitive wildlife habitat, prime agricultural lands, historical and/or archeological resources, etc. Wildlife habitat can include riparian areas, open water and nesting sites, cliffs and buffers to nesting sites, migration corridors, etc.
2. Defining priority open space areas the parties would work together to preserve including, but not limited to, community separators or open space buffers between the municipalities and areas that include the Colorado Front Range Trail and its associated corridor.
3. Locating recreation facilities including, but not limited to, parks, greenways and trails (regional trails, the local connector trails to them, and grade-separations such as the underpass for the Colorado Front Range Trail at SH119), etc.
4. Employing techniques for buffering the St. Vrain/Boulder Creek corridors and public open space from development and its associated impacts.
5. Cooperating on issues related to transportation planning and construction to assure a high quality functioning transportation system both now and in the future.

Section 4. Open Space Acquisition.

Longmont has recently executed an option to purchase for open space the 174 acre +/- properties owned by Cooley Gravel Co. and Aggregate Industries (also known as the Tull property) (Parcels #131316000031 & #131309000004). Longmont also is negotiating for the option to purchase for open space the 120 acre+ property owned by Temperature Processing Co., Inc. (Parcel #131309000003). In addition, Longmont is negotiating with the LaFarge Corporation for purchase of 50 acres +/- known as the Heaton Property (Parcel #131309100082) for open space. These properties are located on the east or Frederick side of the boundary line.

With the exceptions of the Tull, Temperature Processing and Heaton properties, Longmont agrees that it will not purchase for open space (fee simple or conservation easement) any property east of the boundary line without first notifying Frederick. Frederick agrees that it will not purchase for open space (fee simple or conservation easement) any property west of the boundary line without first notifying Longmont.

Longmont will not oppose Frederick's purchase of property east of the boundary line for open space, and Frederick will not oppose Longmont's purchase of property west of the boundary line for open space.

Section 5. Minimum Development Standards.

Within one-half mile of the boundary line, the parties agree that at a minimum they will require, to the extent allowed by law, the following:

1. That development on any parcel shall be clustered away from the St. Vrain River/Boulder Creek corridors and away from any open space; and
2. That development will be a minimum of 150 ft. from the riparian area along Boulder Creek and a minimum of one-quarter mile from the confluence of the St. Vrain River and Boulder Creek (the largest eagle roost in Colorado) except where supported by Colorado Division of Wildlife; and
3. That development will be served by central water, central sewer; and
4. That development will meet local state and federal storm drainage regulations, as applicable; and
5. That development of 9 dwelling units or less may be served with septic or other approved private sewerage systems if:
   a. The development of that portion of the property includes an agreement to encumber the rest of the property for open space (fee simple or conservation easement); and
   b. The gross density of the entire property (both development and open space portions) does not exceed one dwelling unit per five acres; and
6. That development will incorporate a variety of techniques to buffer.

Section 6. Notice of Development Proposals and Comprehensive Plan, Open Space Plan, Trails Plan, and Recreation Plan Revisions.

1. Notice of proposed Comprehensive Plan amendments are to be given in conformance with the requirements of C.R.S. § 24-32-3209(2)(a). Such notice shall be sent to the other party at least 15 days before the public hearings at which the Comprehensive Plan amendment is to be considered. The other party may review the comprehensive plan amendment and submit comments before the first public hearing on the comprehensive plan amendment.

   A party may file a written objection to the proposed comprehensive plan amendment of the other in accordance with C.R.S. § 24-32-3209(2)(b). In the event mediation is requested as part of the objection, such mediation shall be conducted in accordance with C.R.S. § 24-32-3209(2)(b) and (c).
2. It is the intent of the parties that open space plans, trails plans, and recreation plans may be developed by the parties independent of the municipality's master plan as defined by C.R.S. § 31-23-206 and comprehensive plan as defined by C.R.S. § 24-32-3209, and such plans are not subject to mediation as provided by C.R.S. § 24-32-3209.
3. Each party agrees to furnish the other with a referral notice of all formal petitions and/or applications for annexation, zoning, platting, subdividing, and/or development of a parcel of land located within one-half mile of the boundary line. Such referral notice is to be made in the same manner as the party refers petitions and/or applications to governmental referral agencies for review and comment prior to public hearings and/or administrative decisions. Such notice shall not confer any additional privileges or rights to the parties under C.R.S. § 24-32-3209.

Section 7. Statutory Rights Preserved.

This Agreement shall not be construed so as to limit or adversely affect the right of either municipality to file a statutory objection to any proposed County zoning or to limit or adversely affect any other extraterritorial right granted to each party by Colorado law.

Section 8. Divided Parcels.

The parties acknowledge that there may now be, or in the future may be lots, parcels, or tracts of land under single ownership that lie on both sides of the boundary line. In the event such property divided by the boundary line is proposed for development, the parties agree to cooperate in the development of such property as may be required. Nothing that may be accomplished by such cooperation shall be construed as, or have the effect of, changing or abrogating the boundary line. It is the intention of the parties

to avoid duplication of municipal services wherever possible.

Section 9. Effect on Other Parties or Boundary Agreements.

This Agreement is intended to describe rights and responsibilities only as between the named parties hereto. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties hereto. Nothing contained in this Agreement shall be used or construed to affect, support, bind, or invalidate the boundary claims of either party insofar as they shall affect any municipality not a party to this Agreement. Nothing contained in this Agreement shall be construed to require Frederick or Longmont to annex any property or to provide any services to any land. Nothing contained in this Agreement shall be construed to entitle either party, or any person, firm, partnership, or corporation claiming protection under or by virtue of the existence of this Agreement, to a judgment for monetary damages against the other for violation of the terms of this Agreement.

Section 10. Complete Agreement.

This instrument embodies the whole agreement of the parties. There are no promises, terms, conditions, rights conferred, or obligations made other than those contained herein; and this Agreement shall supersede all previous communications, representations, or agreements, either verbal or written, between the parties hereto. Except as provided herein there shall be no modifications of this Agreement except in writing, executed with the same formalities as this instrument. Subject to the conditions precedent herein, this Agreement may be enforced in any court of competent jurisdiction.

Section 11. Severability.

If any provision of this Agreement shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction as to either party or as to both parties, such invalidation shall not affect any other provision of this Agreement which shall remain in effect without the invalid provision (except that if a requirement or limitation in such provision is declared invalid as to one party, any corresponding requirement or limitation shall be deemed invalid as to the other party), and to this end, the provisions of this Agreement are to be severable.

Section 12. Term.

This Agreement shall be valid and binding and in full force from the effective date of this agreement for a five-year term. The agreement shall automatically extend after the first term of 5 years for a successive period of 5 years unless either party notifies the other party of its intent to terminate or substantially revise this agreement 180 days prior to the five-year anniversary of the effective date of this agreement. If the agreement automatically renews for a second five-year term, subsequent renewals of one-year terms with similar provisions for termination or substantial amendment shall further extend this agreement.

Section 13. Governing Law.

This Agreement shall be construed in accordance with the laws of the State of Colorado.

Section 14. Notices.

Notices shall be provided to the respective party by first-class mail, postage prepaid as follows:

Town of Frederick	City of Longmont
Attn: Town Administrator	Attn: City Manager
P. O. Box 435	Civic Center Complex
Frederick, CO 80530	350 Kimbark St.
	Longmont, CO 80501

Section 15. Effective Date of this Agreement.

The effective date of this Agreement shall be after the approval by each party and upon its recording with the Weld County Clerk and Recorder's Office.

Section 16. Recording and Availability of Agreement.

The parties shall each record a certified copy of this Agreement with the Weld County Clerk and Recorder's Office. Each party shall make available for public inspection, copies of this Agreement in their respective offices as provided by statute.

Section 17. Definitions.

The following terms as used in this agreement shall be defined as follows:

1. Greenway - means a corridor encompassing a trail for bicycles and pedestrians. The path of a greenway should lead through rural as well as urban areas, connecting the countryside to urban parks. The landscaping pattern should be appropriate to the location: naturalistic within the countryside and formal within the neighborhoods. A Greenway should follow a natural path which is transformed to its purposes. Typically, these are riverfronts (riverwalk) or disused tracks (the rails-to-trails).
2. Riparian area - means an area of land directly influenced by the nearby presence of water. It is an ecosystem that is transitional between land and water ecosystems. Riparian areas usually have visible vegetative or physical characteristics reflecting the influence of water. Riversides, lake borders, and marshes are typical riparian areas. From a buffering standpoint, the edge of riparian area shall be defined as the edge or drip line of riparian vegetation along the water body or corridor. Buffering of 150 feet from this riparian edge is considered a best practice standard for development as described in Section 5.6 of this Agreement.

