

City of Longmont Tree Ordinances

CHAPTER 2.64. - PARKS AND RECREATION BOARD

2.64.010. - Established.

There is created a parks and recreation board for the city with the powers and duties specified in section 2.64.030.

(Code 1981, § 1-20-1; Code 1993, § 2.64.010)

2.64.020. - Composition—Terms of members—Keeping and distribution of minutes.

- A. The parks and recreation board shall consist of seven members. The new or reappointed members shall be appointed for three-year terms, except that one term expiring in 1992 shall be a two-year term with three-year terms thereafter to provide overlapping terms.
- B. In addition to the members described in subsection A of this section, the community development director, or a designee or designees, shall be a nonvoting board member. The nonvoting member shall see that minutes are kept of all meetings and shall distribute copies of the minutes to all board members before each meeting.

(Code 1981, § 1-20-2; Code 1993, § 2.64.020; Ord. No. O-83-145, § 1; Ord. No. O-90-15, § 4; Ord. No. O-92-32, § 1)

2.64.030. - Powers and duties.

The powers of the parks and recreation board shall be advisory only and the board shall have the following duties:

- A. To recommend to the city council as to all matters concerning the care, use, management, control and planning of all city properties and facilities controlled by the Longmont parks and open space division or by the community recreation program referenced in section 2.20.020, and maintenance of city-owned trees;
- B. To revise and continually update a long-range plan for the development and maintenance of parks;
- C. To review the parks and recreation annual budget requests, and to make recommendations on the proposed budget to the city council;
- D. To coordinate all parks and recreation matters with any public or private agencies to include review and recommendations on contracts for use and establishment of all parks and recreation facilities;
- E. To recommend to the city council as to the expenditure of any cash or securities as may be devised or given to the board or to the city for parks and recreation purposes, and to provide for the care of any property so devised or given;
- F. To consider all policy matters pertaining to the city's parks and recreation facilities and to make recommendations to the city council;
- G. To consider, analyze and make recommendations to the city council on the allocation and sufficiency of park fees.

(Code 1981, § 1-20-3; Code 1993, § 2.64.030; Ord. No. O-83-145, § 2; Ord. No. O-2003-05, § 3)

CHAPTER 6.88. - TREE CONTRACTOR LICENSE^[6]

Footnotes:

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Editor's note— Ord. No. O-2013-40, § 1, adopted Aug. 27, 2013, deleted the former ch. 6.88, §§ 6.88.010—6.88.060, and § 2 of said ordinance enacted a new ch. 6.88 as set out herein. The former ch. 6.88 was entitled "Tree Trimming Licenses", and derived from Code 1981, §§ 5-17-1—5-17-5; Code 1993, §§ 6.88.010—6.88.060; and Ord. No. O-99-4, §§ 1—4.

6.88.010. - Purpose.

The purpose of this chapter is to regulate and license activities of tree maintenance, which consists of tree pruning, tree removal, and tree care activities operating within the city as a business for the health, safety, and welfare of the community's urban forestry system.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.020. - License required.

Any person engaging in a tree maintenance business must first obtain a tree contractor license from the director of public works and natural resources or a designee.

Tree maintenance exemptions:

- A. Activities involving tree installations.
- B. Activities involving tree stump grinding.
- C. Activities involving pesticide applications if the business is licensed by the Colorado Department of Agriculture.
- D. A license waiver may be requested for a specific tree removal operation or project.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.030. - Application and issuance.

Any person desiring a tree contractor license shall submit an application on forms provided by the city forestry services. The license shall be issued by the director of public works and natural resources or a designee upon compliance with the terms of this chapter.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.040. - License fee, term, and renewal.

Initial applications and applications for renewal shall be accompanied by a fee of \$60.00. The term of a tree contractor license is one calendar year. All licenses expire on December 31 of the year the license is issued and shall be renewed on or before January 31 of the following year. Failure to renew a license by January 31 of the following year means the license is cancelled. Any application submitted after January 31 will be treated as a new application. All license fees are nonrefundable and are not subject to pro-ration.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.050. - Insurance requirements.

Prior to a license being issued, the applicant shall present as an attachment to the application, proof of all required insurance, specified as follows:

- A. General liability insurance coverage with minimum coverage of \$1,000,000.00 per occurrence.
- B. Automobile liability insurance coverage with minimum coverage of \$1,000,000.00 per occurrence. Coverage shall include owned, hired, and non-owned vehicles.
- C. If applicable, workers' compensation and employer's liability coverage pursuant to Colorado state law for persons performing work on behalf of the applicant or licensee.

A licensee shall not be without insurance coverage required by this chapter. Any license issued pursuant to this chapter shall be deemed suspended on the effective date a licensee is without insurance required by this chapter without further action, subject to reinstatement upon notification to the director of public works and natural resources or a designee upon obtaining and providing evidence of required insurance.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.060. - Licensee and employee qualifications.

The application for a tree contractor license shall be reviewed by the director of public works and natural resources or a designee to determine the applicant's competence to perform tree work. The examination process shall require International Society of Arboriculture (ISA) certification and a field test demonstration of actual practical ability.

Effective February 1, 2014:

- A. All new tree maintenance business applicants must submit proof to the city forestry services that the business owner or an active full-time employee holds a current and valid certification from the International Society of Arboriculture (ISA). Successful completion of a practical field test shall also be required.
- B. All renewal tree contractor license candidates who are in good standing and who do not have an ISA certification shall have until January 31, 2014 to acquire such approved certification in order to renew a license.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.070. - Rules, regulations, standards, and specifications.

The director of public works and natural resources or a designee shall adopt rules, regulations, standards, and specifications that govern the manner in which tree maintenance operations shall be conducted by licensees (city Forestry Services Standards and Specifications). The city Forestry Services Standards and Specifications shall be adapted from the American National Standards Institute and the International Society of Arboriculture publications.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.080. - Business identification on vehicles.

All motor vehicles of a licensee used in conducting tree maintenance business in the city shall be clearly identified with the name of the business on both sides of every vehicle. Such figures and letters shall be not less than two inches in height and kept in condition as to be readily distinguished and read at a distance of at least 60 feet.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.090. - License responsibility and violation.

Any persons holding a tree care license shall be responsible to conform to the provisions of this chapter. Failure to comply with any provision of this chapter is considered a violation and shall be grounds for suspension or revocation.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.100. - License warning, suspension or revocation.

- A. *First offense:* Upon a first violation, the director of public works and natural resources or a designee shall provide:

1. Written warning; or
 2. Notice of suspension; or
 3. Notice of revocation to the licensed contractor, stating the violation.
- B. *Subsequent violations:* Upon subsequent violations within one year, the director of public works and natural resources or a designee shall send written notice by mail to the licensee, stating the violation and effective date of a suspension or revocation. The notice will also include appeals procedure information.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.110. - Effects of suspension or revocation.

- A. A suspended license may be re-instated after 90 days, upon evidence satisfactory to the director of public works and natural resources or a designee licensee is able to comply with all provisions of this chapter and is competent to perform the work authorized by the license.
- B. A licensee whose license has been revoked may not be issued a license for three years after the revocation.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.120. - Appeal.

In the event of a denial of issuance or renewal of a license or a suspension or revocation of a license, the applicant or licensee shall have the right to appeal such decision pursuant to chapter 6.04 of this Code.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.130. - Stop work order.

Whenever the director of public works and natural resources or a designee determines that any tree maintenance activity is occurring which is not in compliance with any provision of this chapter, the director of public works and natural resources or a designee is authorized to order the activity stopped upon service of written notice to the business. The business shall immediately stop all activity until authorized in writing by the director of public works and natural resources or a designee to proceed. If the business is not at the site of the alleged violation or cannot be located, the director of public works and natural resources or a designee shall post a notice to stop work in a conspicuous place upon the area where the alleged violation is occurring and shall state the nature of the violation. It shall be unlawful for any business to fail to comply with a stop work order. Failure to comply shall subject the business to any enforcement action authorized in this chapter.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.140. - Abatement.

In the event the director of public works and natural resources or a designee issues a stop work order which involves an immediate danger to public health, public safety, or the environment, the director of public works and natural resources or a designee is authorized to take any measure necessary to abate the danger, restore the property, or both. The responsible party is liable for the costs of abatement.

- A. If the city abates a violation, the business will be notified of the cost of abatement within 30 days by personal delivery or by mail. The costs of abatement shall include all direct and indirect costs of manpower, equipment, expenses, and administrative costs incurred by the city. The notice shall be effective upon the date of mailing or personal delivery.

- B. If no appeal is timely filed, the assessment shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file an appeal.

(Ord. No. O-2013-40, § 2, 8-27-2013)

6.88.150. - Enforcement and penalties.

- A. It is unlawful and a strict liability offense for any person or business to violate any provision of this chapter or to permit or cause a violation of this chapter. Each offense is punishable by a fine of no more than \$999.00, or imprisonment up to 180 days or by both such fine and imprisonment.
- B. Nothing in this chapter prohibits the city from using all enforcement alternatives authorized by this chapter.

(Ord. No. O-2013-40, § 2, 8-27-2013)

CHAPTER 13.24. - TREES AND PLANTS^[2]

Footnotes:

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Editor's note— Ord. No. O-2013-40, § 3, adopted Aug. 27, 2013, deleted the former ch. 13.24, §§ 13.24.010—13.24.080, and § 4 of said ordinance enacted a new ch. 13.24 as set out herein. The former ch. 13.24 pertained to similar subject matter and derived from Code 1981, §§ 8-8-1—8-8-8; Code 1993, §§ 13.24.010—13.24.080; and Ord. No. O-2003-05, § 11.

13.24.010. - Purpose.

- A. The city recognizes substantial economic, environmental, and aesthetic importance of trees and vegetation within the community. It is the policy of the city to protect and enhance the community's urban forest. The purpose of this chapter is to promote and protect the public safety and general welfare by providing regulations and establishing policies regarding the planting, maintaining, and removal of trees, shrubs, and other plants through recommended horticultural and arboricultural practices.
- B. To promote the above purpose, the city may promulgate rules, regulations, standards, and specifications for the protection, planting, pruning, treatment, removal, or any maintenance of trees, shrubs, and any other plants located upon public or private property to the extent such rules are not inconsistent with this chapter.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.020. - Responsibility for trees and plants.

The care and maintenance of trees and other plant material is the responsibility of the owner of the property on which those plants are located.

- A. *Public trees and plants.* The city is responsible for the care, maintenance, and removal of trees and plants located on city property.
- B. *Private trees and plants.* Owners of private property are responsible for trees and plants located on their properties.
- C. *Alley tree and plants.* The adjacent property owner is responsible for the care, maintenance, and removal of trees and plants up to the center of the alley.
- D. *Written agreement.* A written agreement, such as a landscaping plan or other document approved by the city, may establish responsibility for trees and plants located in public rights-of-way as the responsibility of the adjacent property owner, such as a home owners association, business or private individual.

(Ord. No. O-2013-40, § 4, 8-27-2013; Ord. No. [O-2018-31](#), § 5, 8-14-2018)

13.24.030. - Clearance requirements.

It shall be the obligation of the owner of any property to remove, trim, or otherwise treat trees and plants which:

- A. Project into or encroach upon any public right-of-way in such a manner as to interfere with, obstruct, or endanger the safe public use of the right-of-way for pedestrian or vehicular traffic.
- B. Fail to provide clearance over streets and alleys of at least 15 feet and over sidewalks of at least eight feet.
- C. Block the visibility of a street light or traffic control device as defined in the Manual on Uniform Traffic Control Devices, such as a traffic regulatory sign or street identification sign.
- D. Create a sight distance triangle obstruction. See forestry services standards and specifications for diagrams and additional information.
- E. Grow within three feet of a fire hydrant.

The city is authorized to prune any tree or shrub to create a clearance need listed above and to assess the cost of such trimming against the owner of the encroaching tree or plant.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.040. - Pestilence inspection and survey.

The city is authorized to inspect any vegetation upon any property whether public or private within the city and to conduct such tests and surveys and to take such samples of vegetation as may be necessary or desirable to determine if any epidemic communicable disease or insect infestation exists according to procedures established in this chapter.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.050. - Infected or infested trees.

Upon the discovery of any destructive or communicable disease, or mortality-causing insect which endangers the growth, health, life, or well-being of trees, or which is capable of causing an epidemic spread, the director of public works and natural resources or a designee will provide written notice to affected property owners. Written notice will contain requirements that the property owner eradicate, remove or otherwise control the condition within a time frame specified in the notice. Addressing specific issues and wood waste disposal requirements of contagious, diseased or infected plant material shall be identified in the forestry services standards and specifications. Commercial arborist and tree maintenance contractors shall also adhere to these requirements.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.060. - Dead or unsafe trees.

The owner of any property shall remove any dead, dying, or structurally unsound tree or limb likely to cause injury to a person or property. When a dead, dying or structurally unsound tree or limb has the potential to adversely affect adjacent property and is likely to cause injury to a person or property, the owner shall remove or trim such tree or limb so as to avoid injury or damage to or on adjacent property.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.070. - Emergencies.

In the event the city finds a condition involving a private tree, shrub, or plant which constitutes an immediate threat to life or property, the city is authorized to immediately abate the threat. The property owner shall be responsible for costs associated with the work performed.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.080. - Entry required.

The city shall have the right to enter private property with consent, in an emergency or with a warrant, in order to inspect trees and other vegetation or to address any maintenance issues stated in this chapter.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.090. - Interference.

No person shall prevent, delay, or interfere with the city in regards to the enforcement of this chapter or activities required in conducting the urban forestry program.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.100. - Nuisance trees.

A nuisance tree is a tree with undesirable characteristics and declared to be a public nuisance by the director of public works and natural resources or a designee.

- A. The director of public works and natural resources or a designee may declare certain tree species unlawful to be planted or allowed to grow on city property within the city and be subject to removal.
- B. Noxious trees that threaten natural resources, as provided by the Colorado Noxious Weed Act, C.R.S. 35-5.5-101 et seq., shall be controlled as stated in that law.
- C. Generally, existing mature trees greater than 24 inches in diameter shall be permitted to remain, but the city may remove a tree of any size from city property.
- D. Certain trees mentioned in subsections A and B above, shall be identified in the Forestry Services Standards and Specifications.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.110. - Tree protection.

- A. No person shall attach any material to a tree on city property which can affect the natural growth, injure, cause harm to, or impair the health of the tree.
- B. No person shall excavate, place any fill, compact the soil, or cause soil contamination under the canopy of a tree on city property unless a site evaluation and approved permit has been secured from the director of public works and natural resources or a designee.
- C. Trees on public property in construction zones shall be protected during construction projects.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.120. - Permit required.

It shall be unlawful for any person to plant, prune, remove, or destroy any tree or shrub on city property without having first obtained an approved permit from the director of public works and natural resources or a designee.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.130. - Tree preservation, damages and cost recovery.

It shall be unlawful to injure damage, destroy, or remove any tree situated upon city property.

- A. Any person who injures, damages (including by excessive pruning or topping), or destroys any tree situated upon city property shall repair said damage to the satisfaction of the director of public works and natural resources or a designee.
- B. If the director of public works and natural resources or a designee deems a tree to be damaged beyond repair, the responsible party shall compensate the city either the lost monetary value of the tree, as determined by "The Guide for Plant Appraisal", published by the Council of Landscape Appraisers, or the cost of replacing the tree, as determined by the director of public works and natural resources or a designee.
- C. Any person causing removal of any tree on city property, after being denied a permit to do so, shall be responsible for three times the appraised value of said tree.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.140. - Duty to replace trees.

Any person who is responsible under this chapter for the care and maintenance of a tree located on city property that dies shall replace the tree if required to do so by the director of public works and natural resources or a designee.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.150. - Notice of violation.

- A. The director of public works and natural resources or a designee may give written notice to the owner of any property to correct any condition in order to comply with the terms of this chapter. The notice shall describe the property affected and set forth the action to be taken by the property owner as specified in the written notice.
- B. Should the owner of any property refuse or fail to comply with the terms of a notice, the city or contractor hired by the city may enter upon the premises and remove, treat or otherwise care for trees and vegetation in order to correct the existing condition. In the event that the city is required to perform any corrective work on the premises, the costs thereof shall be assessed against the owner. The amount so assessed shall constitute a lien upon the property.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.160. - Abatement and costs.

- A. If the city abates a violation on private property, the director of public works and natural resources or a designee will notify the property owner of the cost of abatement within 30 days by personal delivery or by mail to the last known address of the owner as shown in the records of the county assessor. The costs of abatement shall include all direct and indirect costs of manpower, equipment, expenses, and administrative costs incurred by the city. The notice shall be effective upon the date of mailing or personal delivery. The charges shall become due and payable on the date set forth in the notice, which date shall be after the expiration of the time in which to file an appeal.
- B. If the amount due is not paid within ten days of mailing or personal delivery of the notice and the property owner has not filed a timely appeal under this section, or if an appeal results in costs being assessed against a property owner, the charges shall become an assessment against the property and shall constitute a lien on the property for the amount of the assessment. The assessment shall be certified by the director of finance to the Boulder or Weld County Treasurer for collection in the same manner as taxes.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.170. - Appeals.

- A. A property owner may file a written appeal within ten days of the effective date of the notice with the city clerk objecting to the amount of the assessment and setting forth the reasons why the appeal should be granted.
- B. In the event an appeal is filed, the appeal shall be conducted pursuant to chapter 2.98 of this Code.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.180. - Forestry Services Standards and Specifications.

Additional information and diagrams may be found in Forestry Services Standards and Specifications.

(Ord. No. O-2013-40, § 4, 8-27-2013)

13.24.190. - Enforcement and penalties.

- A. It is unlawful and a strict liability offense for any person or business to violate any provision of this chapter or to permit or cause a violation of this chapter. Each offense is punishable by a fine of no more than \$999.00 or imprisonment up to 180 days, or by both such fine and imprisonment.
- B. Nothing in this chapter prohibits the city from using all enforcement alternatives authorized by this chapter.

(Ord. No. O-2013-40, § 4, 8-27-2013)

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."

15.01.020 - Authority

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

15.01.030 - Purpose and Intent

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

1. Preserve a safe, healthy and adaptable community by:
 - a. Promoting the public health, safety, convenience, comfort, prosperity, and general welfare;
 - b. Securing the safety of persons and property from fire, flood, and other dangers, and to secure adequate open spaces for light, air, and amenity; and
 - c. Managing overall community growth, including population and employment growth, to benefit the community and to encourage fiscally efficient and orderly development.
2. Protect private property rights as guaranteed by the Colorado and United States Constitutions.
3. Conserve and enhance the architecture, history, pedestrian orientation, mixed-use, and character of Longmont's downtown and main street.
4. Provide and maintain livable centers, corridors, and neighborhoods by:
 - a. Conserving and stabilizing property values through appropriate land uses;

- b. Improving the aesthetics and design of all primary entrance corridors (gateways) to the city;
 - c. Conserving and enhancing the character of Longmont's older, established residential neighborhoods through mitigation of adverse factors, promotion of a balanced mix of housing types, and through appropriately scaled and planned infill development; and
 - d. Encouraging innovative and quality residential development so that growing demand for housing may be met by greater variety in type, design, and layout of dwellings, and by conservation and more efficient use of open space ancillary to such dwellings.
5. Provide for responsible stewardship of Longmont's resources by:
- a. Preserving and protecting existing trees and vegetation, agricultural lands, floodplains, stream corridors, wildlife habitats and corridors, wetlands, lakes and other water bodies, scenic views, and other areas of environmental significance from adverse impacts of development;
 - b. Promoting environmental quality as a critical element in Longmont's quality of life and encourage the wise use of natural resources, including energy and water conservation and reduction of wastes;
 - c. Facilitating the efficient provision of adequate public facilities such as transportation, water, sewage disposal, drainage, electricity, public schools, parks, and other public services;
 - d. Encouraging innovative and quality development that preserves and protects the character of the community, including its natural landscape, and that minimizes adverse impacts of such development, especially when adjacent to residential uses; and
 - e. Encouraging a balance of uses and development in the community so that future growth occurs in a fiscally prudent manner.
6. Provide a complete, balanced, and connected transportation system by:
- a. Coordinating transportation and land use planning, including the evaluation of transportation impacts from proposed development, to provide a safe and efficient transportation system in Longmont and to improve air quality;
 - b. Minimizing congestion in travel and transportation, reduce community dependence on automobile travel, encourage trip consolidation, and facilitate development of alternative modes of transportation consistent with the multi-modal transportation plan; and
 - c. Encouraging pedestrian and vehicular connections between residential neighborhoods and surrounding employment and shopping centers and community facilities such as parks and schools.

15.01.040 - Applicability and Jurisdiction

A. **Generally.** This development code shall apply to:

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

B. **Exception for Emergencies.** When the director determines that, because of an emergency, compliance with the normal procedures and requirements of this title would threaten life, safety, or property, the director may exempt land use activities of the city or any city agency, department, district, or utility responsible for the facility involved in the emergency from this development code. The city or agency shall complete any improvements or revegetation that would have been required if normal

procedures had been followed as soon as reasonably practicable after the necessary emergency actions are taken.

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

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

15.01.050 - Minimum Standards and Compliance

- A. **Minimum Standards.** In their interpretation and application, the provisions of this development code shall be held to be minimum requirements necessary for the promotion of the public health, safety, and general welfare.
- B. **Compliance—Subdivision, Use, or Occupancy.** No building, structure, or land shall be developed, subdivided, used, or occupied, and no building or structure or portion thereof shall be erected, moved, constructed, reconstructed, extended, enlarged, or altered contrary to this development code. No land shall be conveyed or developed until a plat has been approved, except as specifically exempted, under the provisions of this development code.

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

- C. **Compliance—Multiple Use of Space Prohibited.** No part of a setback or other open space or off-street parking or loading space required about or in connection with any building, for the purpose of complying with this development code, shall be included as part of a setback, open space, or off-street parking or loading space similarly required for any other building, except as allowed in an approved and current planned unit development (PUD) or through a joint use (shared) parking agreement.
- D. **Compliance—Future Reduction or Creation of Lots and Yards.** No setback or lot existing at the time of the effective date of this development code shall be further reduced in dimensions or area below the minimum requirements stated in this development code, unless a variance is approved. Setbacks or lots created after the effective date of this development code shall meet at least the minimum requirements established by this development code.
- E. **Non-Conforming Uses, Structures, Lots, Signs, and Other Site Features.** See chapter 15.08 of this development code for regulations regarding non-conforming uses, structures, lots, signs, and other site features.

15.01.060 - Official Zoning 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. **Zoning Map Adopted.** The official zoning map, as published upon adoption of this title, and as amended and republished upon any amendment, is adopted and declared a part of this development code.
- C. **Interpretation of Official Zoning Map Boundaries.** In the event of uncertainty, unless otherwise specified, district boundaries shown on the official zoning map shall be on section lines, lot lines, the

centerlines of highways, streets, alleys, railroad rights-of way, or such lines extended; municipal corporation lines; natural boundary lines, such as streams; or other lines to be determined by the use of scales shown on the map.

- D. **Map—Amendment upon Zoning Establishment or Modification.** As soon as practicable after approval and recordation of any ordinance annexing and establishing zoning or modifying existing zoning for any property, the planning and development services department 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 department during normal city business hours.
- F. **Zoning Required upon Annexation.** No annexation of property to the city shall become final until the property is assigned a zoning classification.

15.01.070 - Rules of Construction and Interpretation

- A. **Meaning and Intent.** All provisions, terms, phrases, and expressions contained in this development code shall be construed according to this development code's stated purpose and intent.
- B. **Text Controls.** In case of any difference of meaning or implication between the text of this development code and any heading, drawing, table, or figure, the text shall control.
- C. **Lists and Examples.** Unless otherwise specifically indicated, lists of items or examples that use terms such as "for example," "including," and "such as," or similar language are intended to provide examples and shall not be interpreted as exhaustive lists of all possibilities.
- D. **Computation of Time.** Periods defined by a number of days shall mean a number of consecutive calendar days, including all weekend days, holidays, and other non-business/working days. However, if the last day falls on a Saturday, Sunday, or legal holiday, the period extends to the next day that is not a Saturday, Sunday, or legal holiday.
- E. **Delegation of Authority.** Whenever this title requires the head of a department or division, or another officer or employee of the city to perform an act or duty, the department/division head or officer may delegate the responsibility to subordinates, unless this title specifies otherwise.
- F. **Technical and Non-Technical Words.** Words and phrases not otherwise defined in this development code shall be construed according to the common and approved usage of the language according to section 1.04.020, but technical words and phrases not otherwise defined in this development code that may have acquired a particular and appropriate meaning in law shall be construed and understood according to such meaning.
- G. **Public Officials and Agencies.** All public officials, bodies, and agencies to which references are made are those of the City of Longmont, unless otherwise indicated.
- H. **Mandatory and Discretionary Terms.** The words "shall," "must," or "will" are always mandatory, and the words "may" or "should" are always discretionary.
- I. **Conjunctions.** Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events shall apply; and
 - 2. "Or" indicates that one or more of the connected items, conditions, provisions, or events shall apply.
- J. **Tense and Usage.** Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular shall include the plural, and the plural shall include the singular.
- K. **Gender.** The masculine shall include the feminine, and vice versa.

15.01.080 - Relationship to Other Codes, Ordinances, and Regulations

- A. **Conflict with State or Federal Regulations.** If the provisions of this development code are inconsistent with those of the state or federal governments, the more restrictive provision will control, to the extent permitted by law.
- B. **Conflict with Other City Regulations.** If the provisions of this development code are inconsistent with one another, or if they conflict with provisions found in other adopted codes, ordinances, or regulations of the City of Longmont, the more restrictive provision will control unless otherwise expressly stated.
- C. **Conflict with Private Agreements.** It is not the intent of this development code to interfere with, abrogate, annul, or prevent the private enforcement of any easement, covenant, deed restriction, or other agreement between private parties. The provisions of this development code are in addition to, and not in lieu of, any restriction imposed by a private agreement. Private agreements, however, cannot and do not preclude compliance with requirements of this development code. The city is not responsible for monitoring or enforcing private agreements.

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 development code is September 1, 2018.
- B. **Violations Continue.** Any violation of the previous land development (zoning or subdivision) regulations of the city shall continue to be a violation under this development code and shall be subject to the enforcement and penalties stated in chapter 15.09 of this development code, unless the use, development, construction, or other activity is clearly consistent with the express terms of this development code.
- C. **Completion of Development Commenced or Approved Under Previous Codes, Buildings or Developments with Previously Issued Building Permits.**
 - 1. Any building or development granted a building permit before the effective date of this development code may proceed to construction even if such building or development does not conform to this development code.
 - 2. If the construction has not begun or been substantially completed, or the intended use not established within the time allowed under the permit, 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. Any extension granted by the director shall not exceed six months, and shall be for good cause shown. For purposes of this subsection, good cause shall include development delays that are unavoidable due to forces beyond the permit applicant's control, such as weather or widespread labor or materials shortages.
 - a. **Developments with Preliminary or Final Approval.** A development for which preliminary or final approval (excluding concept plan and conveyance plat approval) was granted before the effective date of this development code may be completed according to the approved plat or plan even if such development does not conform to the provisions of this development code, subject to the following provisions:
 - i. For developments that have received preliminary approval, a complete application for the final plat or final plan must be submitted within one year of the decision-making body's preliminary approval but no later than December 31, 2018, unless the director determines a longer time frame is necessary for good cause shown, or the preliminary approval has a vested property right effective for a longer period. The city shall take final action on such complete application within the time frames specified in the previous code, but no later than one year after the effective date of this development code, unless the preliminary approval has a vested right effective for more than one year after the effective date of this development code,

or the director determines a longer time frame is necessary to review the application.

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 code, unless the director determines a longer time frame is necessary to review the application.

- ii. Approval of a final subdivision plat does not exempt the property from subsequent site plan review, if necessary, for development of any portion of the plat. Subsequent site plans shall comply with the standards in effect at the time a complete application for plan review is submitted.
 - iii. Developments that do not require plan review and that are not otherwise exempt shall comply with the development and design standards in chapter 15.05, development standards, as applicable.
- b. **Developments with Applications for Approval Pending.** An applicant that has submitted a complete application for a preliminary subdivision plat (excluding conveyance plats), overall development plan, site plan, conditional use, building permit, or any other type of approval (excluding concept plans), but where the decision-making body has not taken final action on such application before the effective date of this development code, may choose to have the standards and procedures of this development code apply to the application. Alternately, the applicant may choose to have the complete application reviewed under the previous code in effect, subject to the following provisions:
- i. Such complete application shall receive final city approval within the time frames specified in the previous code, but no later than six months after the effective date of this development code, unless the director determines a longer time frame is necessary to review the application.
 - ii. Approval of a preliminary or final subdivision plat does not exempt the property from subsequent site plan review, if necessary, for development of any portion of the plat. Subsequent site plans shall comply with the standards in effect at the time a complete application for site plan review is submitted.
 - iii. Developments, such as one-family dwellings, that do not require site plan review shall comply with the development and design standards in chapter 15.05, development standards, as applicable.
- c. **Applicability of Chapter 15.08 (Nonconformities).** Developments that are completed pursuant to the standards in previous codes, as permitted by this subsection 15.01.090.C, are subject to all applicable provisions related to nonconforming uses, structures, lots, signs, and other site features stated in chapter 15.08, Nonconformities.

CHAPTER 15.05. - DEVELOPMENT STANDARDS

15.05.010 - Purpose

The purpose of this chapter 15.05 is to provide standards regarding environmental protection, landscaping, multi-modal access and connectivity, parking, oil and gas extraction, fences, residential, mixed-use and nonresidential design, storage and screening, outdoor lighting, adequate public facilities, wireless telecommunications, mobile homes, and residential compatibility that apply to applications reviewed under this development code.

15.05.020 - Protection of Rivers/Streams/Wetlands/Riparian Areas

- A. **Purpose.** This section is intended to promote, preserve, and enhance the important hydrologic, biological, ecological, aesthetic, recreational, and educational functions that river and stream corridors, wetlands, and associated riparian areas provide in the City of Longmont.

- B. **Applicability.** This section applies to development applications for site plans, subdivision plats, PUD developments, conditional uses, limited uses, secondary uses, rezonings, and annexations. Appropriate strategies for the protection of rivers, streams, wetlands and riparian areas should be identified as early on in the development process as possible.
- C. **Boundaries.**
1. **Wetland Boundaries.** All wetland boundary delineations are subject to the city's approval.
 - a. **Qualified Professional.** A qualified person with demonstrated expertise in the field shall delineate all wetland areas.
 - b. **Mapped Wetlands.** Boundary delineation of wetlands shall be established by reference to the Boulder County Wetlands Survey (as amended), which is adopted and incorporated by reference into this development code.
 - c. **Unmapped/Disputed Wetlands.** If a wetlands has not been mapped, or its boundaries not clearly established, or if either the city or applicant dispute the existing boundaries, the applicant shall retain a qualified person with demonstrated expertise in the field to delineate the boundaries of the wetland according to professional standards approved by the city. The applicant shall use the Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January 1987, or as amended), as a guideline and reference for the wetland determination.
 2. **River/Stream Corridor Boundaries.** River and stream corridors shall not include ditches that are commonly known to be irrigation ditches that do not contribute to the preservation and enhancement of fisheries or wildlife. See chapter 15.10, Definitions, for the definition "rivers" and "streams" subject to protection under this section.
 3. **Riparian Area Boundaries.** All riparian area boundary delineations are subject to the city's approval. See chapter 15.10, Definitions, for the definition of "riparian area" subject to protection under this section.
- D. **Compliance with Applicable Federal Wetlands Laws or Regulations.**
1. No person shall engage in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation, within a wetland that falls in the jurisdiction of the federal government and its agencies, except as may be expressly allowed under applicable federal laws or regulations.
 2. Notwithstanding any contrary federal law or regulations, draining any wetland that falls in the jurisdiction of the federal government and its agencies is prohibited.
 3. The city shall not grant final approval to any development or activity, including subdivisions, in a wetland that falls within the federal government's jurisdiction until the applicant shows that all necessary federal approvals and permits have been obtained.
 4. The city shall not prohibit execution of a permitted mitigation plan or maintenance of those projects, nor shall it take responsibility for the mitigation project, even within areas to be accepted by the city upon final acceptance of all improvements. A letter from the Army Corps of Engineers, accepting the mitigation, is required to release the development from further obligations.
- E. **Compliance with Floodplain Regulations.** For construction or activity in a floodplain or flood hazard area, refer to title 20, Floodplain Regulations, regarding floodplain development permit requirements.
- F. **Setbacks.** The following setbacks are considered minimum distances:
1. **River/Stream Corridors and Riparian Areas.** All buildings, accessory structures, and parking areas shall be set back at least 150 feet from the below-listed river/stream corridors and riparian areas, measured from the outer edge of riparian vegetation, including the outer edge of the canopy edge of riparian trees and shrubs, or from the top of the bank when riparian vegetation is not present.
 - a. St. Vrain River;

- b. Boulder Creek;
- c. Dry Creek #2;
- d. Union Reservoir;
- e. Left Hand Creek.

For all other river and stream corridors (as defined in chapter 15.10) not listed above, the setback shall be 100 feet.

2. **Wetlands.**

- a. All buildings, accessory structures, and parking areas or lots shall be set back at least 100 feet from the delineated edge of wetlands.
- b. Where the applicant demonstrates that there is sufficient grade separation between the wetlands and the proposed development to minimize adverse impacts to the wetlands, the decision-making body may reduce the setback to no less than 50 feet, measured horizontally (plan view).

3. **Variations from the Setback Standards.** The setback standards stated in subsections E.1 and E.2 of this section may be modified under the following standards and procedures, taking into consideration the findings of a detailed species or habitat conservation plan (see subsection 15.05.030.H.).

- a. **Increased Setbacks.** The planning and development services director shall increase the setbacks as necessary to protect river/stream corridors, riparian areas, or wetlands, 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;
 - ii. Adjacency or proximity to like areas or other associated habitat or other wildlife resources;
 - 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 city council, with a recommendation from the planning and zoning commission under subsection 15.02.060.I.3, shall reduce the setbacks if it determines that the setbacks are greater than necessary to protect river/stream corridors, riparian areas, and wetlands. The setbacks shall not be reduced to a level below the minimum necessary to provide such protection. 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;
 - ii. The reduced setback is consistent with the scope of the development, taking into consideration existing conditions and the extent of site changes;
 - 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 city council.

G. **Prohibited Activities.** No person shall engage in any activity that shall disturb, remove, fill, drain, dredge, clear, destroy, or alter any area, including vegetation and wildlife habitat, within stream

corridors, wetlands, and their setbacks, except as may be expressly allowed in this development code or by other applicable city laws or regulations.

- H. **Bridges** The construction of bridges according to city standards over a stream corridor and within the stream setback area is permitted, provided such bridges are planned and constructed so as to minimize impacts on the stream corridor. Construction of bridges within the wetland setback area shall be prohibited unless appropriate federal permits are granted.
- I. **Utilities.** Utilities may be allowed in a stream corridor or wetlands setback area only if the city determines there is no practical alternative. The applicant shall reclaim any disturbance of the setback area by re-grading and re-vegetation. Provisions for reclamation of the disturbed area shall be included in any development or subdivision agreement for the project, with adequate security to guarantee the reclamation shall be completed. Utility corridors in setback areas shall be located at the outside edge of the area and access roads for maintenance of utilities shall be located outside the setback area. Access for maintenance of utilities in setback areas should be at specific points rather than parallel to the utility corridor.
- J. **Recreation, Education or Scientific Activities.** Structures and improvements for recreational, educational, or scientific activities such as trails, fishing access, and wildlife management and viewing may be permitted in a stream corridor or wetlands setback area provided a management plan that establishes long-term protection of the setback area is submitted with the final plat or plan and approved.
- K. **Design and Aesthetics.** Projects adjacent to large natural areas or natural area corridors, including, but not limited to, the St. Vrain River, Boulder Creek, Dry Creek #2, Union Reservoir, and Left Hand Creek, shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.