3. Social trail - is an unofficial trail that diverges from an existing trail or road, as a shortcut to a destination. A social trail usually cuts through a vegetative barrier, such as woods, scrubs, and grass fields. It is called a "social" trail because one often leads to a social gathering place.
4. St. Vrain River/Boulder Creek corridor - a riparian corridor a minimum of 150 feet upland from both the east and west sides along Boulder Creek and 1,320 feet (¼ mile) from the confluence of the St. Vrain River and Boulder Creek.

APPENDIX E-10

ATTACHMENT 1

Coordinated Planning Agreement
Between The Town Of Firestone and The City Of Longmont

This agreement ("Agreement") is made and entered into this _____ day of _____, 2011 by and between the Town of Firestone ("Firestone"), a municipal corporation in the State of Colorado, and the City of Longmont ("Longmont"), a municipal corporation in the State of Colorado. Firestone and Longmont, when referring to both, are also referred to herein as the "Parties" or "Municipalities." Either Party hereto may also be referred to separately as a "Municipality" or "Party."

1.0 Recitals

1.1 Whereas, units of local government are authorized by Article 14, Section 18 of the Colorado Constitution and C.R.S § 29-1-203 to enter into intergovernmental agreements among themselves, and more specifically for the purpose of planning or regulating development of land by the Local Government Land Use Enabling Act, C.R.S. § 29-20-105; and

1.2 Whereas, the corporate authorities of Firestone and Longmont have each adopted comprehensive/master plans; and

1.3 Whereas, the incorporated boundaries of Firestone and Longmont are contiguous in several locations; and

1.4 Whereas, in other locations, certain unincorporated property lies between Firestone and Longmont; and

1.5 Whereas, Firestone and Longmont state their intentions to cooperate in responsible land use and growth management to address increased needs and demands for municipal services; and

1.6 Whereas, Firestone and Longmont recognize the benefit of intergovernmental cooperation and the need to provide for logical corporate boundaries and areas of municipal authority between their respective municipalities; and

1.7 Whereas, Firestone and Longmont recognize the desirability of establishing methods of cooperation between their respective municipalities in order to plan effectively and efficiently for the orderly growth and potential development between their municipalities; and

1.8 Whereas, it is the intent of both Parties that by entering into this Agreement, cooperation will be promoted between the municipalities as it may relate to exchanging information regarding land use and development activities within their respective jurisdictional limits or revisions to their respective comprehensive/master plans; and

Now therefore, in consideration of the recitals herein it is hereby mutually agreed by and between Firestone and Longmont as follows:

2.0 Union - St. Vrain Planning Area

The area of interest where Firestone and Longmont have contiguous boundaries and unincorporated areas between the municipalities falls generally between Union Reservoir and the St. Vrain River in Weld County, Colorado. This mutual planning area shall herein be referred to as the "Union - St. Vrain Planning Area" or "Area". The Union - St. Vrain Planning Area falls entirely or partially within each municipality's comprehensive/master planning areas and is depicted on the map labeled Exhibit A.

The scope of this Agreement is limited to the Union - St. Vrain Planning Area as depicted on the map labeled Exhibit A.

3.0 Annexation Policy Relative to the Union - St. Vrain Planning Area

If either Party undertakes annexation in the Union - St. Vrain Planning Area, a notice shall be sent to the other Municipality within 15 days of receipt of a substantially complete annexation petition which conforms to Colorado State Statutes relative to annexation. This requirement may be satisfied by sending to the other Municipality a copy of the petition, as received. Notice shall also be provided to the other Municipality as required by C.R.S. § 31-12-108(2) regarding setting a public hearing for the annexation's conformance to statutory requirements. The respective Parties may comment on each other's annexation plans and activities according to the public hearing process for annexations. The comments of the respective Municipalities may be to support, oppose or to make comments regarding development plans with regard to the specifics of the property and what services may need to be provided. The comments from the Party receiving notice of annexation shall be made part of the record of the annexation hearing. The comments by either Party shall be given serious consideration, but are not binding. In addition, failure to comply with the notice requirements of this section of the Agreement shall not be grounds to invalidate any annexation process of either Party, nor shall this Agreement confer any rights of review not provided for by C.R.S. § 31-12-101 et seq.

4.0 Annexation Policy & Cooperative Matters Relative to Roads

Should an annexation be proposed to either Municipality, the matter of annexing rights-of-way shall be an area where the Parties shall cooperate to strive for a logical and rational plan for right-of-way management and maintenance. This provision is not intended to limit either Party's authority to annex rights-of-way for annexation contiguity purposes or for compliance with C.R.S. § 31-12-105(1)(f), or to otherwise annex right-of-way in accordance with C.R.S. § 31-12-101 et seq.

4.1 Longmont supports the addition of Firestone to the parties of an intergovernmental agreement with regard to access management along SH 119 from Weld County Road 1 (County Line Road) to Weld County Road 5.5

4.2 Longmont and Firestone shall participate in an update of the June 2007 transportation analysis titled "Weld County/Longmont/Mead Subarea Analysis". The goal of the update shall be to better assess primary roadway capacity needs based on current land planning information.

4.3 Firestone acknowledges that Longmont has plans and permits allowing for the expansion of Union Reservoir that includes the relocation of Weld County Road 26 as a component of the expansion. Firestone and Longmont agree to cooperate on a road alignment and design necessary to accommodate the reservoir expansion and other land uses adjacent to the roadway alignment.

4.4 Longmont and Firestone agree to cooperate to establish coordinated maintenance standards and responsibilities for Road 26 between County Line Road and Weld County Road 5.

4.5 Longmont and Firestone shall establish joint development standards, funding requirements and final design of Fairview Street from SH 119 to its intersection with Weld County Road 26. The Parties agree that Fairview Street shall be a Longmont street and will cooperate in securing the necessary right-of-way and having it annexed by Longmont; however, nothing in this Agreement requires the use of eminent domain by either Party or that either Party acquire right-of-way in the other

Party's jurisdiction. Longmont agrees that Firestone shall be granted reasonable public street accesses on Fairview Street, with intersections spaced in accordance with the then current City of Longmont standards and specifications, and Longmont agrees this commitment by it shall survive any termination or expiration of this Agreement.

4.6 Firestone agrees to de-annex the portion of Weld County Road 26 from its current westernmost limit near Union Reservoir to the east edge of the Great Western Railroad right-of-way near the intersection with Weld County Road 5, as generally shown on Exhibit B. Subsequent to that action by Firestone, Longmont agrees to promptly annex the same. Longmont agrees that Firestone shall be granted reasonable public street accesses to such portion of Weld County Road 26, with intersections spaced in accordance with the then current City of Longmont standards and specifications, and Longmont agrees this commitment by it shall survive any termination or expiration of this Agreement.

4.7 The Parties may amend this Agreement or enter into further intergovernmental agreements, if necessary to implement road annexation, road improvement, or road maintenance objectives shared between the Parties.

5.0 Sewer Service Boundaries

The Parties intend to cooperate with respect to Section 208 Water Quality Plan sewer service boundaries in accordance with this Agreement.

6.0 Minimum Development Standards

The Parties agree that at a minimum they will require, to the extent allowed by law, that development within their jurisdictional boundaries comply with the applicable portions of their respective municipal codes relating to storm water drainage and detention, soil erosion and sedimentation control, stream and wetlands protection, floodplain regulations, and other public improvement standards such as those dealing with landscaping and parks. The foregoing shall not be construed to prohibit the processing of requests for variances, waivers or modifications to such codes, consistent with the applicable standards and procedures. Where necessary, both parties agree to cooperate to reconcile applicable standards and best management practices for Federal NPDES and other related requirements where conditions may warrant in, along or near the Union - St. Vrain Planning Area.

7.0 Joint Impacts and Infrastructure Matters

The Parties will jointly plan future road improvements for arterial roads and rights-of-way that traverse or parallel both municipalities, insofar as they have the jurisdiction so to do so. The Parties intend to cooperate in planning and constructing linked bicycle/pedestrian trails between the municipalities and to connect with regional bicycle/pedestrian trail systems. Where appropriate, the parties may jointly undertake grant applications or improvements for bicycle/pedestrian trails or related projects.

Firestone and Longmont agree to cooperate with each other to the extent possible (and with respective special districts) in planning for construction for future utilities, including but not limited to water and sewer lines, which are reasonably necessary to serve future development within their own borders and which are to be located in public rights-of-way or utility easements. Language in this section does not obligate either Party to construct specific capital or public improvements, to appropriate funds or to acquire or dedicate rights-of-way or easements.

8.0 Notice of Development Proposals and Comprehensive/Master Plan Revisions

The Parties agree to furnish to each other notice of all formal petitions and/or applications for and proceedings regarding the annexing, zoning, or subdividing of any parcel of land located within the Union - St. Vrain Planning Area established by this Agreement. Failure to furnish notice under this section shall not be grounds to invalidate any annexation, zoning or subdivision process of either Party.

9.0 Statutory Rights Preserved

This Agreement shall not be construed so as to limit or adversely affect the right of either municipality to file a statutory objection to any proposed annexation, zoning or subdivision or to limit or adversely affect any other extraterritorial right granted to them by Colorado law.