15.05.030 - Habitat and Species Protection

- A. **Purpose.** To maintain and enhance the diversity of wildlife species, wildlife habitat, and plant species that occur in the Longmont area, and to plan and design land uses to be compatible with habitat and the species that depend on this habitat for the economic, recreational, and environmental benefit of residents and visitors.
- B. **Applicability.** This section applies to development applications for site plans, subdivision plats, PUD developments, conditional uses, limited uses, secondary uses, rezonings, and annexations. Appropriate strategies for habitat and species protection should be identified as early on in the development process as possible.
- C. **Exemptions.** The procedures and regulations contained in this section shall not apply to:
 - 1. Agricultural activities such as soil preparation, irrigation (including maintenance of irrigation ditches), planting, harvesting, grazing, and farm ponds;
 - 2. Maintenance and repair of existing public roads, utilities, and other public facilities within an existing right-of-way or easement;
 - 3. Maintenance and repair of flood control structures and activities in response to a flood emergency;
 - 4. Maintenance and repair of existing residential or nonresidential structures; or
 - 5. Wildlife habitat enhancement and restoration activities undertaken pursuant to a wildlife conservation plan approved under this section.
- D. **Other Regulations.** This section does not repeal or supersede any existing federal, state, or local laws, easements, covenants, deed restrictions or habitat conservation plans pertaining to wildlife or plant species or habitat. When this section imposes a higher or more restrictive standard, this section shall apply.

- E. **Habitat and Species Database.** The following sources shall be used to identify important plant or wildlife species or important wildlife habitat areas, including federally identified endangered or threatened plant or wildlife species, for purposes of review under this section. Any site-specific studies undertaken by the applicant and accepted by the city shall be used in place of any of the cited maps or data:
1. Colorado Division of Wildlife habitat maps for Boulder and Weld Counties, as amended from time to time.
 2. Other maps or surveys completed by Boulder or Weld Counties, such as the "map of wildlife and plant habitats, natural landmarks and natural areas" included in Boulder County's comprehensive plan, as amended from time to time.
 3. Other information and maps as the city may from time to time identify in cooperation with the Colorado Division of Wildlife, the U.S. Fish and Wildlife Service, or any other county, state, or federal agency.
 4. Any habitat conservation plans adopted by the city, including the wildlife management plan, as amended from time to time.
 5. Habitat and species information referenced by this section is typically intended for general planning purposes only. Obvious errors or omissions may be corrected by the city after consultation with the division of wildlife or other appropriate county, state, or federal agency.
- F. **Review Procedures.** The following procedures shall apply to all applications for development that contain identified important plant or wildlife species or important riparian or other habitat areas, including federally identified endangered or threatened plant or wildlife species:
1. **Application.** The applicant shall submit a plan, as applicable, depicting the general location of the property, location of structures on the site, prominent natural areas such as streams and wetlands, and other features that the director may require for review pursuant to this section.
 2. **Preliminary Review/Referral.** The director shall refer the submitted plan or plat to the Colorado Division of Wildlife, U.S. Fish and Wildlife Agency, or other appropriate county, state, or federal agency for review. Applicants are also advised to meet with the division of wildlife, and other agencies as determined appropriate by the director to ensure compliance with the requirements of this section.
 3. **Agency Review.** For applications referred to it, the Colorado Division of Wildlife, U.S. Fish and Wildlife Service, City of Longmont Parks and Open Space Division, or other appropriate agency shall determine whether the proposal shall result in significant adverse impact on important wildlife species or habitat, or on important plant species, or on an endangered or threatened species, and make specific recommendations as to appropriate mitigation, if any.
 4. **Review Determination.** Based on recommendations from the agency review indicated in subsection F.3 above, the director shall determine whether the applicant must submit a wildlife/plant conservation plan prior to approval of any development application. The director may submit a conservation plan to the appropriate agencies for review and recommendation as to whether the plan adequately addresses the adverse impacts identified in subsection F.3 above. (See subsection 15.05.030.H, Species or habitat conservation plans, below.)
 5. **Waivers/Modifications of Standards.** The director may waive or approve minor modifications of any development standard or review criteria contained in this section if the director finds that:
 - a. The waiver or modification is consistent with the stated purposes of this section;
 - b. The waiver or modification shall have no significant adverse impacts on wildlife species or habitat or on important plant species;
 - c. The waiver or modification does not violate or circumvent any applicable state or federal regulation;

- d. Any potential adverse impacts shall be mitigated or offset to the maximum extent practicable; and
 - e. Application of the standard or criteria is not warranted based on the location of the development, the absence of a particular species on the site, or other relevant factors.
6. **Retention of Experts.** The director may retain a qualified wildlife/plant expert, at the applicant's expense, to aid in the city's administration of this section, including but not limited to, determinations to require a conservation plan or to waive or modify applicable standards.
- G. **Habitat and Species Protection Standards.** The following standards shall apply to all development applications subject to review under this section, unless the director determines that a specific standard may be waived or modified under subsection F.5 above. These standards should be applied to protect wildlife habitat and wildlife and plant species in the most responsible and feasible manner.
- 1. **Buffers.** All development shall provide a development setback from any important wildlife habitat area, riparian area, or plant species area, identified according to this chapter. See subsection 15.05.020.F 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 addressed 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.** Before the approval of any development application that would authorize construction, grading, or paving on any land carrying any prairie dogs as defined in chapter 7.06, the applicant must also secure a prairie dog management permit under that chapter. No person shall undertake any construction, grading, or paving on any land which, at such time, carries any prairie dogs. In addition to being a violation of that chapter, any violation of this paragraph shall be a violation of this development code.
 10. **Construction Timing.** Construction shall be organized and timed to minimize disturbance of important wildlife species occupying or using on-site and adjacent natural areas, especially during nesting or denning times.
 11. **Design and Aesthetics.** Projects adjacent to large natural areas and/or natural area corridors, including but not limited to the St. Vrain River, Boulder Creek, Dry Creek #2, Union Reservoir, and Left Hand Creek, shall be designed to complement the visual context of the natural area. Techniques such as architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area.
 12. **Standards for Protection during Construction.**
 - a. Any limits on disturbance and buffer or setback areas approved by the director shall be shown on the final plat or plan for development. Such areas shall be designated in the field prior to commencement of excavation, grading, or construction with fencing or other methods approved by the director.
 - b. Storage of construction materials, including fill or topsoil, within important habitat areas or required buffer or setback areas is prohibited.
- H. **Species or Habitat Conservation Plans.**
1. **Plan Preparation.** The applicant shall retain a qualified person with demonstrated expertise in the field and who is acceptable to the director to prepare a species or habitat conservation plan required by this section.
 2. **Plan Content.** A conservation plan shall include the following information, at a minimum, and as applicable. The director may waive specific requirements due to the development's location, previous use of the site, the size and potential impact of the development, the absence of particular species on a site, the prohibition of a reasonable use of the site, and other relevant factors.
 - a. A description of the ownership, location, type, size, and other attributes of the habitat, plant species, or other natural areas on the site, and verification of property ownership.
 - b. A description of the populations of wildlife species that inhabit or use the site, including a qualitative description of their spatial distribution and abundance.
 - c. An analysis of the potential adverse impacts of the proposed development on wildlife and wildlife habitat, or on important plant species, on- or off-site.
 - d. A list of proposed mitigation measures and an analysis of the probability of success of such measures.
 - e. A plan for implementation, maintenance, and monitoring of mitigation measures.
 - f. A plan for any relevant enhancement or restoration measures.
 - g. A demonstration of fiscal, administrative, and technical competence of the applicant or other relevant entity to successfully execute the plan.

(Ord. No. [O-2019-01](#), § 4, 1-8-2019)

15.05.040 - Landscape and Common Area Standards

A. **Purpose.** These regulations are intended to achieve the following purposes:

1. Further the goals, policies, and strategies stated in the comprehensive plan;
2. Preserve open areas, wildlife habitat, water quality, and sensitive natural lands or features;
3. Enhance the visual quality of the city;
4. Promote safe and compatible design;
5. Provide passive and active recreation opportunities and amenities;
6. Provide off-street multi-modal transportation routes;
7. Provide for stormwater systems including low-impact development (LID);
8. Screen or separate incompatible uses; and
9. Conserve water, energy and other limited resources.

B. **Applicability.**

1. **New Development or Redevelopment.** Unless otherwise exempted in this development code, the standards in this section shall apply to all development.
2. **Nonconforming Landscaping.** Nonconforming landscaping shall be subject to section 15.08.100.

C. **Landscaping Requirements.**

1. **Landscape Areas.**

- a. The following areas are required to be landscaped according to the standards in this section:
 - i. Landscape buffers;
 - ii. Pocket parks, plazas and courtyards;
 - iii. Parking areas (islands/medians/perimeters);
 - iv. Greenways;
 - v. Streetscape;
 - vi. Stormwater areas; and
 - vii. Residential, mixed-use and nonresidential lots not covered by structures, parking areas, drives and other hardscape areas.
- b. The following existing natural areas shall be preserved, reserved, or dedicated to the maximum extent practicable:
 - i. Floodplains;
 - ii. Lakes, rivers, stream corridors, wetlands, and riparian areas, including setbacks from river/stream corridors, riparian areas, and wetlands required under subsection 15.05.020.F;
 - iii. Important wildlife habitat and migration corridors as identified in a species or habitat conservation plan submitted as part of an approved application;
 - iv. Steep slope areas or geologic hazard areas such as expansive soils, rockfalls, faulting;
 - v. Significant stands of mature desirable trees and existing vegetation; and
 - vi. Significant cultural and historical resources as identified in a cultural resource survey completed by a qualified individual consistent with State of Colorado cultural resource survey standards, and submitted as part of an approved application.

2. Landscaping Standards.

a. Landscaping Types and Specifications.

- i. All landscaping materials shall be compatible with local climate and the intended purpose.
- ii. Trees and other plants listed in the approved materials list are addressed in the city standards.
- iii. In landscape buffers, pocket parks, arterial rights-of-way, greenways, parking area perimeters, and stormwater areas, a minimum of 50 percent of the required trees shall be deciduous canopy species, and a minimum of 25 percent of the required trees shall be coniferous. Conifers shall not be planted where they shade public street and sidewalk intersections during the winter months.
- iv. Grades in landscape areas shall not exceed slopes greater than 6:1 in pocket parks and 4:1 for all other areas, except that grades in shrub beds and native grass areas that will not be mowed shall not exceed 3:1 slope.
- v. Landscaped areas shall be covered with live irrigated, lower water consuming ground cover over at least 75 percent of the landscaped area, except for areas where additional hardscape is allowed or as allowed for an alternative landscape plan.
- vi. No large mulch or bare soil areas are allowed, except that rock mulch areas may be allowed provided they do not exceed 10 percent of the landscaped area.

b. Plant Selection and Diversity.

- i. All plant materials diversity requirements are addressed in section 600 of the city standards.
- ii. All tree species prohibited within the city shall be removed by the applicant from their site unless the city forester determines that the trees will not create an adverse impact to the development or surrounding properties.

c. Plant Sizes.

- i. All required plant sizes are addressed in section 600 of the city standards.
- ii. Plants exceeding required quantities are not subject to size requirements.

d. Restricted Planting Areas. Landscaping or plant materials shall not:

- i. Obstruct the operation and maintenance of public utilities.
- ii. Interfere with the function, safety, or access to any public easement or right-of-way, or the flow of stormwater runoff.

Specified sight distance triangle at street and driveway intersections are addressed in section 200 of the city standards.

e. Ground Covers.

- i. Irrigated lower water consuming grass or other vegetation or material suitable for the areas shall be the primary ground cover in areas where hardscape is not proposed.
- ii. Mulches and other inorganic ground cover shall be installed in shrub/planting beds to reduce water evaporation.
- iii. Soil amendments at a ratio of three cubic yards of organic matter or compost per 1,000 square feet of soil shall be applied and tilled to a depth of at least six inches on all landscape areas not covered by approved impervious surfaces and permeable paving.

f. Alternative Requirements for Hardscape Features.

- i. In residential zoning districts, pedestrian walks and other hardscape landscape features and amenities, such as outdoor seating areas and recreation courts, may comprise up to 25 percent of the landscaped area.
- ii. In mixed-use and nonresidential districts, pedestrian walks and other hardscape landscape features and amenities, such as outdoor seating areas, and plazas with recreation and entertainment areas, water features, and public art, and approved permeable pavement may comprise up to 50 percent of the landscaped area.
- iii. The director may approve an administrative modification under subsection 15.02.080.B for greater percentages of hardscape features based on the consideration of the scope and scale of the proposed development and mix of uses, the proposed building placement and design, and the quality of the proposed landscape design.

3. Installation and Maintenance.

a. Design and Installation.

- i. Landscape improvements design, construction, and installation are addressed in the city standards.
- ii. Concrete path design is addressed in the city standards.
- iii. Xeriscape practice shall be applied in all areas (e.g., ground cover and plants selection, irrigation design based on water needs) unless the director determines that application is not appropriate given the proposed use of the area.

b. Irrigation Systems.

- i. The applicant shall be responsible for all costs associated with the installation of the irrigation system, including applicable tap fees.
- ii. A separate irrigation tap and system shall be provided for each legal lot, outlot, or parcel.
- iii. Irrigation of xeriscape areas shall comply with the following standards:
 - (A) The plant material will be maintained in a healthy condition without regular irrigation after the plant establishment period.
 - (B) Underground irrigation shall provide reliable automated irrigation for all plants during the establishment period and as otherwise needed to maintain plants in healthy condition.
 - (C) The applicant has demonstrated the ability to provide ongoing maintenance of xeriscape areas necessary to keep plant material healthy with no or reduced irrigation.

D. Tree Preservation.

1. All trees within areas proposed to be disturbed by development on- and off-site and in the adjacent right-of-way shall be surveyed and have location, species, size, and condition or health noted in a tree preservation plan.
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 (number or caliper) 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 forester 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 the site design precludes incorporation of some or all desirable trees then replacement shall be made as follows:
 - a. For any desirable trees that cannot be incorporated or are lost due to or prior to construction, the applicant shall provide the corresponding caliper lost on-site and in the right-of-way adjacent to the property, in addition to meeting or exceeding the minimum tree planting requirements.
 - b. If the city forester determines that on-site or right-of-way replacement is not possible, the required replacement shall be provided on an adjacent site or the nearest public land if feasible as determined by the city forester; otherwise the dollar value of the trees (including the estimated cost of installation) shall be deposited into the city's tree planting fund.
 8. See chapter 13.24 regarding tree preservation on city property.
- E. Developments Adjacent to Public Lands.** Developments adjacent to public parks, greenways, natural areas, and other public open space shall meet the following criteria:
1. Private lots shall not be immediately adjacent to public lands as defined in chapter 13.20, and shall be separated by public streets or required buffers.
 2. Pedestrian access to public lands is required and shall include an eight-foot wide concrete path.
- F. Landscape Buffers.**
1. **General Buffer Standards.**
 - a. Buffers may be interrupted for necessary pedestrian and vehicle access.
 - b. Buffers may contain a combination of landscaping, berms, walls and fences.
 - c. Landscaping provided in buffer areas shall be located on the outside of walls or fences to maximize the intent of the screening and buffering.
 - d. Buffers in mixed-use districts may include hardscape as part of buffer design.
 - e. For multifamily, mixed-use, and nonresidential uses, and parking areas requiring buffers from other uses in a mixed-use or nonresidential zoning district, the minimum buffer width requirement, excluding buffer type A, shall be one-half the width specified in Tables 5.1 and 5.2.
 - f. Gateway buffers are required on lots fronting the following community gateway areas and may comprise no more than 50 percent stormwater areas:
 - i. Highway 287 between the northern city limits and Highway 66;
 - ii. Highway 287 between the southern city limits and Pike Road;
 - iii. Highway 119 between the western city limits and Hover Street;
 - iv. Highway 119 between the eastern city limits and Highway 287;
 - v. Highway 66 within the city limits;
 - vi. 3rd Avenue between Highway 119 and Lashley Street.
 2. **Buffer Types and Where Required.** The types of buffers listed in Table 5.1 below shall be provided according to the locations specified in Table 5.2. Uses in the far-left column of Table 5.2 shall provide landscape buffers on the property where the use is located. The landscape buffer shall be located adjacent to the frontages and uses that are to be buffered.

Table 5.1: Types of Landscape Buffers

Buffer Type	Minimum Width	Planting Requirements
A	Building setback	1 tree and 5 shrubs per 750 sq. ft. and each 30 linear feet; An alternative landscape plan per subsection M below will be considered if the buffer width precludes tree planting
B	20 feet	1 tree and 5 shrubs per 500 sq. ft. and each 30 linear feet
C	30 feet	1 tree and 5 shrubs per 500 sq. ft. and each 30 linear feet
D	50 feet	1 tree and 5 shrubs per 500 sq. ft. and each 30 linear feet
E	50 feet	1 tree and 5 shrubs per 1,000 sq. ft. and each 50 linear feet

Table 5.2: Required Buffer Type by Adjacent Land Use

Uses Providing Buffer ↓	Adjacent Frontages Buffered				Adjacent Uses Buffered		
	Arterial Streets	Other Streets	Primary Greenways, Public Parks and Nature Areas	Gateways	Single-Family Detached	Other Residential	Mixed-Use Development
Mobile home park or subdivision	C	B	B	E	B	B	B
Residential subdivision - between perimeter fence and frontages buffered	B	B	B	E	NA	NA	NA
Multifamily and other attached residential buildings (less than three stories)	A	A	B	E	B	A	A
Multifamily (three or more stories)	A	A	C	E	C	A	A
Mixed-use and nonresidential buildings (less than 25,000 sq. ft. AND three stories)	A	A	B	E	B	A	A
Mixed-use and nonresidential buildings (25,000 sq. ft. or more OR three or more stories)	A	A	C	E	C	A	A
Parking areas and drive through facility lanes	C	B	C	E	B	B	B

Medium industrial manufacturing and processing uses/recycling facilities/uses with outdoor storage	C	C	D	E	D	D	C
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3. **Alternative Buffer Requirements.** The director may approve an administrative modification under subsection 15.02.080.B for alternative buffer requirements based on the consideration of the scope and scale of the proposed development and mix of uses, the proposed building placement and design, the quality of the proposed landscape design and decorative screen wall as applicable, the width of the buffer, and site perimeter conditions.
- G. **Residential Standards.** The following standards shall apply to all residential development unless specifically exempted in this section 15.05.040:
1. **Pocket Parks.**
 - a. **Applicability.** Pocket parks are required for:
 - i. Single-family detached and attached residential developments with 25 or more dwelling units; and
 - ii. Multifamily residential developments with 25 or more dwelling units.
 - b. **Exception Near a Public Neighborhood Park.** Pocket parks are not required when at least 50 percent of the dwelling units in a proposed development are within one-quarter mile (1,320 feet) walking distance of an existing public neighborhood park or a planned and fully funded in the approved city capital improvement program public neighborhood park.
 - c. **Size.**
 - i. Pocket park shall be provided at a ratio of one acre for every 100 single-family detached and attached dwelling units.
 - ii. Pocket park shall be provided at a ratio of one acre for every 200 multifamily dwelling units.
 - iii. Pocket parks shall be a minimum of one-half acre in size for developments of 100 or more single-family detached and attached dwelling units.
 - iv. Pocket parks shall be a minimum of one-half acre in size for developments of 200 or more multifamily dwelling units.
 - v. For developments with fewer than 100 single-family detached and attached dwelling units or 200 multifamily dwelling units, the size of the pocket park(s) may be reduced proportionally (minimum one-quarter acre size for developments of 100 multifamily dwelling units).
 - d. **Location.**
 - i. Shall be centrally located within the development with pedestrian access to the lots and dwellings they are intended to serve.
 - ii. Shall have frontage on at least one local or collector street.
 - e. **Design Standards.**
 - i. Access corridors to and through pocket parks shall be a minimum of 20 feet wide with a minimum five foot wide concrete path.

- ii. Pocket parks shall contain amenities such as playgrounds, community gardens, tot lots, picnic areas, game courts, playing fields, plazas and courtyards, swimming pools, clubhouses, rooftop common areas, or other approved common area buildings or similar facilities based on the size of the park and the number of residents it is intended to serve.
 - iii. Areas used as dog parks shall not count toward the required pocket park area.
 - iv. Rear and side yard fences on lots abutting pocket parks shall not exceed five feet in height.
 - v. Pocket parks shall not include:
 - (A) Primary or secondary greenways; or
 - (B) Right-of-way landscaped areas.
- f. **Landscaping Standards.**
- i. Pocket parks shall contain irrigated, lower water-consuming grass over at least 75 percent of the landscaped area, excluding approved structures, non-landscaping amenities, and hardscape areas.
 - ii. Landscaping shall be provided for pocket parks at a rate of one tree and five shrubs per 2,000 square feet of landscaped area. Non-landscaping amenities, such as swimming pools, recreation courts, and common area structures, shall not be counted as landscaped area in this calculation.
- g. **Stormwater Areas.** Stormwater areas meeting the following standards may comprise up to 50 percent of a pocket park area:
- i. Slopes shall not exceed 6:1.
 - ii. A minimum of 90 percent of the stormwater area shall be used for passive and active recreation.
 - iii. Stormwater areas shall comply with the standards in subsection 15.05.040.L.2.
 - iv. Drainage structures and water quality features shall be designed and located to facilitate the maximum area for recreational use and to provide a safe environment for users.

2. **Minimum Landscaping Required.**

- a. Any residential development subject to the standards of this section shall provide landscaping as indicated in Table 5.3 below.

Table 5.3: Minimum Landscaping Required for Residential		
Standard	Detached Dwellings	Attached Dwellings
Landscaped area per street-facing yard(s)	A minimum of 60 percent of the street-facing yard or 75 percent of the street-facing yards for corner lots shall be landscaped	

- b. Parking shall not be permitted in landscaped areas.
- c. Trees in the local and collector right-of-way 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.

H. Mixed-Use and Nonresidential Standards.

1. Plazas/Courtyards.

a. Plazas/courtyards are required for:

- i. Vertical mixed-use developments with 50 or more multifamily dwelling units; and
- ii. Other mixed-use or nonresidential developments as appropriate as determined by the decision-making body, based on consideration of the scope and scale of the proposed development and mix of uses, the proposed building placement and design, and the quality of the proposed landscape and screening design.

b. Size.

- i. One-eighth acre of plaza/courtyard shall be provided for every 50 dwelling units and fraction thereof;
- ii. For other mixed-use or non-residential developments, the decision-making body shall determine the appropriate size of the plaza or courtyard, if applicable.

c. Location. Plazas and courtyards shall be centrally located within the development and accessible to the residents, customers, and guests they are intended to serve.

d. Design Standards. Plazas/courtyards shall include at least three of the following amenity elements:

- i. Seating at one space for every 250 square feet of plaza/courtyard area. Seating may be provided with chairs and tables, benches, or seating walls;
- ii. Trees appropriate for the space planted at one tree per 750 square feet of plaza/courtyard area;
- iii. Art or water features;
- iv. Areas and facilities for recreation, entertainment, or educational activities, or outdoor retail or food vendors;
- v. Other amenities or design elements deemed appropriate for the space by the director.

2. Streetscape Standards. Streetscapes in the public right-of-way shall be designed according to the following standards:

- a. Pedestrian sidewalks, and other paths shall be designed to provide adequate space for pedestrians, street furniture, outdoor seating areas, landscaping, and other amenities to enhance the pedestrian experience, with a minimum five-foot wide path clear of obstructions for pedestrian access.
- b. Attached sidewalks shall be a minimum of 10 feet wide. Detached sidewalks shall be a minimum of eight feet wide in all areas, except that a detached sidewalk adjacent to exclusively residential at-grade uses along local or collector streets shall be a minimum of five feet wide.
- c. Landscaping in the right-of-way shall be provided according to the following requirements:
 - i. Trees in the right-of-way shall be spaced every 40 feet and, depending on the street type and adjacent uses, shall be planted in approved tree grates or in a tree lawn area.
 - ii. Tree lawns, where applicable, shall be landscaped with irrigated lower water-consuming grass or other material suitable for the area.
 - iii. No trees are required in the intersection obstruction free area.

I. Greenways.

1. **Integration with Open Space.** Greenways that are a part of a development shall be connected with common areas within the development through pedestrian connections consistent with this development code.
2. **Design of Greenways.** The applicant is responsible for landscaping and designing the primary greenways within or adjacent to the applicant's property.
 - a. **Primary Greenways.** Primary greenways shall meet the following standards:
 - i. Primary greenways shall be at least 50 feet wide on each side of the centerline of an irrigation ditch or waterway;
 - ii. Primary greenways shall be at least 50 feet wide where no irrigation ditch or waterway is present;
 - iii. Primary greenways shall be at least 100 feet wide on each side of the St. Vrain Creek as measured from the ordinary high-water mark;
 - iv. Primary greenways shall include a concrete path along the length of the primary greenway and to other areas required for any utility needs;
 - v. Primary greenways shall include connection(s) from the adjacent development to the primary greenway concrete paths, which may include a ten-foot-wide (inside clearance) bridge, or at arterial street crossings, a box culvert of sufficient width and height to accommodate the concrete path;
 - vi. All concrete path construction shall comply with section 15.05.030, Habitat and Species Protection;
 - vii. Fences or walls adjacent to a greenway shall not exceed 48 inches in height;
 - viii. Primary greenways shall include required signage, trash receptacles, floodgates, and other requirements; and
 - ix. Primary greenways shall be landscaped at a ratio of at least one tree and five shrubs for every 1,500 square feet of landscaped area (excluding the ditch or river channel and concrete paths), with at least one tree and five shrubs for every 50 linear feet of greenway. The following standards shall apply to the landscaped area:
 - (A) 75 percent of the trees shall be deciduous canopy and 25 percent of the trees shall be conifers.
 - (B) Tree placement shall be sensitive to the greenway design, existing vegetation and wildlife habitat, and shall provide screening and materials beneficial to wildlife where appropriate;
 - (C) Existing desirable vegetation may be credited toward the landscaping requirements.
 - x. Irrigated lower water-consuming grass shall be the primary ground cover except for shrub bed areas;
 - xi. A greenway irrigation system shall be provided separate from the irrigation system on adjacent private or common property and rights-of-way; and
 - xii. Greenways shall comply with any applicable wetlands and stream/river corridor and riparian area protection standards (see section 15.05.020).
 - b. **Boundaries between Common or Private Open Areas.** Private or common property adjacent to a primary greenway, public park, nature area or open space shall use landscaping and fencing to:
 - i. Define the right-of-way and maintenance boundaries between public and private open space;

- ii. Reduce the potential for trespassing by defining where private property begins; and
 - iii. Control domestic animals from entering the public land areas without the owner.
- 3. **Secondary Greenways.** Secondary greenways shall be designed and installed by the applicant and meet the following standards:
 - a. Secondary greenways shall include connections between residential neighborhoods, parks, nature areas, open space, shopping and activity centers, employment centers, and primary greenways.
 - b. Secondary greenways shall be at least 20 feet wide, with a minimum eight-foot wide concrete path.
 - c. Fences and walls adjacent to the greenway shall not exceed five feet in height.
 - d. Secondary greenways shall be landscaped with at least one tree and five shrubs for every 50 linear feet of greenway.
 - e. The primary ground cover shall include irrigated, lower-water consuming grass or other approved vegetation.
- 4. **Dedication of Greenways.** Under LMC section 13.36.050, rights-of-way or easements for certain roadways, greenways, and access and transportation corridors, the city requires an applicant to dedicate adequate lands or easements or outlots for the development of primary or secondary greenways. This shall include additional primary greenway area required to satisfy the river/stream/riparian area setback requirements outlined in subsection 15.05.020.F.1.
- 5. **Roadway Intersections.**
 - a. The applicant shall construct or financially participate in the construction of grade-separated under/overpasses where primary greenways intersect at arterial streets, unless the general manager determines that such grade-separated facilities are not feasible or needed.
 - b. The applicant shall construct or financially participate in the construction of grade-separated under/overpasses along primary greenways at non-arterial street, railroad, and other intersections when the general manager determines a grade-separated crossing is necessary for public safety.
 - c. In addition to grade-separated under/overpasses, as applicable, the applicant shall connect greenway concrete paths to existing and planned concrete paths, and to sidewalks and bike lanes along public streets.
 - d. The applicant shall install appropriate warning signs or barricades where a primary greenway intersects a public street at grade.
- 6. **Modifications to Greenway Width Standards.** Greenway widths may be increased or decreased based on specific site conditions to ensure adequate wildlife habitat and movement corridors are preserved. See subsection 15.05.020.F.3, for guidance on when modifications to greenway standards may be appropriate.
- J. **Parking Area Landscaping.** All uncovered and non-structured parking areas except for those for detached dwelling units shall meet the following regulations:
 - 1. **Perimeter Landscaping Requirements.**
 - a. The perimeter of a parking area shall be landscaped with at least one tree and five shrubs per 30 linear feet along a street or primary greenway right-of-way or abutting another property.
 - b. Perimeter parking landscaping may be included with other buffer requirements, as required by subsection E above.
 - c. Parking areas shall include a landscape buffer at least 10 feet wide between parking lots on abutting properties, or for a parking area abutting another property or a shared driveway,

unless a wider landscape buffer is required between different types of uses or different zoning districts according to subsection E above.

2. **Landscape Islands.** Landscape islands shall be provided within parking areas and shall:
 - a. Be located within and at the end of each parking row so that there are no more than 10 consecutive parking spaces without a landscape island separating them;
 - b. Be a minimum of nine feet wide, measured from face of curb, 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. All trees shall be deciduous canopy trees.
3. **Landscape Medians.** Landscape medians with and without walkways shall be provided as follows:
 - a. **Generally.** Rows of parking spaces shall be divided by landscape medians parallel to the parking rows so that there are no more than three drive aisles between landscape medians and a required parking lot buffer or landscape median.
 - b. **Medians with Walkway.** The first required landscape median shall contain a walkway and shall be designed as follows unless the parking lot contains fewer than 100 parking spaces:
 - 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 director;
 - ii. The walk shall connect to the perimeter pedestrian walks and include raised or striped crosswalks at all drive isle crossings. See section 15.05.060, Pedestrian and Bicycle Access and Connectivity;
 - iii. The median shall be a minimum of 23 feet wide;
 - iv. The pedestrian walkway shall be a minimum of seven feet wide;
 - v. The landscaped area shall be a minimum of eight feet wide;
 - vi. The landscape median shall be designed according to the illustration above unless an alternate design meeting the purpose of this section is approved by the director;
 - vii. Landscape medians shall have at least one deciduous canopy tree and five shrubs for every 30 linear feet along the length of the median;
 - viii. Landscape medians shall contain mulch or irrigated lower water consuming grass or other material suitable for the area; and
 - ix. Plantings with a mature height of six inches or more shall not be planted in the vehicle overhang area under subsection 15.05.080.H.8.
 - c. **Medians without Walkway.** Landscape medians without a pedestrian walkway shall be 10 feet wide and have at least one deciduous canopy tree and five shrubs for every 30 linear feet along the length of the median. Landscape medians shall contain mulch or irrigated grass and plantings with a mature height of six inches or more shall not be planted in the vehicle overhang area.
 - d. **Additional Medians with Walkway.** 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.

K. **Right-of-Way Landscaping.**

1. **Local and Collector Streets.** Local and collector street rights-of-way shall be landscaped as follows:
 - a. Detached sidewalks as addressed in the city standards shall be installed to allow for a landscaped eight-foot planting strip (tree lawn) between the back of curb and the edge of sidewalk, except where attached walks are required or allowed.
 - b. Deciduous canopy trees shall be planted in the tree lawn, or in a tree grate as addressed in the city standards in attached walks, at a rate of one tree for every 40 linear feet of right-of-way.
 - c. Live irrigated lower water-consuming grass or plants shall be the primary ground cover in tree lawns.
2. **Arterial Streets.** Arterial right-of-way landscaping shall comply with the following:
 - a. Arterial street rights-of-way design is addressed in section 600 of the city standards. Right-of-way shall be landscaped at a ratio of at least one tree and five shrubs for every 1,000 square feet of landscaped area (excluding concrete paths) with at least one tree for every 40 linear feet of right-of-way. 75 percent of the trees shall be deciduous canopy species and 25 percent of the trees shall be coniferous species.
 - b. For arterial streets that are state or federal highways the following apply:
 - i. 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.
 - ii. If curb and gutter is to be installed in the future per CDOT plans, the applicant shall provide a final landscape plan that identifies the clear zones as defined and regulated by CDOT. The plan shall identify areas that will comply with city arterial standards at the time of the development and areas where arterial landscaping will be installed in the future. The final design shall accommodate the future construction with minimal impact to the initial landscaping.
 - iii. If curb and gutter will not be installed in the future per CDOT plans, the final landscape plan shall identify the clear zones. The applicant shall landscape the areas outside the clear zones according to the arterial landscaping standards. The applicant shall also seed the right-of-way clear zone, using a suitable grass seed mixture and irrigation until final acceptance by the city.
 - iv. If full arterial landscaping is not to be installed in conjunction with the development, it shall be completed by the city at a later time using cash-in-lieu funds from the developer. In that event, the applicant shall seed the right-of-way to establish a viable grass stand using a suitable grass seed mixture from the approved materials list and irrigation and shall maintain all such areas until final acceptance by the city. The applicant shall provide the city a cash-in-lieu payment for the required landscaping and other public improvements for future construction.
 - v. Developments adjacent to State Highway 119 east of Main Street shall comply with the Ken Pratt Boulevard landscape guidelines.
3. **In the Longmont Downtown Development Authority Boundary.** Streets, streetscape, and alleys located in the Longmont Downtown Development Authority (LDDA) boundaries shall be constructed consistent with the downtown master plan for development and existing streetscape designs within the LDDA boundaries.

L. Stormwater Facilities.

1. **Low-Impact Development.** The City of Longmont encourages the use of low impact development (LID) applications in developments. Benefits include reduced public infrastructure costs, increased developable land, improved water quality and reduced development costs.