10.0 Effect on Other Parties or Boundary Agreements

This Agreement is intended to describe rights and responsibilities only between the Parties. It is not intended to and shall not be deemed to confer rights to any persons or entities not named as parties hereto. Nothing contained in this Agreement shall be used or construed to affect, support, bind, or invalidate the boundary claims of either Party insofar as they shall affect any municipality not a party to this Agreement. Nothing contained in this Agreement shall be construed to require Firestone or Longmont to annex any property or to provide any services to any land. Nothing contained in this Agreement shall be construed to entitle any Party, or any person, firm, partnership, or corporation claiming protection under or by virtue of the existence of this Agreement, to a judgment for monetary damages against either Party for violation of the terms of this Agreement. Each Party expressly waives any right to claim against the other Party any damages for any breach or violation of this Agreement.

11.0 Agreement Amendments and Enforcement

This Agreement may be amended only by a mutual written agreement approved by the respective corporate authorities of both Parties. The provisions of this Agreement may be enforced by either Party against the other in any court of competent jurisdiction by means of either injunction or specific performance.

12.0 Severability

If any provision of this Agreement shall be declared invalid or unenforceable for any reason by a court of competent jurisdiction as to either Party or as to both Parties, such invalidation shall not affect any other provision of this Agreement which can be given effect without the invalid provision (except that if a requirement or limitation in such provision is declared invalid as to one Party, any corresponding requirement or limitation shall be deemed invalid as to the other Party), and to this end, the provision of this Agreement are to be severable.

13.0 Term of Agreement

This Agreement shall be valid and binding and in full force and effect from the date of execution by both Parties for a five (5) year term. It may be extended for successive five year periods through mutual written agreement approved by the respective corporate authorities of both Parties.

14.0 Governing Law; Legal Challenges

This Agreement shall be construed in accordance with the laws of the State of Colorado. Each Party shall be responsible for defending itself, its officers and its employees in any suit brought against it by any person not party hereto claiming injury as a result of this Agreement or its performance. The Parties may cooperate in the defense of any such suit that is brought against both Parties.

15.0 Notices

Notices shall be provided to the respective Party by first-class mail, postage prepaid as follows:

Town of Firestone
Attn: Town Manager
P.O. Box 100
151 Grant Avenue
Firestone, CO 80520

City of Longmont
Attn: City Manager
Civic Center Complex
350 Kimbark St
Longmont, CO 80501

16.0 Recording and Availability of Agreement

After mutual execution of this Agreement, Firestone shall record a certified copy of this Agreement with the Weld County Clerk & Recorder's Office. Longmont shall record a certified copy of this Agreement with the Boulder County Clerk and Recorder's Office. Each Party shall make available for public inspection, copies of this Agreement in their respective offices as provided by statute.

IN WITNESS WHEREOF, the above Parties hereto have caused this Agreement to be executed the day and year first above written.

City of Longmont

/s/ _____
Bryan Baum, Mayor

/s/ _____
Attest: Valeria L. Skitt
City Clerk, City of Longmont

Town of Firestone

/s/ _____
Chad Auer, Mayor

/s/ _____
Attest: Judy Hegwood
Town Clerk, Town of Firestone

(Ord. No. O-2011-37, § 2, 6-14-2011)

Exhibit A: Union - St. Vrain Planning Area

15.E10exh.A.png

15.E10exhB.png

APPENDIX F-1. - DOWNTOWN SIGN DEISGN STANDARDS

AppF-1titlepage.png

	The Downtown Longmont District is the active heart of our community, a historic core of Longmont's roots and identity, a community destination and emerging arts & entertainment hub. The brick and stone facades provide a link with our past. The vibrant, modern businesses make it a progressive destination. These standards are set to preserve the inherent historic nature of the district while encouraging unique, creative and innovative approaches to signage that are compatible and coordinated.

PURPOSE

Signs are an important design element that can improve the visual quality of the downtown, bring human scale to the street environment, and create a sense of interest and activity. The intent of the sign design standards is to accomplish the following:

- Promote and fulfill the Downtown Longmont Master Plan of Development and the Longmont Arts and Entertainment Strategic Report and Action Plan.
- Promote economic vitality and enhance property values and the visual environment in the downtown district.
- Protect and promote the historic character of the downtown through appropriate sign design.
- Encourage unique, creative and innovative signs that are compatible and coordinated, making the district more unified.
- Establish reasonable and improved standards for effectively communicated business identification and assist property/business owners in complying with these design standards and City Codes.

APPLICABILITY

A legal nonconforming sign that exists prior to adoption on these design standards can remain as long as the business remains in place. Signs that did not receive approval from the city will need to be removed and comply with City Code and these design standards. With the exceptions above, standards set forth in this document apply to all properties within Longmont Downtown Development Authority (LDDA) boundary as indicated on the Downtown Longmont District Sign Design Standards Map herein.

- All new signs, replacement signs, and modifications to existing signs must comply with these standards. Maintenance and repair of existing nonconforming signs is not subject to these standards.
- Signs may not be changed or installed until approved by the downtown design board and a city sign permit (if applicable) has been issued. Signs on historic landmark buildings are also subject to a certificate of appropriateness review and approval through the historic preservation commission.
- Many nonconforming signs will exist within the LDDA boundary after these standards are implemented. The LDDA may provide time-limited incentives for those businesses that must comply with these standards or those that would like to upgrade their signage. Voluntary compliance with these standards is highly encouraged for businesses with existing legal nonconforming signage.

CITY SIGN CODE

In addition to the sign design standards contained in this document, all signs are subject to the requirements of the Longmont Sign Code (Sign Code) - chapter 15.06 of the Longmont Municipal Code. The sign code addresses the number, type, size, area, design, etc. of signs allowed in the downtown and other areas of the city.

PROCESS

The following steps are typical for review of a sign application under these design standards. The complete process section for the downtown sign design standards is in section 15.06.130 of the sign code:

A. *Sign review by Longmont Downtown Development Authority (LDDA) and city.*
   1. If signs are proposed on a historic landmark - see section B below.
   2. Applicant reviews City Code and downtown sign design standards.
   3. Applicant submits sign plan to LDDA for design standards compliance review.
   4. LDDA director may refer sign plan to design advisory committee (DAC) for comments and recommendation.
   5. LDDA director may approve, approve with conditions, deny or refer the sign plan for review by the LDDA downtown design board (DDB).
   6. Decisions of the LDDA director may be appealed to the DDB. Decisions of the DDB are final and may not be appealed except as provided by state law.
   7. If a sign plan is approved by the LDDA, the applicant then submits a sign permit application, as required, to the city for Municipal Code compliance review.

B. *Signs on historic landmarks.*
   1. Applicant contacts city planning and development services to schedule a pre-application conference.
   2. Applicant submits certificate of appropriateness application to city planning and development services.
   3. City staff may approve, approve with conditions, deny or refer the certificate of appropriateness to the historic preservation commission.
   4. Decisions of staff may be appealed to the historic preservation commission. Decisions of the historic preservation commission may be appealed to city council. Decisions of city council are final and may not be appealed, except as provided by state law. Refer to steps outlined in section A.

GENERAL SIGN STANDARDS

• All signs must comply with all applicable City Codes.

• As a prerequisite to participation in any grant programs, all signs that do not conform to city regulations or these sign design standards must be removed or retrofitted to be in conformance.

• Signs that encroach into, project over or are placed on public property require approval of a use of public places permit issued by the city.

• Signs shall be submitted as part of a sign program, whenever possible. A sign program is a design package that identifies a coordinated project theme of uniform design elements for all signs associated with a building or development, including color, lettering style, material, and placement. This is especially important in multi-tenant buildings.

• The LDDA has the authority to grant modifications from these design standards. Modifications or variances from city sign regulations require approval by the appropriate city decision-making body.

Sign design and placement.

• Signs shall be designed and made by a professional sign company or other qualified entity to develop high quality and artistically designed signs where appropriate.

• Signs shall be integrated with the building architecture in terms of size, shape, color, materials and lighting so that signs are compatible with the overall building design.

• Signs shall be located to complement the building architecture and fit proportionately in their locations.

• Signs shall incorporate unique shapes and designs whenever possible.

ApFTaylor.png	ApFSunLaTable.png
Artistically Designed	Proportionate Placement/Complements Architecture

Appearance and maintenance.

• All signs are to be maintained properly by the owner such that they are always in clean, working condition and the copy is not obscured or damaged.

• Basic maintenance and repair of legal nonconforming signs is permitted, and is not subject to these standards.

• All sign code regulations regarding discontinued use or change in use or business shall be followed.

Materials.

• Signs shall be constructed using durable, high-quality architectural materials. Examples of materials include, but are not limited to, treated wood, metal, stone such as slate, marble, sandstone, brick or gilded or sandblasted glass.