2. **Drainage Detention/Water Quality Areas.** A drainage detention/water quality 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. Low water-consuming grass or other approved vegetation shall be the primary ground cover. All detention/water quality areas within the five-year floodplain shall be covered with sod or other approved vegetation. Native grass may be used if it is maintained free of weeds and irrigated 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 irrigated until fully established;
 - c. Provide adequate access compliant with all state and federal laws for pedestrians and maintenance equipment; and
 - d. Be designed and located to provide maximum recreational use of the detention/water quality area.
- M. **Modifications and Exceptions.** Where the scope and scale of the project or other conditions reasonably preclude strict compliance with numerical or nonnumeric landscaping standards, landscape requirements for private or common areas may be modified by the director through an administrative modification under subsection 15.02.080.B, and by the general manager for rights-of-way or other public areas through an exception to city standards under subsection 15.02.080.A. Such modifications and exceptions are subject to the following additional standards:
 1. The landscaping shall be proportionate to the scope of the project, depending on the types of uses and improvements proposed, or the scope of the development is so limited that it would be impractical or unreasonable to meet the landscaping standards;
 2. Developments shall provide increased quantities, sizes or types of landscaping or amenities to offset any reduced landscaped area to the maximum extent practicable;
 3. If required right-of-way or other public area landscaping is not possible, the dollar value of the required landscaping, including the estimated cost of installation, shall be deposited into the city's tree planting fund.
- N. **Landscape Plans.** All landscape and irrigation plan submittal requirements are addressed in the administrative manual and section 600 of the city standards.
- O. **Landscape Installation and Maintenance.**
 1. **Property Owner Maintenance.**
 - a. The property owner, such as a property owners association, shall maintain all on-site and common area landscaping and all landscaping on adjacent rights-of-way.
 - b. Such maintenance shall include all reasonable and regular:
 - i. Irrigation;
 - ii. Weed control;
 - iii. Fertilizing;
 - iv. Pruning;
 - v. Waste removal;
 - vi. Concrete path snow and ice removal; and
 - vii. Treatment or replacement of plant materials that show signs of insect pests, diseases, or damage.

- c. The property owner shall maintain landscaping according to any landscaping plan approved by the city.
- d. The city, at its discretion and the city's expense, may agree to add, remove, replace, or maintain trees and other landscaping within the right-of-way.

2. **City Maintenance.**

- a. **Types of Landscaping.** The city shall maintain primary greenways constructed according to the approved plans. The city will also maintain the following types of landscaping when it meets the criteria in subparagraph 2.b below:
 - i. Arterial right-of-way landscaping abutting the rear yards of single-family detached and attached dwellings where there is no property owners association in the development or subdivision.
 - ii. Secondary greenway or other facilities dedicated to the public.
- b. **City Maintenance Criteria.**
 - i. The general manager shall make a determination whether the public interest is served by city maintenance based on:
 - (A) Ease of maintenance and potential use of the area for open space or recreation uses by the public that offset the city cost by providing a desirable amenity to the residents of Longmont;
 - (B) Whether the area would complement the city's park or greenway system;
 - (C) Whether the applicant provides cash escrow for ongoing maintenance of the facility;
 - (D) Whether installation of all landscaping and improvements is part of the public improvements addressed in the city standards;
 - (E) Whether landscaping and facility design is compatible with a complimentary city facility and its use and surrounding uses.

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 new development and redevelopment.
- C. **Consistency Required.** The layout of streets and highways shall conform to the street classification and configuration designated in the comprehensive plan, with all adopted street transportation, and multi-use corridor plans, as addressed in the 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. **City Standards.** Design and construction of all public streets, including alleys, are addressed in the city standards.
 - 2. **Connectivity.**
 - a. For purposes of this section, the "local street system" shall mean the interconnected system of collector and local streets providing access to development from an arterial street.

- b. The local street system for a proposed development shall be designed to be safe, efficient, convenient, and attractive for multi-modal use including, without limitation, cars, trucks, buses, bicycles, pedestrians and emergency vehicles.
 - c. The local street system shall provide multiple direct connections to and between local destinations such as parks, schools, and shopping. Local streets shall provide for both intra- and inter-neighborhood connections to connect separate developments together, rather than forming barriers between them. The street configuration within each individual development shall contribute to the street system of the neighborhood.
 - d. Where rights-of-way for arterial, collector, or local streets exist or are designated on property adjacent to a proposed development, and those rights-of-way extend to the property or boundary line of the proposed development, the proposed development shall dedicate rights-of-way to connect those adjacent rights-of-way into or through the land contained in the proposed development.
 - e. New subdivisions shall be designed in a transportation grid layout to the maximum extent practicable.
 - f. Gated developments are prohibited where access to a public street would be restricted.
3. **Consideration of Existing Topography.** Streets shall be designed to avoid steep grades and deep cuts given the existing topography.
4. **New Intersections and Curb Cuts.**
- a. Intersections and curb cuts shall be designed to provide the greatest safety for both pedestrians and motorists. In addition, curb cuts for access to off-street parking areas shall comply with Table 5.4, below.

Table 5.4: Curb Cut Design Requirements		
District or Area	Minimum Width	Maximum Width
Residential zoning districts [1]	12 feet	24 feet
Mixed-use and nonresidential zoning districts (serving one principal use)	12 feet	30 feet
Mixed-use and nonresidential zoning districts (serving more than one principal use)	12 feet	40 feet

Notes:
 [1] Driveways serving detached or recessed garages for single- or two-family dwellings shall be a minimum of 10 feet wide.

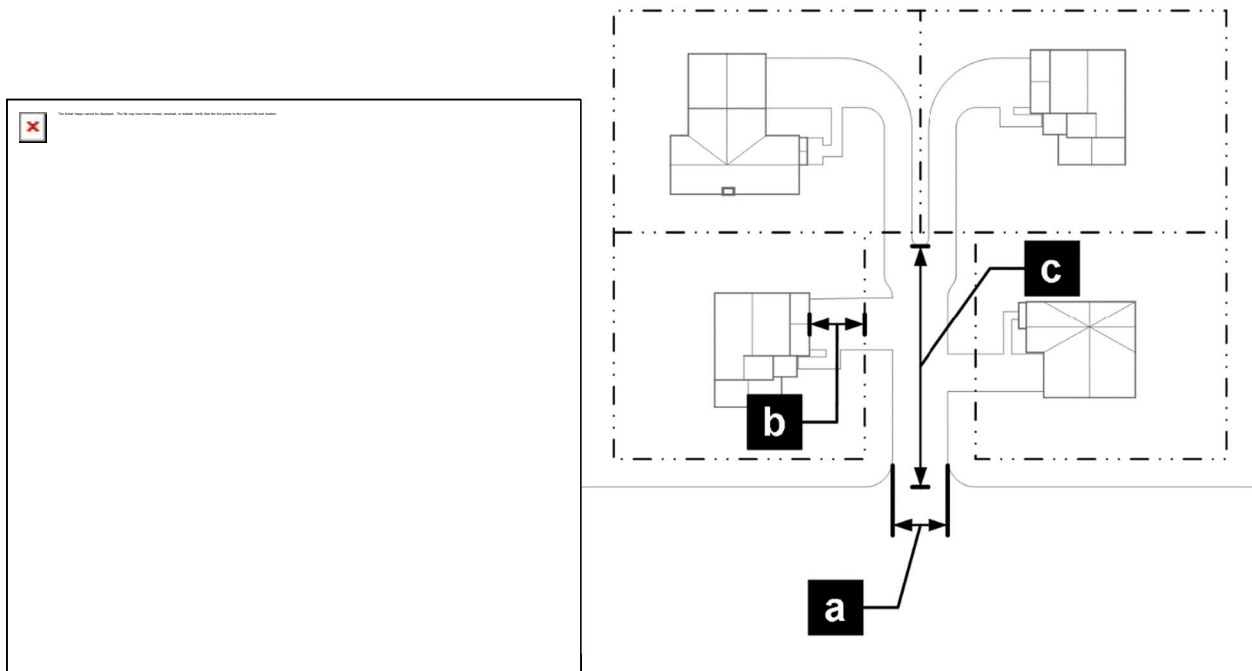
- b. For lots with 100 feet or less of street frontage, no more than one curb cut per lot is allowed. A maximum of one curb cut for every 100 feet of local street frontage or portion thereof may be allowed for lots with frontage in excess of 100 feet.
 - c. New curb cuts for direct access from lots onto regional and principal arterial streets are prohibited.
5. **Private Streets Prohibited.** Streets held in private ownership, yet used as a public way for provision of public access and services, are prohibited. Private drives that provide access across a lot are allowed, provided that maintenance responsibilities are specified on a plat or plan.
6. **Culs-De-Sac.** Cul-de-sacs shall comply with the following standards:

- a. **Length.** The maximum length of a cul-de-sac shall be 250 feet, measured from the center of the intersection to the center of the turnaround.
 - b. **Pedestrian and Bicycle Connections.** Culs-de-sac shall be designed to provide pedestrian ways and bicycle access routes at the bulb-end of the cul-de-sac to connect the cul-de-sac to an appropriate street to provide pedestrian/bicyclist circulation and access unless the decision-making body approves an alternative pedestrian access plan with the subdivision that provides adequate access.
7. **No-Outlet (Dead-End) Streets.** Except for culs-de-sac 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 with a temporary turnaround easement at the end of the street as addressed in the city standards.
 8. **Alleys.** Alleys shall be used to the maximum extent practicable for residential or mixed-use development subject to the following standards:
 - a. Alleys shall connect through the block to a publicly dedicated street on each end; and
 - b. Developments providing alleys may reduce lot area and width and front setback requirements of the applicable residential zoning district as noted in chapter 15.03, provided that all other standards of this development code are met.
 9. **Utilities.** All plans for street and alley development shall contain all utility access, easement, service, and utility cabinet locations. Utility service cabinets should be located in the least visible and least intrusive locations possible.
- E. Block Length.**
1. Blocks shall not exceed 1,320 feet (1/4 mile) in length between intersections, except where topography or other constraints or requirements dictate longer blocks.
 2. Blocks in mixed-use zoning districts shall not exceed 660 feet (1/8 mile) in length between intersections, except where topography or other constraints or requirements dictate longer blocks.
 3. Blocks that exceed 660 feet in length shall provide a pedestrian and bicyclist access route through the center of the block. All such access routes shall meet the requirements stated in subsection G below.
- F. Traffic Calming.** Local and collector streets in residential and mixed-use districts shall be designed with traffic calming improvements, such as medians, pedestrian crossings, curb extensions, and other traffic calming techniques to reduce vehicle speeds and provide safe use of streets for all modes of transportation. Additional standards are addressed in the city standards section 200.
- G. Vehicle Access and Circulation.**
1. **Access Design—General.** Vehicle access to any property shall be controlled to protect the traffic-carrying capacity of the abutting street. Vehicle access shall generally be directed to lower volume streets first, and then to higher volume streets.
 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 subsection 15.05.050.G.6, auto courts, below.
 - b. **Limits on Access to Streets.**
 - i. New direct access from a lot to an arterial street is prohibited.
 - ii. New direct driveway access from a residential lot to a collector street is prohibited.
 - iii. The city standards address additional access restrictions and requirements.

- c. **Fire and Emergency Access.** All development shall provide fire and emergency vehicle access according to applicable requirements stated in the fire code as adopted by the city.
 - d. **Location of Access to Public Streets.**
 - i. In new 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 practical to meet these requirements, the director and general manager may approve a modification based on submittal of an acceptable alternative circulation plan, giving consideration to overall traffic movement and volume. In no case, however, shall the city deny access to a public right-of-way, unless the proposed access shall create an undue hazard to the public or unless other access alternatives exist.
3. **Two Means of Access Required.**
- a. **General Rule.** To ensure public safety and to provide an efficient transportation system, each new development or subdivision shall provide a minimum of two principal means of access to the development or subdivision from public streets. The two means of access shall separately connect to the public street system.
 - b. **Exceptions.**
 - i. This requirement may be waived by the general manager 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 general manager 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 shall be required when the number of units and the nature of the development dictate the emergency access. The general manager shall determine the size and construction of the emergency access connection based on the need to accommodate required emergency vehicles as determined by the fire marshal.
 - c. **Timing of Required Access Provision.**
 - i. Where the development is to be constructed in phases, the phasing shall be established so that two principal means of access are constructed in conjunction with the initial phase of the development. Where the acreage or the number of lots in the initial phase of the development is so limited as to not create a major safety or transportation concern to the city, and when approved by the general manager and the fire marshal, the second principal means of access may be deferred until a subsequent phase.
 - ii. When this is permitted, the city may require the applicant to post financial security up to 150 percent of the cost of construction of the second principal access according to the requirements of section 15.02.110, public and common/private improvement review, construction and acceptance, may limit the number of building permits issued to guarantee construction of the second principal access when it is needed, and may require the dedication of any right-of-way required to construct the second principal access. The general manager shall determine what method shall be required depending on the specific and unique circumstances of the development.
4. **Reserve Strips.** Reserve strips controlling access to streets or for other purposes are prohibited unless such reserve strip is required and controlled by the city.

5. **Access Roads.** The general manager may require access roads where a development or subdivision adjoins or contains an existing or proposed arterial street on which traffic volumes and vehicular speeds warrant special safety considerations.
6. **Auto Courts.** Auto courts will be considered on a case by case basis as an alternative subdivision design under the standards described below. Auto courts should be limited to areas where parcel configurations may not allow for adequate street frontage. The use of auto courts should also be limited to minimize the impact on city services and utilities and on maintenance responsibilities of homeowners and property owner associations. Up to four one-family dwelling units may share a single driveway access to a public street through the use of an auto court layout approved through the preliminary subdivision plat review process described in subsection 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 or other permeable paving approved by the decision-making body (Figure 5.1).
 - b. Individual driveways leading from the shared driveway to each dwelling unit shall be at least 20 feet long, as measured from the front of the garage or carport to the closest edge of the shared driveway (Figure 5.1).
 - c. No portion of the shared driveway shall extend more than 150 feet from the closest edge of the adjacent public street to which the shared driveway gives access (Figure 5.1).
 - d. The design of the auto court shall permit a passenger vehicle to back out of an individual driveway and turn 90 degrees in either direction using only the individual driveway (but not individual driveways of any other residence), the shared driveway, or the adjacent public street. The American Association of State Highway and Transportation Officials (AASHTO) turning template for a "P" ("passenger") design vehicle shall be used to confirm that these standards are met.
 - e. The auto court design shall comply with all off-street parking requirements applicable to one-family dwellings. In addition, each auto court design shall provide one-half additional off-street parking space per dwelling unit, in a location other than a private driveway or on the shared driveway.
 - f. Maintenance and repair of auto courts shall be the responsibility of a property owners association or adjacent property owners. The city shall approve provisions for maintenance and repair during the subdivision review process.
 - g. No parking shall be allowed on the shared driveway.
 - h. The auto court shall not take access on a cul-de-sac bulb.
 - i. The auto court access shall be from a standard-width street and the applicant shall demonstrate that there is adequate guest parking available on the street.
 - j. Each dwelling on an auto court shall have at a minimum a two-car garage.
 - k. The auto court shall comply with all other standards including fire and emergency access, and utility provision.

Figure 5.1: Auto Courts



15.05.060 - Pedestrian and Bicycle Access and Connectivity

- A. **Purpose.** These standards are intended to implement the comprehensive plan and to provide for a safe and convenient system of well-connected pedestrian ways and bikeways and multi-use corridors that link developments with shopping, employment centers, recreational facilities, open space, parks, transit stops, and schools. Within individual developments, these standards require safe and convenient pedestrian and bikeway systems that directly link buildings, parking areas, open space, transit stops, services, and other areas of interest. In addition, these standards encourage convenient access to transit services, including linking transit access to on-site pedestrian and bicycle systems.
- B. **Applicability.** This section applies to new development and redevelopment.
- C. **Detached Sidewalks Required.**
1. Detached sidewalk design is addressed in the city standards. Detached sidewalks shall be installed along all streets, except where attached walks are explicitly allowed or required.
 2. Sidewalks shall be detached from the curb at least eight feet to allow for a landscaped planting strip between the edge of the right-of-way and sidewalk, except for transitioning at street intersections where sidewalks shall be attached.
- D. **On-Site Pedestrian and Bicycle Access.**
1. **General Standards.** All new development shall provide on-site pedestrian and bicycle facilities that comply with the following standards:
 - a. On-site bicycle and pedestrian facilities shall connect to the city's existing and planned bike and pedestrian network, including adjacent greenway paths. Safe and convenient bicycle and pedestrian access from the site shall comply with the Americans with Disabilities Act and shall be provided to the public bike and pedestrian system located adjacent to the development.
 - b. On-site connections shall be made to provide direct pedestrian and bicycle travel from the development to major pedestrian destinations located within the development and adjacent developments. In order to provide direct pedestrian connections to these adjacent

destinations, the city may require additional on-site and off-site bike and pedestrian facilities not associated with a street.

- c. The development shall provide, when necessary to assure public safety, construction of or contribution to pedestrian and bicycle facilities (for example, overpasses, underpasses, or traffic signalization) in the vicinity of parks, shopping areas, or other uses that may generate considerable pedestrian and bicycle traffic.
2. **Pedestrian Connections.** All primary entrances of principal structures containing mixed-use and nonresidential uses, and each entryway serving dwelling units in a single-family attached and multifamily structure, shall have direct access (without having to cross a street) to a sidewalk, pedestrian walkway, or trail that leads to a sidewalk adjacent to a public street. Each such sidewalk, pedestrian walkway, or trail shall be a minimum of five feet wide, or a minimum of seven feet wide where it is adjacent to areas where parked cars may overhang the walk or trail. See also section 15.05.120, Mixed-Use and Nonresidential Design Standards, for additional pedestrian connection requirements.
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 at least eight feet wide. Bicycle access routes are also addressed in the city standards.
4. **Concrete Paths.** Concrete paths in public areas, including arterial right-of-way primary greenways, and parks, are addressed in city standards section 601.
5. **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.
6. **Pedestrian Street Crossings.** Pedestrian access and safety shall be emphasized when a pedestrian walkway crosses drive aisles or internal roadways. The pedestrian crossings shall be well-marked using pavement treatments, signs, striping, signals, lighting, traffic calming techniques, median refuge areas, and/or landscaping.
7. **Security, Lighting and Visibility.** On-site pedestrian walkways, bicycle routes, and transit stops shall be illuminated to ensure personal safety. Lighting fixtures shall be compatible with the architectural character of the principal structures. Clear and direct lines of sight shall be provided in pedestrian settings to increase visibility and security to the maximum extent practicable. Any service areas (loading docks or storage areas) adjacent to pedestrian walkways or bicycle routes shall be fully screened from view. (See section 15.05.140, Outdoor Lighting, for additional standards.)

15.05.070 - Underdrains

- 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 general manager.
- f. Sump pits and pumps may be installed as a backup in addition to the gravity connection and must be approved in writing prior to installation by the general manager.
- g. No person shall make connections of sources of surface runoff to a building perimeter underdrain which in turn is connected directly or indirectly to an area underdrain and underdrain collection system. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater to the building perimeter underdrain.

- 4. Ownership and Maintenance.** The owner of the building, dwelling, or structure, shall own and maintain its building perimeter underdrain and all other portions of the underdrain that are not a part of the area underdrain and underdrain collection system.

C. Area Underdrains and Underdrain Collection Systems.

1. Design and Plan Approval.

- a. The area underdrain or underdrain collection system must comply with all applicable city, state and federal regulations in place at the time of construction.
- b. A professional engineer registered in the State of Colorado must design, and stamp the area underdrain plans, underdrain collection system plans, and underdrain report. The system shall be designed in consideration of seasonal high groundwater levels anticipated at the project site.
- c. All area underdrains and underdrain collection systems shall have a positive gravity outlet piped to an approved underdrain collection system, to a storm sewer, or to a drainage channel. The use of any conveyance system other than a gravity system, such as a lift station, must be approved in writing prior to installation by the general manager.
- d. Area underdrains and underdrain collection systems, six inches in diameter or smaller, placed adjacent to and in the same trench as sanitary sewer mains shall be rigid walled nonperforated pipe and shall have a minimum clearance of one foot from the side of the

underdrain pipe to the side of the sanitary sewer main pipe. Access points on underdrain systems are not allowed to connect to or surface into sanitary sewer manholes.

- e. Area underdrains and underdrain collection systems, six inches in diameter or larger must be placed in a separate trench from all other underground utilities. Area underdrains and underdrain collection system placed in the right-of-way shall be rigid walled nonperforated pipe.
- f. An underdrain report must be submitted with the plans, and shall, at a minimum, include the sizing criteria for the area underdrain and underdrain collection system and maintenance requirements.
- g. The city development review committee shall review the stamped plans and underdrain report. Approval of the plans and underdrain report by the city does not relieve the professional engineer, applicant, or owner from the responsibility to construct and maintain a workable system.

2. Compliance and Inspection.

- a. The professional engineer shall perform regular inspections of the construction of the area underdrain and underdrain collection system to ensure that the system is built in accordance with the approved plans.
- b. As-built plans must conform to the city standards. Inspection of the area underdrain and underdrain collection system will also be performed by the public works and natural resources engineer or inspector.
- c. The city shall not issue any building permits for the premises served by the area underdrain or underdrain collection system until receipt of the professional engineer's inspection reports, dye testing and/or video inspection, and as-built plans.
- d. Access points shall be installed on area underdrains and underdrain collection systems.
- e. Copies of inspection reports will be provided to the city. Dye testing and video inspection of the area underdrain and underdrain collection system to assure operability will be submitted with the inspection reports.
- f. No person shall make connections of sources of surface runoff to an area underdrain or underdrain collection system. No person shall contribute or cause to be contributed, directly or indirectly, any pollutant or wastewater to the area underdrain or underdrain collection system.
- g. No connection of one area underdrain and underdrain collection system to another will be allowed without the express written approval of the owner.

3. Ownership and Maintenance.

- a. The property owners' association shall own and maintain any area underdrain or underdrain collection system if the system serves more than one property. Covenants, approved by the city, must specify ownership and ensure adequate maintenance by a property owners' association.
- b. Copies of the underdrain report, the professional engineer's inspection reports, the video inspection, and as-built plans will be provided to the property owners' association by the developer.
- c. Where practicable, installation of the area underdrain and underdrain collection system shall be on private property with the approval of the property owner. The city may allow installation of the area underdrain and underdrain collection system within common areas or on-site pedestrian trail systems.

- 4. Use of Right-of-Way.** The city may approve installation of the area underdrain and underdrain collection system in public rights-of-way, public open space or public pedestrian trail systems, subject to the following:

- a. The applicant obtains an infrastructure permit and maintains infrastructure according to city standards and regulations; and
- b. The applicant indemnifies the city for all costs of repair (including repair of public areas, streets, landscaping, and utilities) and liability for failure of the system, as approved by the city attorney and the risk manager.

D. Exceptions.

1. **Submittal of Exception Request.** Requests for exceptions to this section 15.05.070 shall be submitted in writing to the general manager. The request shall state the exception requested, the justification and supporting data for the exception. The city may require that exceptions be signed by a professional engineer registered to do work in the State of Colorado, and bear their seal.
2. **Criteria.**
 - a. Special circumstances or conditions exist which limit the ability of the design to meet the requirements outlined in this development code. Financial difficulties, loss of prospective profits and previously approved exceptions in other developments shall not be considered as special circumstances; or
 - b. The exception represents an alternative design that will meet the intent of the requirements set forth in the code.
 - c. In either case, if granted, the exception will not be detrimental to the public interest or other property and will not endanger the public safety, health or welfare.
3. **Timing.** All exceptions must be reviewed and acted on prior to construction. The city shall respond promptly in writing to such requests, but reserves a minimum of five working days for review and response. When additional time is required, the city shall notify the submitter of the need for additional time within two working days of the submittal.
4. **Exception Does Not Apply to Other Standards beyond the Request.** Approval of plans by the city, which contain design elements not in compliance with this development code, and for which an exception request has not been specifically requested and approved, does not imply approval of an exception from these requirements.

15.05.080 - Off-Street Parking, Stacking, and Loading

- A. **Purpose.** This section is intended to provide off-street parking and loading facilities in proportion to the parking, loading, and transportation demands of different land uses throughout the city. This section is also intended to help protect the public health, safety, and general welfare by:
 1. Avoiding and mitigating traffic congestion;
 2. Providing safe and convenient interaction between vehicles and pedestrians;
 3. Providing necessary access for service and emergency vehicles;
 4. Providing methods to help reduce stormwater runoff and the heat island effect of large paved parking areas; and
 5. Providing flexible methods of responding to the transportation, access, and parking demands of various land uses in different areas of the city through changes in markets, technology, and demographics.
- B. **Applicability.**
 1. **New Development and Redevelopment.** Unless otherwise exempted in this development code, this section shall apply to all development.
 2. **Nonconforming Parking and Loading.** Nonconforming off-street parking and loading requirements shall be subject to section 15.08.100.
- C. **Change in Use.** Off-street parking and loading shall be provided for any change of use that would result in a requirement for more parking or loading spaces than the existing use.

D. Calculation of Parking and Loading Requirements.

1. **Area Measurements.** All square-footage based parking and loading requirements shall be calculated on the basis of gross floor area of the subject use. Structured parking within a building shall not be counted in such calculation.
2. **Fractions.** When measurements of the number of required spaces result in a fractional number, any fraction exceeding 0.5 shall be rounded up to the next highest whole number.
3. **Parking and Loading for Unlisted Uses.** For uses that are not specifically listed in Table 5.5, the number of parking spaces permitted shall be the number permitted for the most similar use listed or as approved in an alternative parking plan described below.
4. **Shared Parking.** Shared parking shall be provided to the extent practicable, to use parking areas efficiently while allowing flexibility for additional development.
5. **Garages and Surface Parking for Multifamily.** Garage and surface parking serving multifamily dwelling units shall only count toward the total parking requirement if the garage or surface parking is included as part of the sale or rent of the unit.
6. **On-Street Parking.** Parking on adjacent local/collector streets or internal streets fronting on a lot containing single-family attached or multifamily dwellings, or for uses within mixed-use or nonresidential zoning districts, may satisfy the parking requirements.
7. **Alternative Parking Plans.**
 - a. **Scope.** An alternative parking plan may be approved to satisfy vehicle parking needs by means other than providing parking according to the ratios established in Table 5.5, or by providing an alternative to this section's off-street parking area design standards. Alternative parking plans may not be used to reduce required setbacks, landscaping, or screening of off-street parking areas.
 - b. **Applicability.** Applicants who wish to: (1) provide fewer off-street parking spaces than required under parking minimum standards; (2) provide additional parking beyond the allowed parking maximums of this section; (3) provide parking off-site; or (4) deviate from this section's off-street parking design standards, shall secure approval of an alternative parking plan according to the standards of this subsection.
 - c. **Contents.** Alternative parking plans shall be submitted in a form established by the director. At a minimum, such plans shall detail the type of alternative proposed and the rationale behind the proposal.
 - d. **Review Procedure and Additional Criteria.** The alternative parking plan shall be reviewed according to the administrative modification procedure in subsection 15.02.080.B, and shall also demonstrate:
 - i. The plan will minimize or mitigate adverse impacts to surrounding neighborhoods to the maximum extent practicable;
 - ii. The plan maintains or improves traffic circulation patterns; and
 - iii. The plan promotes quality urban design as well as or better than a plan that strictly complies with the off-street parking standards.

E. Required Number of Off-Street Parking Spaces.

1. Number of Parking Spaces Required - By Land Use.

Table 5.5: Off-Street Parking Spaces Required	
Use Type	Parking Requirement
RESIDENTIAL USES	
Household Living Uses	Minimum Spaces

Co-housing (new)	1.5 per dwelling unit
Dwelling, single-family attached	2 per dwelling unit
Dwelling, single-family detached	2 per dwelling unit
Dwelling, live/work	1.5 per dwelling unit plus work area calculated by applicable nonresidential use
Dwelling, multifamily	Efficiency or One Bedroom: 1.75 per unit Two Bedrooms: 2 per unit Three Bedrooms: 2.25 per unit Four Bedrooms and above: 3 per unit
Mobile home park or subdivision	2 per mobile home unit
Group Living	Minimum Spaces
Boarding, rooming house	1 per dwelling unit, plus 1 per guest room
Group care home	1 per four beds
Group care facility	1 per four beds
Independent living facility	1 per two beds
Rehabilitation and treatment facility	1 per four beds
PUBLIC, INSTITUTIONAL, AND CIVIC USES	
Community and Cultural Facilities	Maximum Spaces
Assembly uses	1 per four seats
Cemetery or interment facility	No requirement
Convention and conference center	0.3 per occupancy capacity
Day care, commercial	3 per 1,000 sq. ft.
Day care, residential	No additional requirement beyond residential use
Emergency services	No requirement
Funeral facility	0.3 per occupancy capacity
Library, museum, or art center	0.3 per occupancy capacity
Penal/correctional institution	No requirement
Performing arts center or auditorium	0.3 per occupancy capacity
Reception/banquet hall	0.3 per occupancy capacity
Other community uses, services, and facilities operated by a government and not listed elsewhere in this table	See unlisted uses in 15.05.080.D.3
Educational Facilities	Minimum Spaces
College or university	1 per 2 enrolled students
School, public or private	Elementary & middle: 2 per classroom High schools: 1 per four students at design capacity
School, vocational or trade	1 per 2 enrolled students

Healthcare Facilities	Maximum Spaces
Hospital	1 per bed
Medical or dental clinic	5 per 1,000 sq. ft.
Medical laboratory or research facility	4 per 1,000 sq. ft.
Skilled nursing or rehabilitation facility	2 per bed
COMMERCIAL USES	
Agricultural and Animal Uses	Maximum Spaces
General agriculture	No requirement
Kennel	2 per 1,000 sq. ft.
Veterinary clinic or hospital	4 per 1,000 sq. ft.
Recreation and Entertainment	Maximum Spaces
Commercial entertainment facility	0.3 per occupancy capacity
Commercial recreation facility, indoor	5 per 1,000 sq. ft.
Commercial recreation facility, outdoor	0.3 per occupancy capacity
Golf course and/or swimming and tennis club	4 per golf hole; plus 4 per 1,000 sq. ft. of clubhouse; plus 2 per tennis court
Indoor shooting range	3 per firing station
Public open space, park, or playground	No requirement
Public recreation facility	4 per 1,000 sq. ft.
Food and Beverage Services	Maximum Spaces
Bar or nightclub	16 per 1,000 sq. ft.
Brewery, cidery, distillery, or winery	16 per 1,000 sq. ft. of seating area
Commercial kitchen or catering establishment	4 per 1,000 sq. ft.
Restaurant	12 per 1,000 sq. ft.
Restaurant, with drive-through	10 per 1,000 sq. ft.
Office, Business, Personal and Professional Services	Maximum Spaces
Artist studio	2 per 1,000 sq. ft.
Bank or financial institution	4 per 1,000 sq. ft.
Business service establishment	4 per 1,000 sq. ft.
Commercial laundry, linen supply service, or dry cleaning plant	2 per 1,000 sq. ft.
Data, radio, TV, or other broadcasting studio or facility	4 per 1,000 sq. ft.
Day labor center	4 per 1,000 sq. ft.
Office	4 per 1,000 sq. ft.
Personal services, general	4 per 1,000 sq. ft.

Other community uses, services, and facilities, operated by a government or non-profit organization and not listed elsewhere in this table	See unlisted uses in 15.05.080.D.3
Retail Sales	Maximum Spaces
Pawn shop	4 per 1,000 sq. ft.
Retail sales, general	4 per 1,000 sq. ft.
Retail sales, marijuana establishment or store	4 per 1,000 sq. ft.
Lodging Facilities	Maximum Spaces
Bed and breakfast	1 per unit
Hotel	1 per unit
Short-term rental	Per residential dwelling type
Vehicles and Equipment	Maximum Spaces
Car wash	5 per 1,000 sq. ft. plus 5 stacking spaces per washing bay or lane
Equipment sales, rental, and repair	3 per 1,000 sq. ft.
Parking lot or garage	No requirement
Vehicle fueling station	1 per fuel pump plus 2 per 1,000 sq. ft. retail area
Vehicle repair and maintenance	5 per 1,000 sq. ft.
Vehicle sales and rental	3 per 1,000 sq. ft. - not including approved display area
Adult Entertainment Establishments	Maximum Spaces
Adult or sexually-oriented business	Based on the most similar type of use - retail, bar/restaurant, entertainment, theater
INDUSTRIAL USES	
Manufacturing and Processing	Maximum Spaces
Artisanal manufacturing	2 per 1,000 sq. ft.
Light industrial	3 per 1,000 sq. ft.
Medium industrial	3 per 1,000 sq. ft.
Oil and gas well operation and facility	No requirement
Printing, publishing, and production facility	3 per 1,000 sq. ft.
Recycling facility	3 per 1,000 sq. ft.
Wholesale or research nursery or greenhouse	2 per 1,000 sq. ft.
Storage and Warehousing	Maximum Spaces
Commercial short-term storage of inoperable vehicles	3 per 1,000 sq. ft. - not including approved display area

Commercial storage of boats, trailers, recreational vehicles, or other operable vehicles or equipment	3 per 1,000 sq. ft. - not including approved display area
Contractor's shop	3 per 1,000 sq. ft.
Self-storage warehouse	1 per 10 storage units plus 1 per resident caretaker
Warehouse or storage facility for business and consumer goods	3 per 1,000 sq. ft.
Wholesale trade	3 per 1,000 sq. ft.
Transportation	Maximum Spaces
Airport and associated uses	No requirement
Bus, railroad, or public transit terminal	3 per 1,000 square feet
Transportation depot, trucking terminal, or distribution center	3 per 1,000 square feet
PUBLIC AND SEMI-PUBLIC UTILITY USES	
Energy and General	Maximum Spaces
Alternative energy production	No requirement
Essential municipal and public utility uses, facilities, services and structures	No requirement
Water/wastewater treatment plant	No requirement
Wireless Telecommunications Facilities	Maximum Spaces
Alternative tower structure	No requirement
Amateur radio facility	
Building- or structure-mounted wireless telecommunication facility	
Lattice tower	
Monopole	
Rooftop-mounted wireless telecommunication facility	
Small cell facilities	
Wireless mesh networking facility	
ACCESSORY USES AND STRUCTURES	
Accessory dwelling unit	Minimum 1 space; maximum 2 spaces
Artisanal manufacturing	Maximum 2 per 1,000 sq. ft.
Automated teller machine (ATM)	No requirement
Cafeteria or dining hall	No requirement
Car wash bay	Maximum 5 per 1,000 sq. ft. plus 5 stacking spaces per washing bay or lane
Day care center	Maximum commercial: 3 per 1,000 sq. ft. Maximum residential: 2 plus 1 on-street
Dwelling unit for owner, caretaker, or employee	Minimum 1 space; maximum 2 spaces
Flagpole	No requirement

Home occupation	No additional parking required beyond what is required for the residential use
Incidental household structures	No requirement
Livestock uses	No requirement
Offices related to other principal use	Maximum 4 per 1,000 sq. ft.
Outdoor sales, display of merchandise, or other activity	Maximum 3 per 1,000 sq. ft. of outdoor display/activity area
Playlot, recreation facility, on-site management office, and laundry facility for residential use	No requirement
Recycling collection point	No requirement
Retail sales	Maximum 4 per 1,000 sq. ft.
Solar energy system, roof-mounted and small-scale ground-mounted	No requirement
Storage or parking of vehicles or recreational equipment	No requirement
Urban agriculture	No requirement
Vehicle rental accessory to self-storage warehouse	No requirement
Wind turbines	No requirement
Other accessory uses not specifically addressed in this table, as determined by the director to meet accessory criteria and standards	See unlisted uses in 15.05.080.D.3

2. **Maximum Parking.** Maximum parking spaces indicated in Table 5.5 shall not be exceeded unless approved by an alternative parking plan. Minimum parking spaces indicated in Table 5.5 shall not be exceeded by more than 20 percent unless approved by an alternative parking plan.
3. **Parking Reduction for Affordable Housing Dwelling Units.** Minimum parking for affordable dwelling units shall be one space.
4. **Accessible Parking.** The design and location of accessible parking spaces shall be pursuant to the adopted building code and the Americans with Disabilities Act (ADA), as amended. The number of required ADA spaces shall be provided as follows, including that one in every six accessible parking spaces, but not less than one space per site, shall be van accessible:

Table 5.6: Required Accessible Parking Spaces

Total number of off-street parking spaces provided	Minimum required accessible spaces
1—25	1
26—50	2
51—75	3
76—100	4
101—150	5

151—200	6
201—300	7
301—400	8
401—500	9
501—1,000	2 percent of total
More than 1,000	20 spaces, plus 1 for each 100 spaces over 1,000 spaces

F. Location of Off-Street Parking Spaces.

1. Residential Zoning Districts.

- a. Required off-street parking spaces in residential zoning districts shall be located on the same lot or parcel as the principal use.
- b. Required off-street parking for single-family detached and single-family attached dwellings may be located within the front yard setback area on a hard-surfaced driveway approved by the city, but shall not be located in any landscape area.
- c. Off-street parking for multifamily dwellings shall be located behind buildings or no closer to the street than buildings to the maximum extent practicable.