• Sign colors shall blend with the building and storefront colors by selecting from complementary color ranges. Florescent or neon colors or over-scaled letters shall not be used.

• The design and alignment of signs on multiple use buildings shall complement each other such that a unified appearance is achieved.

ApFChestnutCafe.png 	ApFParisStyle.png 
Quality materials and design with complementary color ranges	No over-scaled letters or improper placement

Sign lighting.

• Back-lit, halo-lit illumination, or reverse channel letters with halo illumination are recommended for lighting purposes. Such signs convey a subtle and attractive appearance and are legible using a warm light, similar to sunlight.

• Signs that use blinking, scrolling, or flashing lights are not allowed.

• Projecting light fixtures used for externally illuminated signs should be simple and unobtrusive in appearance. They should not obscure the graphics of the sign.

• Where individual letter signs face adjacent residential areas, illumination of signs shall be by back-lit/halo-lit letters or down lighting (i.e., gooseneck fixtures) only.

• Lighting shall come from shielded light sources carefully integrated into the overall design of the building.

• Lighting of signs shall avoid creating glare or light distribution that adversely affects motorists or pedestrians or surrounding properties.

• Neon or LED signs that are compatible with building architecture may be allowed on a case-by-case basis.

• Pedestrian scale, digital signage may be allowed in window displays only.

ApFGrowMarketing.png	ApFSoundSavingLoan.png ApFClearwaterSeafood.png
Neon lighting around the leaves. Back-lit or Halo lighting for the tree and the word "grow". Channel lettering for the word "marketing"	Projecting light fixtures complement building design and provide adequate sign lighting

Multi-storied buildings.

- Signs for ground floor tenants shall be placed at the storefront level.
- Window signs and permanent banner signs are permitted on upper portions of buildings, provided they are within the same horizontal sign band.
- Upper story tenants with no ground floor presence shall be allowed window signs not exceeding 25 percent of the area of each window opening.
- Ground floor under awning/canopy signs for upper story tenants are permitted. A directory sign may also be located at the ground floor. See applicable sign specific guidelines.

Historic and landmark signs.

Historic signs contribute to the character of Downtown Longmont. They also have individual value, apart from the buildings to which they are attached. Consider history, context and design when determining whether to retain a historic sign. Retention is especially important when a sign is:

- A significant part of Longmont's history, history of the building, or the district.
- Representative of historic Longmont figures, events or places.
- Significant as evidence of the history of a product, business or service advertised.
- Represents characteristics of a specific historic period for Longmont.
- Integral to the building's design or physical fabric.
- Integrated into the design of a building such that removal could harm the integrity of a historic property's design or cause significant damage to its materials.
- An outstanding example of the sign maker's art because of its craftsmanship, use of materials, or design.

Historic signs of all types should be retained and restored whenever possible.

- Leave historic wall signs exposed whenever possible.
- Historic painted wall signs should not be restored to the point that they no longer provide evidence of a building's age and original function.
- Do not "over restore" historic wall signs to the point that all evidence of their age is lost.
- Do not significantly re-paint historic wall signs even if their appearance and form is recaptured.
- Use of neon signs may be allowed on historic buildings if there is evidence that neon was part of the original design.

DOWNTOWN SIGN AREAS

Sign requirements and styles can be different for each use and setting. Pedestrian-oriented commercial areas are designed to accommodate shoppers strolling along sidewalks, and motorists driving at slower speeds, resulting in different sign types. As Downtown Longmont has evolved, it has developed distinct characteristics in different areas of the district. Below is a brief description of each of these areas shown on the map on the next page. As needed, a modification from the sign standards may be granted if it allows for signs which better fit the character of the area as described below.

Main Street Pedestrian Corridor: Main Street: 2nd Avenue - Longs Peak Avenue

The heart of downtown, this is a pedestrian-friendly corridor with great historic character. There are limited setbacks as most buildings front directly to the street. Signs types in this area typically include pedestrian scale wall or projecting signs, awning/canopy signs, under awning/canopy signs, windows signs, A-frame signs and permanent banner signs.

Commercial Transition: Coffman Street (both sides north of 2nd Avenue); Kimbark Street (except east side from 5th Avenue - Longs Peak Avenue)

These streets include mostly commercial businesses and service organizations. They have a vibrant mix of historic and new structures. Building setbacks vary in this area with some buildings adjacent to the sidewalk and others set back from the sidewalk. Signs types in this area typically include pedestrian scale wall or projecting signs, awning/canopy signs, under awning/canopy signs, windows signs, low profile monument signs, and A-frame signs.

Residential Transition: Terry Street; Kimbark Street (east side - 5th Avenue - Longs Peak Avenue)

These streets are mainly residential with some commercial businesses and are adjacent to historic residential districts and these areas include substantial historic character. Buildings tend to be set back from the sidewalk. Signs types in this area typically include pedestrian scale wall signs, awning/canopy signs, windows signs, low-profile monument signs, and A-frame signs.

Commercial-Industrial and Mixed Use Areas: 1st, 2nd and 3rd Avenue from Main Street to Martin Street and 1st and 2nd Avenue from Main Street to Terry Street

These areas contain a myriad of businesses, including commercial and industrial uses. Properties in this area typically have significantly larger building setbacks and individual parking lots. These areas are currently more oriented to vehicles than pedestrians although the mixed use areas are intended to be redeveloped for pedestrian oriented commercial and residential uses. Sign types in these areas are more varied, but generally include wall signs, window signs and monument signs. Flexibility in sign design should be considered until more redevelopment takes place in this area.

DOWNTOWN SIGN AREAS

ApFDowntownMap.png

PERMITTED SIGN TYPES

The following types of signs are allowed within the LDDA boundaries. The number, size, placement, etc., of signs are limited by City Code:

- Projecting signs
- Under awning and canopy signs
- Wall signs
- Awning and canopy signs
- Permanent banner signs
- Window signs
- Handbill/paper signs
- Monument signs
- Specialty signs:
    - Marquee signs
    - Restaurant menu signs
    - Tenant directory signs
    - Artful signs
    - Murals
- Portable/A-frame signs

- Temporary signs

PROHIBITED SIGN TYPES

The following types of signs are not allowed within the LDDA boundaries:

- Freestanding pole or pylon signs
- Off-premises signs (e.g., billboards)
- Wind signs except federal, state or municipal flags and other wind signs permitted for downtown special events
- Signs encroaching upon a public right-of-way and/or attached to any element within a public right-of-way (e.g., lighting fixtures), except as allowed in these standards or City Code
- Animated signs, except as allowed in these standards
- Cabinet signs, unless a modification is granted
- All other signs prohibited by City Code

SIGN TYPES

The diagram below illustrates the different sign types outlined in this document. The diagram is not representative of all the sign types allowed, or the number of signs allowed on a building, property or right-way. The number, size, placement, etc., of signs on a building, property, or right-of-way is limited by City Code.

ApFSignTypes.png

SIGN SPECIFIC GUIDELINES

A variety of sign types may be appropriate in Downtown Longmont if the sign promotes economic vitality, enhances the visual environment, and protects the historic character of downtown. The following sign design standards supplement all sign code standards for several sign types that are potentially appropriate in Downtown Longmont. All signs types must comply with the general standards and downtown design review criteria listed in this document. Downtown designs tips are not required, but encouraged.

PROJECTING SIGNS

Projecting signs are affixed to the face of a building or structure and project perpendicular from the wall surface of that portion of the building or structure to which it is mounted.

Projecting signs are strongly encouraged and should be carefully designed to reflect the character of each building or business, and to compliment adjacent signage.

ApFProjectingSignsABC.png

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- Projecting signs shall be pedestrian scale and be located to provide maximum visibility from adjacent signs.
- Cabinet projecting signs are not allowed.
- Projecting signs shall not be mounted above the second floor window sill in multi-storied buildings.

• External sign illumination is preferred.

• Projecting signs with only the sign lettering or logo internally illumination and the background not illuminated will be considered on a case-by-case basis.

• Location of projecting signs shall relate to the building facade and entries and shall provide adequate clearance for pedestrians, and vehicles if located on alleys.

Downtown design tips:

• The design of the sign should consider visually interesting elements with painted or applied letters, two- or three-dimensional symbols or icons, irregular outlines, and/or internal cut-outs.

• Mounting hardware should be an attractive and integral part of the sign design. Decorative iron brackets that support projecting signs are encouraged where feasible. The lines of the brackets should complement the shape of the sign and the facade as a whole.

UNDER AWNING OR CANOPY SIGNS

Under awning or canopy signs are similar to projecting signs except that they are suspended under a canopy. These signs are smaller than projecting signs due to their lower mounting height and are usually perpendicular to the building face, but may be parallel to the building where it is recessed.

ApFUnderAwningCanopySigns.png

Downtown design review criteria:

• Signs must comply with all general standards listed in this document and all City Codes.