2. Mixed-Use and Nonresidential Zoning Districts.

- a. Required off-street parking spaces in the mixed-use and nonresidential zoning districts shall be located on the same lot as the building or use for which they are required unless parking spaces are provided, through a shared parking agreement, on lots within one-quarter mile (1,320 feet) from the proposed building or use.
- b. Off-street parking in the mixed-use and nonresidential zoning districts shall not be located within a required buffer or landscape area or in the right-of-way between the curb and the property line.
- c. Off-street parking and loading areas shall be located behind buildings or no closer to the street than buildings to the maximum extent practicable. See sections 15.05.120 and 15.05.200 for additional site layout requirements.
- d. In the MU-D district, no parking lots shall front Main Street.

3. **Protection of Rivers, Streams, Riparian Areas and Wetlands.** See section 15.05.020 for required parking area setbacks from delineated river/stream corridors, riparian areas, and wetlands.

G. Use of Required Parking 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 shall not be used for the display of goods for sale or lease, for motor vehicle repair or service work (except for personal and not commercial vehicle repair or service), or for long-term storage of recreational vehicles, boats, motor homes, campers, mobile homes, or building materials.

H. Parking Lot Layout and Design.

1. Vehicular Access and Circulation.

- a. Unobstructed vehicular access to and from a public street shall be provided in a safe manner for all off-street parking spaces.
 - b. Parking lots shall provide well-defined circulation routes for vehicles, bicycles, and pedestrians. Parking lots of over 100 spaces and parking lots with spaces located more than 250 feet from the associated principal use shall include walkways to maximize connectivity.
 - c. Curb definitions shall be maintained, prohibiting continuous vehicular access to parking areas along the street frontage of the site.
 - d. All off-street parking and loading areas in mixed-use and nonresidential zoning districts shall meet the following design standards:
 - i. Driveways shall be placed such that loading and unloading activities shall not hinder vehicular ingress or egress.
 - ii. Off-street parking and loading areas shall be treated to minimize the visual impact of parked cars and trucks as viewed from the public right-of-way and adjacent properties through the use of plantings, earth berms, or screen walls. See subsection 15.05.040.J for off-street parking and loading area landscaping and subsection 15.05.130.A for additional loading area screening requirements.
 - iii. Truck access and circulation routes shall be designed to minimize potential traffic and noise conflicts with adjacent sites, walkways between sidewalks and principal building entrances, and internal circulation routes.
2. **Points of Conflict.** The lot layout shall provide continuous, direct pedestrian access with minimum driveway and drive aisle crossings. Treatments such as raised pedestrian crossings, special paving, signs, lights and bollards shall be provided at intersections to reduce traffic conflict. Parking stalls located along primary drive lanes shall be allowed only where backing vehicles will not create circulation or safety impacts.
 3. **Orientation of Parking Spaces.** Parking stalls in lots over 100 spaces shall use 90-degree parking to provide safer and efficient parking lot layout.
 4. **Addressing Mobility Needs.** Layout and design shall accommodate user needs and provide continuity between vehicular circulation, parking needs, pedestrian, and bicycle circulation. Pedestrian drop-off areas shall be provided to the extent practicable.
 5. **Surfacing Materials.** All parking and driveway areas, primary access to parking facilities, and other vehicular use areas shall be surfaced with concrete, asphalt, or approved permeable paving in conformance with city standards, except that driveways with primary access to residential uses shall be surfaced with concrete. The director may allow an administrative modification under subsection 15.02.080.B for gravel, recycled asphalt or similar acceptable surface materials to be used for long-term or overnight-only vehicle storage areas.
 6. **Parking Area Landscaping.** Parking areas shall be landscaped pursuant to subsection 15.05.040.J.
 7. **Off-Street Loading Design Standards.**
 - a. Each off-street loading space shall be a minimum of 500 square feet, exclusive of any area used for maneuvering or off-street parking spaces, and shall be a minimum of 12 feet wide.
 - b. Maneuvering or staging areas shall be large enough for the longest legal truck to serve the use and must be contained entirely on the lot served. Design of the off-street loading areas and spaces shall allow trucks to maneuver out of the areas and spaces without backing onto a public street.
 - c. All off-street loading spaces shall be provided behind the front setback line. Loading areas shall be located behind or on the non-street side of the buildings to the maximum extent practicable.
 8. **Design of Off-Street Parking Spaces.**

a. **Minimum Dimensional Requirements.**

- i. Off-street parking spaces shall comply with the minimum dimensional standards stated in Table 5.7 below:

Table 5.7: Required Parking Space and Aisle Dimensions						
Type of Space	Parking Angle	Stall Width	Stall to Curb	Aisle Width	Curb Length	Overhang
Standard space (9 feet x 18 feet)	45° (one-way drive)	9 feet	19 feet	13 feet	12 feet 8 inches	1 foot 5 inches
	60° (one-way drive)	9 feet	20 feet	13 feet	10 feet 5 inches	1 foot 8 inches
	90° (two-way drive)	9 feet	18 feet; 16 feet with overhang per subsection 8.a.iii below	24 feet	9 feet	2 feet
Parallel space	0°	8 feet	8 feet	12 feet	24 feet	0 feet
ADA spaces	Pursuant to the adopted building code and the Americans with Disabilities Act (ADA), as amended					

- ii. Valet parking spaces are exempt from the minimum space dimensional standards in this table.
- iii. Vehicles may overhang as noted in Table 5.7 only where a landscape island, median or buffer meets current standards, or a sidewalk is at least seven feet wide.

I. **Vehicle Stacking and Drive-Through Standards.** The development and design standards of this subsection shall apply to all drive-through facilities and other auto oriented uses:

1. **Drive-Through Aisles.** The minimum standards for drive-through aisles are as follows:
 - a. Drive-through aisles shall have a minimum ten-foot interior radius at curves and a minimum ten-foot width.
 - b. Drive-up windows for food and beverage service shall provide at least 180 feet (approximately 9 vehicles) of stacking space for each facility, as measured from the service window to the entry point into the drive-through lane. Non-food/beverage businesses may reduce the stacking space to a minimum of 60 feet (approximately 3 vehicles) as measured from the service window or unit to the entry point into the drive-through aisle.
 - 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 per subsection 15.05.060.D.6.
3. **Design and Layout.**

- a. Drive-through aisles shall be separated from other internal driveways.
- b. Drive-through aisles (order stations, pick-up windows, bank teller windows, money machines, etc.) shall be located on the side or rear of principal structures to minimize their visibility from public streets.
- c. Drive-through aisles shall be separated from adjacent properties and frontages, and landscaped pursuant to the buffer requirements in subsection 15.05.040.F.
- d. In addition to any buffering required by section 15.05.040, drive-through aisles adjacent to residential uses in a residential district shall be separated from such uses by an opaque wall at least six feet in height and consistent with the materials and color of the principal building materials, located so that required buffer landscaping is between the wall and the adjacent residential use.

4. **Car Wash Facilities and Auto Service Bays.**

- a. Car wash facilities and auto service bays shall be located on the side or rear of principal structures and shall face away from public streets.
- b. In addition to any buffering required by section 15.05.040, car wash facilities and auto service bays adjacent to residential uses in a residential district shall be separated from such uses by an opaque wall at least six feet in height and consistent with the materials and color of the principal building materials, located so that required buffer landscaping is between the wall and the adjacent residential use.

J. **Bicycle Parking.**

- 1. **Required Amount of Bicycle Parking.** Mixed-use, nonresidential, and multifamily residential uses shall provide bicycle parking spaces of a minimum of five percent of the total number of vehicle parking spaces provided by the development, but not less than one bicycle rack.
- 2. **Bicycle Parking Location.** For convenience and security, bicycle parking facilities shall be located near building entrances (and no further than 100 feet away from such entrance), shall be visible from the land uses they serve, and shall not be located in remote areas. The director may allow an administrative modification under subsection 15.02.080.B for office facilities or those land uses with less need for publicly available bicycle racks, to substitute indoor bike parking facilities to meet bike parking requirements. 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.
- 3. **Design.** Spaces for short-term bicycle parking shall provide a means for the bicycle frame and one wheel to be attached to a permanent fixture (designed for securing bicycles) by means of a lock. The required design is the "inverted U" rack. The director may allow an administrative modification under subsection 15.02.080.B for alternative bike parking rack design. The inverted U rack is equivalent to two bicycle spaces.

- K. **Maintenance of Parking, Loading and Stacking Areas.** The property owner shall be responsible for maintaining any vehicular use area in good condition and free of refuse and debris. Landscaping shall conform to section 15.05.040.

15.05.090 - Oil and Gas Regulations

A. **Purpose Statement.**

- 1. Protect and enhance the character and quality of Longmont's neighborhoods;
- 2. Provide visual interest and variety;
- 3. Enhance the pedestrian scale of development and the streetscape;
- 4. Mitigate negative visual impacts from the scale, bulk, and mass of large buildings;
- 5. Balance the community's economic and aesthetic goals; and

6. Encourage building and site design that fosters community sustainability goals, including adaptive reuse.
- 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.**
1. 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.
 2. 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.
 3. 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.**
1. 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.
 2. 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: 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.**

Application Process:

1. **Applications subject to administrative review.** The following are subject to administrative review:
 - a. 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.
 - b. Seismic survey operations are subject to administrative review, except that seismic survey operations on city owned property may be subject to city council approval.
 - c. Pipelines that cross public property are subject to a work in right-of-way permit review.
2. **Applications subject to public hearing review.** The following are subject to public hearing review:
 - a. 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.
 - b. 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.
 - c. 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 and the specific information for oil and gas well operations and facilities contained in the administrative manual.

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.**

1. **Limited Use Review.** Applications for limited use review of oil and gas well operations and facilities are subject to the notice requirements of subsection 15.02.040.J and the review procedure for minor development applications of subsection 15.02.050.C.
2. **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.J, and the review procedure for major development applications of subsection 15.02.050.B.

K. **Review Criteria.**

1. **Limited Use Review.** Applications for limited use review are subject to site plan and limited use review in subsections 15.02.070.C and D respectively, in addition to the development standard compliance criteria listed below.
2. **Conditional Use Review.** Applications for conditional use review are subject to conditional use and site plan review in subsections 15.02.060.C and 15.02.070.C respectively, in addition to the development standard compliance criteria listed below.

L. Compliance with Development Standards.

1. Applications for limited use review shall comply with all standards, including recommended standards in this section.
2. 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.

1. 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 15.02.060.I for variances.
- b. Requests for variances may include, but not be limited to, one or more of the following factors:
 - i. Topographic characteristics of the site;
 - ii. Duration of use of the facility;
 - iii. Proximity of occupied structures to the facility;
 - iv. Ownership status of adjacent and/or affected land;
 - v. Construction of adequate infrastructure to serve the project; and
 - vi. 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.

2. 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.

1. 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.
2. Reasonable costs associated with such review shall be paid by the applicant.

O. Sales and Use Tax License Requirement.

1. Operators shall obtain and maintain a city sales and use tax license prior to commencing operations.
2. 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.I.

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:

1. Approval of a limited use site plan or conditional use site plan, as applicable.
2. Satisfaction of any conditions of approval of the above applications prior to commencement of operations.
3. 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.
4. Financial securities, or payment of fees, as applicable.

T. Right to Enter/Inspections.

1. **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 permittee, 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.

2. **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.**

1. **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.
2. **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.
3. **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.
4. **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.

5. **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.
1. **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.
 2. **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.
 3. **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.
 4. **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.
 5. **Drainage.** Oil and gas well operations and facilities shall comply with applicable city drainage requirements and standards.
 6. **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.
 7. **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.
8. **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.
9. **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.
10. **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.
11. **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."
12. **Financial Securities/Liability Insurance.**
 - a. **Minimum Standard.**

- i. **Performance Security.** The applicant may be required to provide reasonable performance security to the city through a security agreement in an amount to be determined by the city and in a form acceptable to the city as outlined in subsection 15.02.110.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.
 - ii. **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.**
 - i. **Performance Security.** The applicant may be required to provide reasonable performance security to the city through a security agreement in an amount to be determined by the city and in a form acceptable to the city as outlined in subsection 15.02.110.D 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.
- 13. **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.
- 14. **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.

- 1. 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.**
 - i. Wells and production facilities shall be 750 feet or more from occupied buildings or occupied buildings permitted for construction.
 - ii. 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.

2. **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.
3. **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.
4. **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.**
 - i. 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.
 - ii. 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.
 - iii. 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.
5. **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.**

- i. Sound emission levels shall be in accordance with the standards as adopted and amended by COGCC.
- ii. 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:
 - (A) Nature and proximity of adjacent development (design, location, type);
 - (B) Prevailing weather patterns, including wind directions;
 - (C) Vegetative cover on or adjacent to the site or topography.
- iii. 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:
 - (A) Acoustically insulated housing or covers enclosing any motor or engine;
 - (B) Screening of the site or noise-emitting equipment by a wall or landscaping;
 - (C) Solid wall of acoustically insulating material surrounding all or part of the facility;
 - (D) A noise management plan specifying the hours of maximum noise and the type frequency, and level of noise emitted;
 - (E) Use of electric-power engines and motors, and pumping systems; and/or
 - (F) 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.

6. **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.

7. **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.

8. **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.

9. **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.F. 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.

10. **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:
 - i. 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;
 - ii. 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;
 - iii. The type and frequency of samples to be collected and analyzed before operations start, during operations and after operations have been completed;
 - iv. The analytical methods and reporting levels to be used;
 - v. 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.

11. **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.**
 - i. 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.

- ii. 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.
12. **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.
13. **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.
14. **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.
15. **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.
16. **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.
17. **Odor/Dust Containment.** Oil and gas facilities and equipment shall be operated in such a manner that odors and dust 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.

18. **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.
19. **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.
20. **Transportation Impacts, Road and Access.**
 - a. **Transportation Impact Study.**
 - i. 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.
 - ii. 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.
 - iii. 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.

- 21. **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) means 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 means 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:

1. Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system.
2. 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 Groundwater 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.

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. **Fences or Walls, Generally.**
1. **Fences and Walls Materials and Color.** Fences or walls shall be constructed of materials customarily commercially sold for fencing and walls including decorative masonry (excluding smooth face masonry), stone, brick, iron, steel, vinyl, wood, wood composite, or other comparable materials that meet the purpose of these fence and wall standards. Specific standards on chain-link or woven-wire fences are in subsection F.3 of this section. Fences and walls shall be limited to white, green, brown and gray earth-tone color palettes. Other materials and colors are prohibited unless specifically allowed in this development code or the director approves an administrative modification under subsection 15.02.080.B for an alternate design that meets the purposes of these fence and wall standards.
 2. **Barbed Wire and Metal Fences.** Fences constructed of barbed wire, tin or sheet metal, or partly of any of those materials, are prohibited, except that in industrial districts, barbed wire shall be allowed as a topping for woven-wire industrial-type fences only if the director determines that extraordinary and unusual circumstances exist that require such a fence to meet reasonable requirements for public safety. When allowed, barbed wire shall be no closer than six feet from ground level and the barbed wire portion of the fence cannot be tilted outward from the primary plane of the woven wire fence.
 3. **Electric Fences.** Except for low-voltage, commercially available "invisible fences" used to contain domestic pets, it is a violation of this development code to construct or maintain any fence capable of being charged with electricity.
- C. **Building Permit Required.** No fence or wall shall be constructed until a plan has been presented and a permit has been issued in the manner provided for the issuance of building permits. See section 15.02.120 for review and administrative procedures for building and construction permits.
- D. **Perimeter Fences and Walls.**
1. **Perimeter Fence and Wall Design.**
 - a. Where perimeter wood privacy fences are installed, such fences shall be painted in neutral colors compatible with the neighborhood design. The finished side of the fence shall face all public rights-of-way, common areas, and other public areas, as applicable.
 - b. Perimeter fence or wall designs shall be approved with all subdivision plats or site plans.
 2. **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.

3. **Perimeter Fences and Walls Located Adjacent to Arterial and Collector Streets.** For perimeter fences and walls located in new residential developments with frontage on an arterial or collector street, fences and walls shall include an adequate number of openings for pedestrian access, landscaping, parks and open space. Perimeter fences between pocket parks and common areas and adjacent arterial or collector street shall not exceed 48 inches in height, unless the decision-making body determines that the taller fence is needed for safety or to provide adequate buffering.
4. **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.
5. **Perimeter or Individual Lot or Parcel Fences or Walls Adjacent to Open Space Areas.** Fences or walls constructed adjacent to common areas, pocket parks and public parks and open space shall be consistent with the design standards specified in section 15.05.040, Landscape and Common Area Regulations.

E. Front Yard Fences on Individual Lots or Parcels.

1. **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; and
 - b. All fences shall have the finished (smooth) side facing the public right-of-way, common areas, or other public areas, as applicable.
2. **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.
 - b. In an industrial zoning district, chain-link or other woven-wire fences not exceeding eight feet in height may be permitted in the front yard of a lot or parcel only upon demonstration by the applicant and determination by the director, that extraordinary and unusual circumstances exist that require such a fence to meet reasonable requirements for public safety.