• Signs shall be well-designed, creative and oriented toward the pedestrian.

• Signs shall not be illuminated.

• Cabinet signs are not allowed.

• Signs shall be used only at ground floor locations along sidewalks.

• If multiple signs are placed along a building frontage for multiple businesses, the signs shall be mounted with their bottom edge the same distance above the sidewalk and shall be of similar size and shape.

Downtown design tips:

• Use an under awning or canopy sign when other sign types would obscure architectural details.

• Mounting hardware should be an attractive and integral part of the sign design. Decorative iron brackets that support projecting signs are encouraged where feasible. The lines of the brackets should complement the shape of the sign and the facade as a whole.

WALL SIGNS

Wall signs are to be mounted flush and fixed securely to a building wall, projecting no more than 12 inches from the face of a building wall, and not extending beyond the side of the building face or above the highest line of the building to which it is attached.

ApFWallSigns.png

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- Placement of wall signs shall promote design compatibility among buildings by aligning with other signs on the same and nearby buildings.
- Cabinet signs are not allowed.
- Signs painted directly on the building are prohibited, except when recreating historic signs.
- Wall signs must conform to general standards for sign lighting.

Downtown design tips:

- Wall signs should be located on the upper portion of the ground level storefront, just above the storefront opening, when possible.
- Individual mounted letters (with or without internal illumination) are encouraged and preferable for wall signs.
- Whenever possible, wall signs should be placed within a clear signable area.

AWNING AND CANOPY SIGNS

Awning and canopy signs are signs that are printed on, or attached to, an awning or canopy above a business door or window. They generally serve to bring color to the shopping environment and are oriented toward pedestrians.

ApFAwningCanopySigns.png

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- Awnings shall be designed with individual awnings for each window and door opening rather than a single awning extending over multiple window openings or masonry piers or arches.
- Awnings with back-lit graphics or fluorescent tube lights that make the awning appear as a large sign are prohibited. Awnings with other kinds of illumination will be reviewed on a case-by-case basis.
- Matte finish canvas, glass, or decorative metal are appropriate materials for awnings or canopies.
- Plastic coverings or wood shingles are prohibited. Other materials will be reviewed on a case-by-case basis.
- Painting cloth awnings, hanging temporary signage, or other patching in order to change sign copy is prohibited.

Downtown design tips:

- Where feasible, awnings should be provided with removable valance and end panels to accommodate future changes in sign copy.
- When possible, text copy should be located on the fabric valance flap of the awning.
- Open-ended style awnings are encouraged.
- Awnings and canopies should be mounted on the horizontal framing element separating the storefront window from the transom (a crosspiece separating a doorway from a window).
- Awnings with a solid color are encouraged.

PERMANENT BANNER SIGNS

Permanent banner signs often help to add interest and color to blank facades and special buildings that front a sidewalk. They are to be vertically oriented, and compatible with the overall character and color of the building. These are a great way to create vibrancy, promote brand of store, or add seasonal interest.

ApFPermBannerSigns.png

Downtown design review criteria:

• Signs must comply with all general standards listed in this document and all City Codes.

• Permanent banners are allowed on building facades built to the property line provided such banners do not adversely impact pedestrian or vehicle access.

• Permanent banner signs shall look like architectural elements of the building and shall hang from projecting metal brackets of a size and design appropriate to the banner and the architectural character of the building.

• Banner signs shall be mounted perpendicular to the face of the facade and shall not exceed five feet in length.

• For banners installed more than eight feet above the sidewalk, brackets shall be provided at both the top and bottom of the banner. Such banners shall not project more than 24 inches from the building and shall not exceed three per building frontage.

• Banners installed less than eight feet above the sidewalk shall not project more than 18 inches from the building, shall only be secured to the top and be weighted at the bottom. No more than two banners shall be permitted per building frontage.

Downtown design tips:

• Banners with unique shapes are encouraged to provide visual interest to your business.

• Banners should be composed of lettering and graphics that are consistent with the image of the business and the surrounding architectural style.

WINDOW SIGNS

Window signs are signs that are painted, posted, displayed, affixed or etched on an interior translucent or transparent surface, including windows or doors. Signs within six feet of a window inside a building are also considered window signs when they are clearly visible from the sidewalk or are intended to function like a window sign. Window signs that meet the following criteria do not count toward the overall building sign allowance.

ApFWindowSigns.png

Downtown design review criteria:

• Signs must comply with all general standards listed in this document and all City Codes.

• Window signs may not completely obscure visibility into or out of the window. Exceptions may be made for signs that screen appropriate uses.

• Flashing signs are prohibited.

• Signs shall not occupy more than 25 percent of each window opening.

• Temporary handwritten, paper, cardboard and plastic signs are not allowed. Makeshift sign message applications on windows with paint or other mediums are prohibited.

• Electronic window displays with moving or animated images shall be pedestrian scale and are subject to review on a case-by-case basis. LCD, LED or neon signs may be allowed provided that all electrical supply cords, conduit and electrical transformers have minimized visibility through the window.

Downtown design tips:

• Window signs should be applied directly to the interior face of the glazing or hung inside the window thereby concealing all mounting hardware and equipment.

• See handbill section for other guidelines.

HANDBILLS/PAPER SIGNS

Handbills are printed or written signs advertising events or any merchandise, product, commodity, service or thing. Handbills are often placed in windows and temporary in nature.

ApFHandbillPaperSigns.png

Downtown design review criteria:

• Signs must comply with all general standards listed in this document and all City Codes.

• Affixing temporary signs, announcements, handmade signs, handbills or other similar items to exterior wall faces, light poles, benches or other exterior street furniture is prohibited.

• Temporary paper signs or handbills for announcements are acceptable only if affixed to the inside surface of a display window and the cumulative sign area of such signs accounts for no more than 25 percent of each window opening.

• Temporary handwritten signs are prohibited. Makeshift sign message applications on windows with paint or other mediums are prohibited.

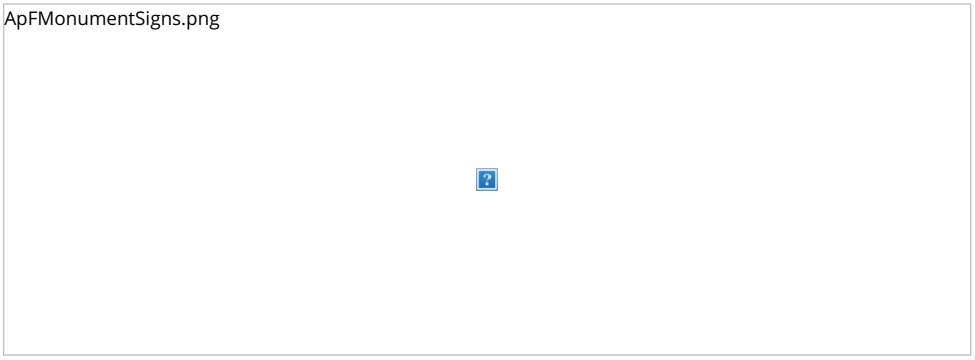
• Limited window area may be designated as a community bulletin board area, although a separate space inside the building is strongly preferred. If an area is designated:

  ◦ It shall not exceed ten square feet of storefront window for temporary handbills or signage.
  ◦ Signs must be maintained and up to date.

MONUMENT SIGNS

Monument signs are freestanding signs with a lower profile. Such signs are usually used for buildings that are separated from adjacent streets by substantial setbacks.

ApFMonumentSigns.png



Downtown design review criteria:

• Signs must comply with all general standards listed in this document and all City Codes.

• Monument signs shall not overhang or encroach onto public property.

• Monument signs may be supported by two columns or have a solid base constructed of brick, stone or other compatible material. Low profile signs supported by a single column may be considered on a case-by-case basis.

• Monument signs shall include a high-quality design that is compatible with the building.

• Monument signs shall be illuminated by external fixtures designed to complement the appearance of the sign. Internally illuminated signs may be considered on a case-by-case basis with the following criteria: only text and logos may be illuminated with opaque backgrounds of a non-reflective material.

Downtown design tips:

• Monument signs should use lettering and graphics that are consistent with the image of the business and the surrounding architectural style.

• Sign text should be limited to the building or business name, logos, and the business address.

• Unique shapes should be considered to add visual interest.

• Monument signs should only be used when other alternative types of signage would not provide adequate identification.

SPECIALTY SIGNS

MARQUEE SIGNS

Marquee signs are wall or projecting signs attached to or supported by a permanent canopy often made of metal and glass. Marquee signs are to be installed only on buildings occupied by theaters, cinemas or performing arts facilities.

APFMarqueeSign.png

Marque signs can be projecting. Changeable copy may not contain off-site advertising

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- The sign copy of marquee signs shall be limited to include only the facility's name and changeable copy related to current and future attractions.
- Signs shall not contain any off-site advertising.
- Marquee signs shall be appropriate in size, location, and design to the character and architectural detail of the building.
- Marquee signs shall not project more than five feet from the building.

RESTAURANT MENU SIGNS

Restaurant menu signs are signs that incorporate a menu containing a listing of products and prices offered by the business. Restaurant menu signs are not required, but are permissible and encouraged.

Such signs facilitate the customer in locating a restaurant in which to patronize. Therefore, prominently displayed menus with prices and other important information can help the customer in making this decision.

ApFRestaurantMenuSign.png

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes. Durable, high-quality materials and artistic designs shall be used in the construction of menu signs.
- Restaurant menu signs shall be appropriate in size, location, and design to the character and architectural detail of the building as well as to the character of the restaurant.

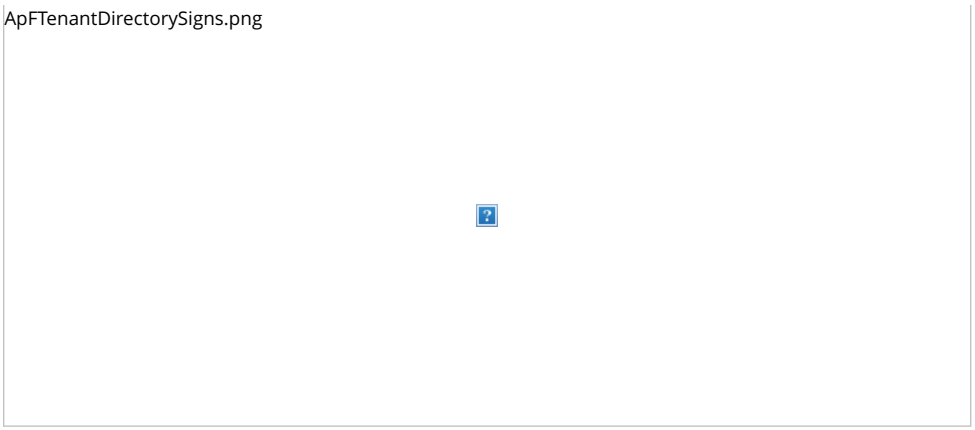
Downtown design tips:

- Restaurant menu signs may be appropriately illuminated. They should be located in a permanently mounted display box on the surface of the building adjacent to the entry.

TENANT DIRECTORY SIGNS

Tenant directory signs are used to identify multi-tenant buildings and businesses that do not have direct frontage on a public street. Tenant directory signs shall be constructed and oriented to the pedestrian.

ApFTenantDirectorySigns.png



Downtown design review criteria:

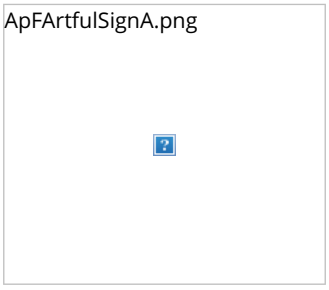
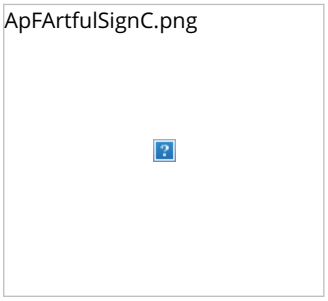
- Signs must comply with all general standards listed in this document and all City Codes.
- Tenant directory signs shall be mounted flat against a wall, project from the wall, or be incorporated into a monument sign located on the property on which the tenants are located.
- Tenant directory signs shall be constructed with materials that are compatible with the building design.
- No cabinet signs are allowed.
- Externally lit or halo lighting may be used to illuminate signs.

Downtown design tips:

- The sign copy should include the following: building or business name, logo, address, and suite numbers or letters.

ARTFUL SIGNS

Artful signs advertise the occupant's business through use of graphic or crafted symbols.

ApFArtfulSignA.png 	ApFArtfulSignB.png 	ApFArtfulSignC.png 

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- Artful sign features may be incorporated into any of the allowable sign types identified above.
- Artful features must comply with general and specific standards for signs in the program area.

Downtown design tips:

- Signs that advertise the occupant's business through the use of graphic or crafted symbols, such as cocktails, jewelry, books, etc. are encouraged.

MURALS

A mural is a large picture painted directly on the side of the building whose content, generally, should reflect a cultural, historic or environmental event(s) or subject matter related to Downtown Longmont. Murals are valuable additions to downtown that can enhance architecturally stark building facades and provide visual interest. Murals using advertising content are regulated as a wall sign and are subject to the same standards as wall signs.

Murals will be reviewed on a case-by-case basis. If the mural contains advertising, logos, or commercial messages, it qualifies as a sign and must be reviewed in context of the overall signage plan.

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- Murals using advertising content are subject to the size requirements for wall signs.

- The material the mural is placed on shall be durable and resistant to graffiti and weather.
- Unpainted, original brick shall not be used for murals.

Downtown design tips:

- A mural should be incorporated as an element of the overall building design.

PORTABLE/A-FRAME SIGNS

A-frame/sandwich board signs are designed to stand by itself either on public or private property. Such signs are portable and are usually placed along public sidewalks to attract pedestrians into areas adjacent businesses.

ApFPortableAFrameSigns.png

Downtown design review criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- Sandwich board sign bases shall be properly weighted with weight elements incorporated into the overall design of the sign, to ensure stability in windy conditions.
- Use of improvised measures to secure signs (e.g., concrete blocks, sand bags, etc.) are prohibited.
- Sandwich board signs shall be truly portable and cannot be permanently affixed to any structure or sidewalk, and must be removed from the public sidewalk at the end of each business day.
- Sandwich board signs shall have designed, finished edges of solid wood or metal framing.
- Shaped silhouette signs made of metal or wood framing may be allowed on a case-by-case basis.
- Display area may be chalkboard, white board or coroplast printed materials.
- The maximum frame size for rectangular A-frame signs is four feet in height and two feet in width with up to six square feet of sign area. Rectangular signs are required to have an open base, either through wooden cut-outs or legs.
- Plastic sandwich boards are not allowed.
- Handbills or other paper signs shall not to be attached to A-frame signs.
- Other designs for portable signs may be considered on a case-by-case basis.

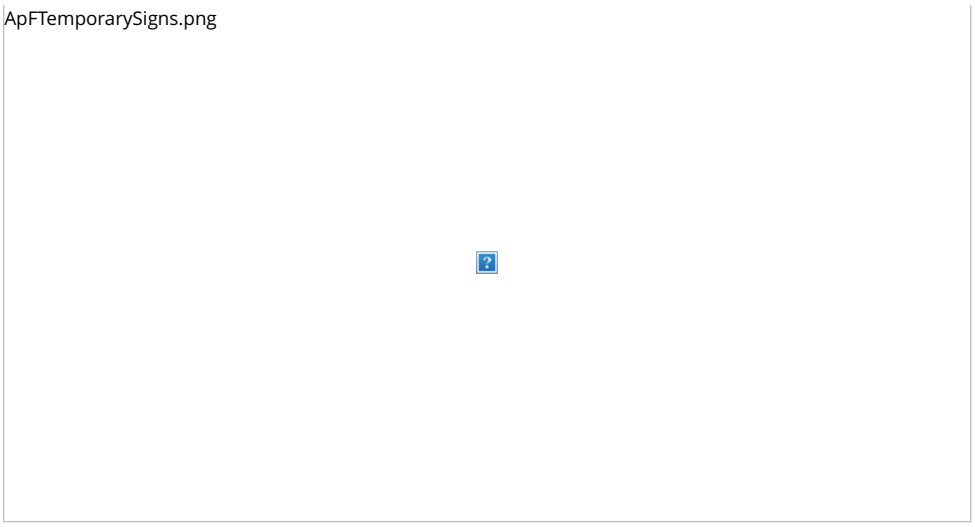
Downtown design tips:

- A-frame sign designs should be uncluttered, with a minimum of text. Logos and graphics are encouraged.
- Sandwich boards should provide colorful displays.

TEMPORARY SIGNS

Temporary signs allow businesses to advertise specific events or projects, but are limited in duration.

ApFTemporarySigns.png



There are several types of temporary signs:

Temporary business sign means a sign or advertising display designed or intended to be displayed for a short period of time, excluding grand openings, sales, or other special events. Typically, this signage is used when a business opens before its permanent signage is installed.

- Temporary business signage is to be displayed no more than 60 days per calendar year.

Temporary sign means a sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease.

- Temporary real estate and construction signage can be displayed for longer durations subject to City Code.

Business special event sign means a banner promoting a business, including grand openings, which may include, but is not limited to, sales promotion, going-out-of-business sales, or new product information.

- Business special event signs are to be displayed for no more than 30 days in a three-month period.

Downtown special event signage is used for and during downtown special events:

- Specific special event signage (including wind signs, flags and banners) can be allowed for LDDA sanctioned events or downtown events subject to a use of public places permit. All signs must be approved by the downtown design board.
- Special event signs may be displayed one day prior and throughout the duration of a special event.

Downtown design review criteria:

All temporary signage shall meet the following criteria:

- Signs must comply with all general standards listed in this document and all City Codes.
- Signs shall be made of quality, durable materials and shall not incorporate fluorescent or intensely bright colors.
- Signs shall be made and designed by a professional sign company or other qualified entity. Artistically designed signs may be appropriate.
- Air activated signs, wind signs, staked signs and streamers or pennants are not allowed, except for wind signs allowed as part of a downtown special event.

DEFINITIONS

Words, terms and phrases used in this design manual, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animated sign: A sign or any portion of a sign that changes position by movement or rotation or gives the illusion of such change of position.

Architectural features: Finished elements of a building that define a structure's architectural style and physical uniqueness, including, but not limited to, windows, doors, trim, and ornamental features.

Awning: A hood, cover, or shelter, which may be fixed or retractable, and which projects from the exterior wall of a building over a window, walk, door, or similar building feature. An awning is often constructed from fabric, metal, or glass.

Back-lit letter: An illuminated reverse channel letter (open or translucent back), where light from the letter is directed against the surface behind the letter producing a halo lighting effect around the letter. Also referred to as silhouette-lit or halo-lit.

Banner: Any sign of lightweight fabric or similar material permanently mounted to a pole or a building by a frame at one or more edges. National, state or municipal flags are not considered banners.

Billboard: A sign identifying or communicating a commercial or noncommercial message related to an activity conducted, a service rendered, or a commodity sold at a location other than where the sign is located.

Cabinet sign: A sign structure consisting of a frame and removable sign face(s), and typically include internal illumination. Can also be referred to as internally illuminated plastic can signs.

Canopy: Any open, permanent roof-like accessory structure which is supported by the principal building.

Channel letter: A dimensional letter with no letter face or a clear or translucent face.

Copy: The words, message, or logo displayed on a sign.

Copy area: The area that encloses the words, message, or logo on a sign.

External illumination: Lighting by means of a shielded light source not directly attached to or part of a sign, such as for example, a gooseneck lamp.

Halo-Lit: Refer to *Back-lit letter.*

Historic sign: A sign that reflects the local and unique history of the Longmont community. May or may not be a designated landmark sign.

Internal illumination: Lighting by means of a light source within a sign having a translucent background, silhouetting opaque letters or designs, or exposed lighting, such as neon or LED, within the individual sign letters or logo.

Kiosk: A small structure, typically located within a pedestrian walkway or similar circulation area, and intended for use as a key, magazine or similar type of small shop, or for use as display space for posters, notices, exhibits, etc.

Landmark sign: An existing sign with a distinctive architectural style and historic significance which has been officially designated as a historic landmark.

Light source: Neon, fluorescent or similar tube lighting, incandescent bulb (including the light-producing elements therein), light-emitting diode (LED) and any reflecting surface which, by reason of its construction and/or placement, becomes in effect the light source.

Maintenance: The replacing, repairing or repainting of a portion of a sign structure; periodic changing of bulletin board panels; or renewing of copy which has been made unusable by ordinary wear and tear, weather or accident.

Marquee: A sign with changeable messages attached to and supported by a building above an entrance.

Monument sign: Any low-profile freestanding sign which is anchored to the ground with a base and is independent of any other structure.

Nonconforming: A sign that does not conform to the provisions of these sign standards.

Off-premises: A sign which advertises or directs attention to products or activities not provided on the parcel upon which the sign is located.

Pole-mounted: A freestanding sign supported by one or more poles and not considered to be a monument sign.

Projecting sign: A sign attached to a building and extending in whole or in part more than 12 inches horizontally beyond the wall surface of the building to which the sign is attached.

Roof line: The highest point on any building where an exterior wall encloses usable floor space, including floor area for housing mechanical equipment. The term "roof line" also includes the highest point on any parapet wall, providing such parapet wall extends around the entire perimeter of the building.

Setback: The distance from the property line to the nearest part of the applicable building, structure, or sign, measured perpendicularly to the property line.

Sign: Any writing, pictorial representation, decoration, form, emblem, trademark, or any other figure of similar character that is designed to attract attention to the subject thereof or is used as a means of identification, advertisement or announcement

Sign face: The surface of a sign upon, against, or through which the message is displayed or illustrated.

Sign program: A design package that identifies a coordinated project theme of uniform design elements for all sign associated with a building or development, including color, lettering style, material, and placement.

Signable area: An architecturally continuous wall surface uninterrupted by doors, windows or architectural detail.

Special event: Any promotion of a business, including grand openings, which may include, but is not limited to, sales promotion, going-out-of-business sales, or new product information.

Temporary business sign: A sign or advertising display designed or intended to be displayed for a short period of time, excluding grand openings, sales, or other special events.

Temporary sign: A sign which is intended to advertise community or civic projects, construction projects, real estate for sale or lease.

Wall sign: 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 formatted to appear to be one sign or contain one message, shall be deemed separate wall signs.

Window sign: Any interior sign within six feet of a window, or painted, attached, glued, or otherwise affixed to a window for the purpose of being visible from the exterior of the building.

(Ord. No. O-2014-20, § 10(exh. B), 5-6-2014)

APPENDIX F-2. - DOWNTOWN DEVELOPMENT AUTHORITY
ORDINANCE NO. 0-82-76

AN ORDINANCE CREATING AND ESTABLISHING A DOWNTOWN DEVELOPMENT AUTHORITY IN THE CITY OF LONGMONT, COLORADO

WHEREAS, by Ordinance No. 0-82-49 the Council of the City of Longmont, Colorado, has heretofore determined to establish a downtown development authority in the City of Longmont, Colorado; and

WHEREAS, pursuant to said Ordinance a special election was held in the City of Longmont, Colorado, on Tuesday, October 26, 1982, wherein the following question was submitted to the electors entitled to vote thereon:

> Shall a Downtown Development Authority be established pursuant to part 8 of article 25 of title 31, Colorado Revised Statutes, 1973, as amended, thereby empowering the Council of the City of Longmont to assess, levy and collect an ad valorem tax upon the taxable property within the jurisdiction of the Authority not to exceed 5 mills for the use and benefit of the Authority, said Authority to exercise its powers within a District in the City of Longmont to be bounded as described:

Considering all boundary descriptions to be located within the City of Longmont situated in Sections 3 and 10, T2N, R69 West of the 6th P.M., Boulder County, Colorado, being more particularly described as follows:

With the true point of beginning being the center of the intersection of the alley between Kimbark and Emery Streets (north-south alley of Block 26) and Longs Peak Avenue; Thence commencing in a westerly direction along the center line of Longs Peak Avenue to the intersection of the north-south center line of Block 30; Thence in a southerly direction along the north-south center line of Blocks 30, 37, 54, 61 and 78 to the intersection of the north-south center line of Block 78 and Second Avenue; Thence in a westerly direction to the center of the intersection of Second Avenue and Pratt Street; Thence in a southerly direction to the intersection of the center line of Pratt Street and the north line of Section 10; Thence in an easterly direction along the north line of Section 10 to the point of intersection with the NW corner of the westerly tract of the Turkey Plant Addition, a point 1796 feet more or less from the NE corner of said Section 10; Thence in a southerly direction 355 feet more or less; Thence South 88°27' East 500 feet more or less; Thence South 86°56' East 500 feet more or less; Thence South 35°39' East 31.9 feet more or less; Thence North 89°41' East 470 feet more or less to the West line of Longmont Storm Sewer Right-of-way; Thence along said right-of-way line North 41°28' West 396.7 feet more or less and North 124 feet more or less to the point of intersection with the north line of Section 10; Thence in an easterly direction along the north line of Section 10 to the point of intersection with the NW corner of the easterly tract of the Turkey Plant Addition and the East Right-of-way line of the Longmont Storm Sewer Right-of-way, a point 471 feet more or less west of the NE corner of said Section 10; Thence along said Storm Sewer right-of-way line South 124 feet more or less and South 41°28' East 240.9 feet more or less; Thence East along the Longmont Sewer Tract line 271.5 feet more or less; Thence North 304.5 feet more or less to the north line of Section 10; Thence in a westerly direction along the north line of Section 10 to the center line of Martin Street; Thence in a northerly direction along the center line of Martin Street to a point 285.5 feet more or less from the center line of Third Avenue; Thence in a westerly direction along the north line of Lot 12, Block 69, to the north-south center line of Block 69; Thence in a southerly direction along the north-south center line of Block 69 to the north line of Lot 7, Block 69; Thence in a westerly direction along the north line of Lot 7, Block 69, and the north line of Lot 14, Block 68, to the north-south center line of Block 68; Thence in a northerly direction along the north-south center line of Block 68 to the north line of Lot 5, Block 68; Thence in a westerly direction along the north line of Lot 5, Block 68, to the center line of Atwood Street; Thence in a southerly direction along the center line of Atwood Street 78.5 feet more or less to the intersection with the north line of Lot 13, Block 67; Thence in a westerly direction along the north line of Lot 13, Block 67, and the north line of Lot 6, Block 67, to the center line of Collyer Street; Thence in a southerly direction along the center line of Collyer Street 78.5 feet more or less to the north line of Lot 14, Block 66; Thence in a westerly direction along the north line of Lot 14, Block 66, and the north line of Lot 7, Block 66, to the center line of Emery Street; Thence in a northerly direction along the center line of Emery Street to the center of the intersection of Emery Street and Fourth Avenue; Thence in a westerly direction to the intersection of the center line of Fourth Avenue and the center line of the alley between Kimbark and Emery Street (north-south alley of Block 50); Thence in a northerly direction along the center line of the north-south alley of Blocks 50, 41, and 26 to the true point of beginning. To include the following:

Blocks 27,28,29,38,39,40,51,52,53,62, 63,64,65,70,71,72,73,74,75, 76, 77, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102; Lots 7 through 12 of Block 30; Lots 7 through 12 of Block 37; Lots 7 through 12 of Block 54; Lots 8 through 14 of Block 61; Lots 9 through 16 of Block 78; Lots 1 through 20 of Block 26; Lots 1 through 20 of Block 41; Lots 1 through 20 of Block 50; Lots 7 and 14, Block 66; Lots 6, 7, 13 and 14, Block 67; Lots 5, 6, 7 and 14, Block 68; Lots 7, 12, 13 and 14, Block 69; and the C & S Railway Co. subdivision (Outlot A) all of the Original Old Town, City of Longmont, Colorado. All, including both tracts of the Turkey Plant Addition, as recorded with Boulder County Records, Reception no. 505690, Film No. 1216, recorded on the 4th day of August, 1982.

and

WHEREAS, the returns of said election have been duly canvassed, and the Board of Elections of the City of Longmont, Colorado, has determined that a majority of the qualified electors voting on said question cast ballots in favor thereof.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF LONGMONT, COLORADO, HEREBY ORDAINS:

1. There is hereby created and established pursuant to Part 8 of Article 25 of Title 31, Colorado Revised Statutes 1973, as amended, a Downtown Development Authority in the City of Longmont, Colorado, to be known as the "Longmont Downtown Development Authority."
2. Said authority shall be a body corporate with all the purposes and powers now or hereafter authorized by Part 8 of Article 25 of Title 31, Colorado Revised Statutes 1973, as amended, and all additional and supplemental powers necessary or convenient to carry out and effectuate the purposes and provisions of said Part 8.
3. Said authority shall exercise its powers within the area bounded as follows:
   Considering all boundary descriptions to be located within the City of Longmont situated in Sections 3 and 10, T2N, R69 West of the 6th P.M., Boulder County, Colorado, being more particularly described as follows:

   With the true point of beginning being the center of the intersection of the alley between Kimbark and Emery Streets (north-south alley of Block 26) and Longs Peak Avenue; Thence commencing in a westerly direction along the center line of Longs Peak Avenue to the intersection of the north-south center line of Block 30; Thence in a southerly direction along the north-south center line of Blocks 30, 37, 54, 61 and 78 to the intersection of the north-south center line of Block 78 and Second Avenue; Thence in a westerly direction to the center of the intersection of Second Avenue and Pratt Street; Thence in a southerly direction to the intersection of the center line of Pratt Street and the north line of Section 10; Thence in an easterly direction along the north line of Section 10 to the point of intersection with the NW corner of the westerly tract of the Turkey Plant Addition, a point 1796 feet more or less from the NE corner of said Section 10; Thence in a southerly direction 355 feet more or less; Thence South 88°27' East 500 feet more or less; Thence South 86°56' East 500 feet more or less; Thence South 35°39' East 31.9 feet more or less; Thence North 89°41' East 470 feet more or less to the West line of Longmont Storm Sewer Right-of-way; Thence along said right-of-way line North 41°28' West 396.7 feet more or less and North 124 feet more or less to the point of intersection with the north line of Section 10; Thence in an easterly direction along the north line of Section 10 to the point of intersection with the NW corner of the easterly tract of the Turkey Plant Addition and the East Right-of-way line of the Longmont Storm Sewer Right-of-way, a point 471 feet more or less west of the NE corner of said Section 10; Thence along said Storm Sewer right-of-way line South 124 feet more or less and South 41°28' East 240.9 feet more or less; Thence East along the Longmont Sewer Tract line 271.5 feet more or less; Thence North 304.5 feet more or less to the north line of

Section 10; Thence in a westerly direction along the north line of Section 10 to the center line of Martin Street; Thence in a northerly direction along the center line of Martin Street to a point 285.5 feet more or less from the center line of Third Avenue; Thence in a westerly direction along the north line of Lot 12, Block 69, to the north-south center line of Block 69; Thence in a southerly direction along the north-south center line of Block 69 to the north line of Lot 7, Block 69; Thence in a westerly direction along the north line of Lot 7, Block 69, and the north line of Lot 14, Block 68, to the north-south center line of Block 68; Thence in a northerly direction along the north-south center line of Block 68 to the north line of Lot 5, Block 68; Thence in a westerly direction along the north line of Lot 5, Block 68, to the center line of Atwood Street; Thence in a southerly direction along the center line of Atwood Street 78.5 feet more or less to the intersection with the north line of Lot 13, Block 67; Thence in a westerly direction along the north line of Lot 13, Block 67, and the north line of Lot 6, Block 67, to the center line of Collyer Street; Thence in a southerly direction along the center line of Collyer Street 78.5 feet more or less to the north line of Lot 14, Block 66; Thence in a westerly direction along the north line of Lot 14, Block 66, and the north line of Lot 7, Block 66, to the center line of Emery Street; Thence in a northerly direction along the center line of Emery Street to the center of the intersection of Emery Street and Fourth Avenue; Thence in a westerly direction to the intersection of the center line of Fourth Avenue and the center line of the alley between Kimbark and Emery Street (north-south alley of Block 50); Thence in a northerly direction along the center line of the north-south alley of Blocks 50, 41, and 26 to the true point of beginning. To include the following:

Blocks 27,28,29,38,39,40,51,52,53,62, 63,64,65,70,71,72,73,74,75, 76, 77, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, and 102; Lots 7 through 12 of Block 30; Lots 7 through 12 of Block 37; Lots 7 through 12 of Block 54; Lots 8 through 14 of Block 61; Lots 9 through 16 of Block 78; Lots 1 through 20 of Block 26; Lots 1 through 20 of Block 41; Lots 1 through 20 of Block 50; Lots 7 and 14, Block 66; Lots 6, 7, 13 and 14, Block 67; Lots 5, 6, 7 and 14, Block 68; Lots 7, 12, 13 and 14, Block 69; and the C & S Railway Co. subdivision (Outlot A) all of the Original Old Town, City of Longmont, Colorado. All, including both tracts of the Turkey Plant Addition, as recorded with Boulder County Records, Reception no. 505690, Film No. 1216, recorded on the 4th day of August, 1982.

4. Members of the Board of said Authority shall be appointed hereafter by the City Council in compliance with the membership and qualifications standards set forth in C.R.S. 1973, 31-25-805 as amended, and C.R.S. 1973, 31-25-806, as amended.
5. Any ordinance or resolution by which bonds are hereafter issued pursuant to Part 8 of Article 25 of Title 31, Colorado Revised Statutes 1973, as amended, shall specify the maximum net effective interest rate of such bonds.
6. The City Council may impose and levy an ad valorem tax, in accordance with C.R.S. 1973, 31-25-817, as amended, on all real and personal property in the downtown development district. Such levy shall be in addition to the regular ad valorem taxes and special assessments for improvements imposed by the City.
7. All actions not inconsistent with the provisions of this Ordinance heretofore taken by the officers of the City of Longmont, Colorado, whether elected or appointed, directed towards the creation and establishment of a downtown development authority and the appointment of the board thereof, are hereby ratified, approved and confirmed.
8. All ordinances or resolutions or parts thereof in conflict with this Ordinance are hereby repealed, except that this repealer shall not be construed to revive any ordinance, resolution or part thereof heretofore repealed.
9. If any section, paragraph, clause or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision will not effect any of the remaining sections, paragraphs, clauses or provisions of this Ordinance.

Introduced this 9 day of November, 1982.

Passed and adopted this 23rd day of November, 1982.

/s/ William G. Swenson
MAYOR

ATTEST:

/s/ _____
DIRECTOR OF FINANCE

NOTICE: PUBLIC HEARING ON THE ABOVE ORDINANCE WILL BE HELD ON THE 23rd DAY OF November, 1982, IN COUNCIL CHAMBERS AT 7:00 P.M.

(Ord. No. O-2014-20, § 10(exh. C), 5-6-2014)