F. Corner and Reverse Corner Lots—Street Line Fences. On any corner lot or reverse corner lot in any residential zone, a privacy fence may be constructed along the street side portion of the side yard and rear yard, subject to the following safety considerations:

1. The fence or wall shall be located outside of the right-of-way and set back a minimum of one foot from any sidewalk along the street.
2. Gates in the fence shall open toward the yard rather than the sidewalk.
3. The fence or wall shall comply with city sight distance requirements.
4. In order to preserve sight distance, an unobstructed view shall be maintained. Sight distance requirements are addressed in the city standards. The city may require greater distances in certain high-volume or high-speed traffic intersections.

G. Height Limits. Except as otherwise stated or limited in this section or chapter, the maximum height for fences and walls shall be six feet for fences/walls located on residential property and eight feet for mixed-use and nonresidential properties and residential properties with side and rear yards abutting arterial streets, unless the director determines that a higher fence or wall is necessary on a mixed-use or nonresidential property to provide adequate screening or buffering. The height of a fence or wall is measured as the vertical distance between finished grade on the highest side of the fence to the top of the fence or wall.

H. **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.

I. **Fence and Wall Clearance from Fire Hydrants and Other Utilities.**

1. **Clearance from Fire Hydrants.** No fence or wall shall be constructed that hinders or obstructs access to any fire hydrant or that encroaches within a radius of three feet from any fire hydrant. The director may require a gate or gates to be placed in any fence for the purpose of providing access for fire protection, for meter reading, or for the use and maintenance of any existing easement. The applicant should reference any applicable city rules and regulations addressing the location of any such gates.
2. **Clearance from Other Utilities.** No fence or wall shall be constructed that hinders or obstructs access to any utilities. The applicant should contact any utility with existing facilities located where the fence is planned to determine appropriate clearances.

15.05.110 - Residential Design Standards

A. **Purpose.** The residential design standards are intended to implement comprehensive plan strategies for residential development and to promote high-quality design of an urban environment. The standards are further intended to:

1. Protect and enhance the character and quality of Longmont's neighborhoods;
2. Avoid monotonous development and streetscapes;
3. Enhance the pedestrian scale of development;
4. Mitigate negative visual impacts from the scale, bulk, and mass of large buildings;
5. Balance the community's economic and aesthetic goals; and
6. Encourage building and site design that fosters community sustainability goals.

B. **Applicability.**

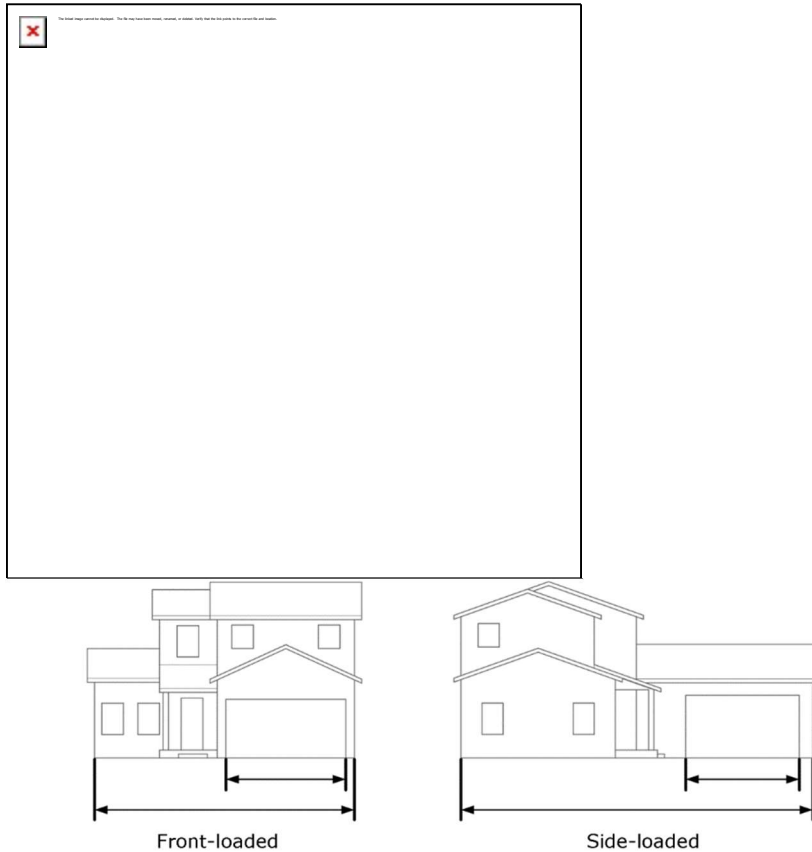
1. Except as expressly exempted by this development code, this section shall apply to residential development.
2. Modifications or additions, but only to the portion of the development being modified.
3. In addition to the design standards in this section, residential development as part of a mixed-use development shall comply with the design standards in section 15.05.120.

C. **Garages.** To prevent residential streetscapes from being dominated by protruding garages, the following standards shall apply:

1. Garages shall be:
 - a. Recessed or flush with the street-facing facade of a first story room at least 12 feet wide;
 - b. Recessed or flush with the street-facing facade of an unenclosed, covered porch at least 80 square feet and at least 10 feet wide and six feet deep;
 - c. Side-loaded (garage doors are perpendicular to the front lot line); or
 - d. Protruding no more than six feet from a first story unenclosed porch measuring at least 80 square feet and at least 10 feet wide and six feet deep.
2. When garage doors are other than street-facing (for example, 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.
3. Street facing 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, or on lots 40 feet or less in width, may comprise up to 60 percent 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 (Figure 5.2). Garages facing an alley or common drive are not subject to these garage door percent limitations.

Figure 5.2: Garage Design

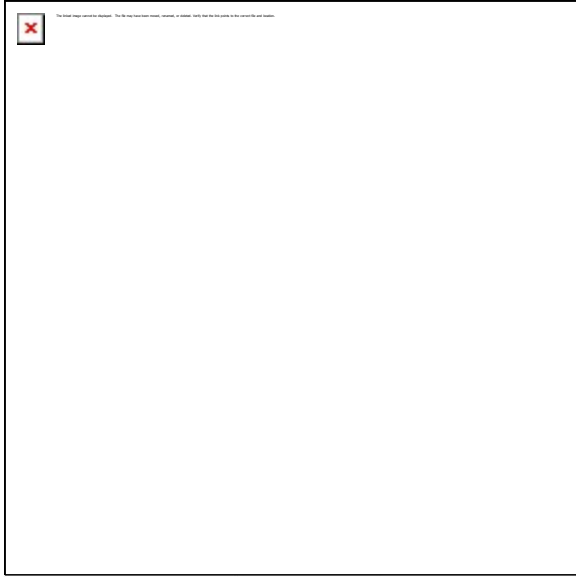


4. The director may approve alternative garage orientation or design, through review of an administrative modification under subsection 15.02.080.B if:
 - a. The configuration of the lot or other existing physical condition of the lot makes the application of these standards impractical; and
 - b. The proposed design alternative substantially meets the intent of this section to line streets with active living spaces, create pedestrian-oriented streetscapes, and provide variety and visual interest in the exterior design of residential buildings.
- D. **Architectural Design of 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.

3. Eaves on pitched roofs shall have a minimum width of one foot.
- E. **Building Materials.** Building materials for residential uses shall comply with subsection 15.05.120.C.7, except that fiber cement board shall be a primary material and clear glass shall be a secondary material for residential buildings.
- F. **Exterior Colors of Dwellings.** Residential developments shall include a variety of exterior color palettes to provide diversity within the development. Color palettes shall be compatible with surrounding residential dwelling colors to the maximum extent practicable. Fluorescent colors and glossy finishes shall not be used on any exterior wall or roof of any dwelling or accessory structure.
- G. **Transparency Standards (Windows, Doors and Openings).**
1. The ground floor of each façade facing a public street or other public area shall contain a minimum of 20 percent windows or doorways.
 2. Upper floors of each façade facing a public street or other public area shall contain a minimum of 10 percent windows.
 3. Alternative transparency requirements may be approved by the director as an administrative modification under subsection 15.02.080.B consistent with the building design and use, orientation, placement and location context.
- H. **Design Variety for Single-Family Dwellings.**
1. Residential subdivisions of 10 or more lots containing single-family detached and attached dwellings shall be designed to provide variety in housing models as follows:
 - a. 20 lots or fewer- at least two models;
 - b. 21 - 30 lots - at least three models;
 - c. 31 - 40 lots - at least four models;
 - d. More than 40 lots - at least five models.
 2. Single-family detached and attached dwellings on adjacent lots (including abutting lots, or those lots separated by a street, alley, auto court, or other common private drive fronting on the same street) shall contain different architectural elevations differentiated by at least three of the following standards (see Figure 5.3):
 - a. Varied architectural style such as, but not limited to, American Craftsman, Bungalow, Dutch Colonial, English Tudor, and Mid-Century Modern;
 - b. Varied roof lines and façade planes;
 - c. Varied architectural features such as dormers, and front porches or other prominent entrance features;
 - d. Varied primary exterior building materials;
 - e. Varied primary exterior color; or
 - f. Other design elements that add visual interest as determined by the director.

Figure 5.3: Design Variety



No Same style, all garages face front



Yes Style, materials, and garage orientation vary

I. **Multifamily Residential Design Standards.** In addition to complying with the other applicable standards in this section 15.05.110, multifamily dwellings shall comply with the following standards:

1. **Building Entrances - Primary.**

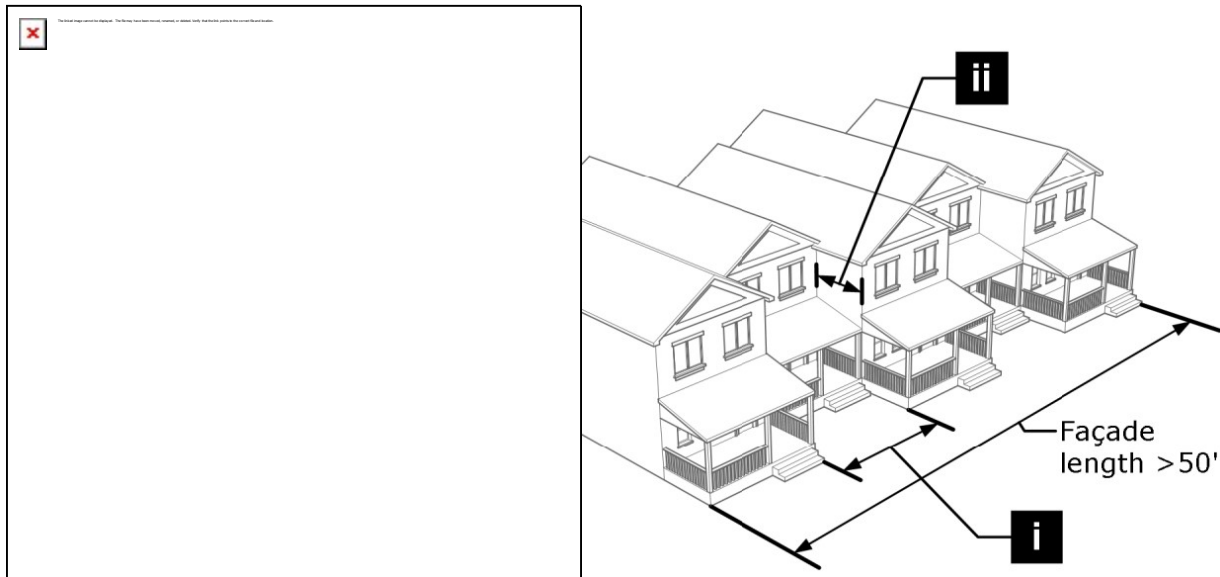
- a. At least one main entry shall face an adjacent street, or a plaza, courtyard, or common area that has a direct and visible connection to an adjacent street.
- b. Building entries shall be connected to a public sidewalk that is not routed through a parking lot.
- c. The primary entrance shall include at least three of the following:
 - i. A porch or landing;
 - ii. Double doors;
 - iii. A roofed structure such as a portico, awning, canopy, or marquee;
 - iv. Enhanced landscaping; or
 - v. Other design element giving prominence to an entry as determined by the director.

2. **Building Entrances - Ground-Floor Units.**

- a. Entrances to ground-floor units shall comply with applicable building code accessibility requirements.

- b. All residential at-grade units shall be set back at least six feet from the back of the sidewalk to allow for stairs, stoops, elevated patios and landscaping.
 - c. Porches or stoops shall be at least 36 square feet in area with minimum dimensions of six feet deep and six feet wide, and shall be either recessed or covered with an architectural feature such as a canopy.
3. **Building Mass and Articulation.**
- a. Each building façade greater than 50 feet in length shall incorporate: (i) wall plane projections; or (ii) recesses that are compatible with the proposed building architecture (Figure 5.4).

Figure 5.4: Building Articulation



- b. Buildings shall be articulated by incorporating at least three of the following:
 - i. Balconies;
 - ii. Porches;
 - iii. Dormers;
 - iv. Variation in materials and colors;
 - v. Variation in window sizes and shapes;
 - vi. Vertical elements that demarcate building modules; or
 - vii. Other design elements that add visual interest as determined by the director.

4. **Roof Design.**

- a. No continuous roofline shall exceed a length of 50 feet without a change in vertical elevation of at least two feet for a minimum length of 20 feet.
- b. Eaves on pitched roofs shall have a minimum width of one foot.
- c. Roofs shall be designed to accommodate solar energy systems to the maximum extent practicable.

5. **Transparency (Windows, Doors and Openings).**

- a. The ground floor of each façade facing a public street or other public area shall contain a minimum of 25 percent windows or doorways.
- b. Upper floors of each façade facing a public street or other public area shall contain a minimum of 15 percent windows.
- c. Alternative transparency requirements may be approved by the director as an administrative modification under subsection 15.02.080.B consistent with the building design and use, orientation, placement and location context.

6. **Design for Security.**

- a. Shared mailboxes shall be located in high-visibility and well-lit areas.
- b. Shared community buildings and rooms, such as game rooms and laundry rooms shall be visible from common, walking, and driving areas. All shared community rooms shall have transparent panels to view into the room before entering.

15.05.120 - Mixed-Use and Nonresidential Design Standard

A. **Purpose.** The mixed-use and nonresidential design standards are intended to implement comprehensive plan strategies and to promote high-quality design of an urban environment. The standards are further intended to:

1. Protect and enhance the character and quality of Longmont's neighborhoods;
2. Provide visual interest and variety;
3. Enhance the pedestrian scale of development and the streetscape;
4. Mitigate negative visual impacts from the scale, bulk, and mass of large buildings;
5. Balance the community's economic and aesthetic goals; and
6. Encourage building and site design that fosters community sustainability goals, including adaptive reuse.

B. **Applicability.** This section shall apply to:

1. Mixed-use and nonresidential development.
2. Modifications or additions to existing mixed-use or nonresidential development, but only to the portion of the development being modified.

C. **General Design Standards.**

1. **Site Layout.**

a. **Compatibility with Natural Site Conditions.**

- i. Development shall be avoided on sites with steep slopes to the maximum extent practicable.
- ii. Building envelopes and areas of site disturbance shall be selected based on the location of natural landforms, native vegetation, mature trees, underlying geology, mapped hazard areas, and setbacks required pursuant to this development code.

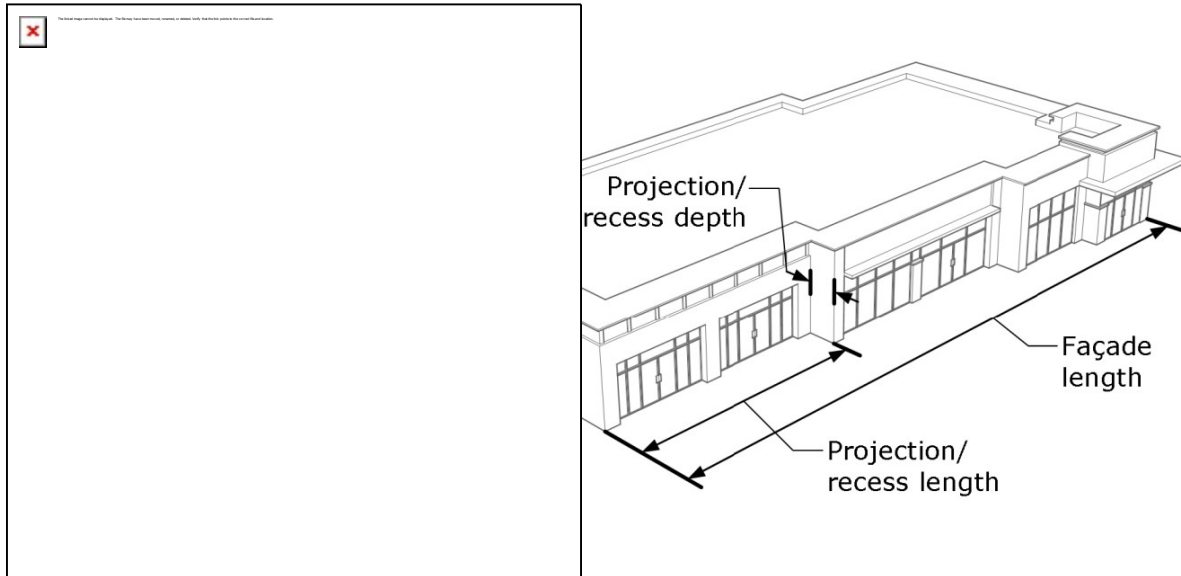
b. **Compatibility with Adjacent Development.** Development shall respect local development patterns and site features to the maximum extent practicable. Elements that shall be coordinated between adjacent sites include:

- i. Shared driveways for access;
- ii. Linkages of internal vehicular and pedestrian circulation systems;
- iii. Linkages of open space systems;
- iv. Areas and access for refuse and recycling collection;

- v. Drainage and detention facilities; and
 - vi. Other improvements where a coordinated approach benefits the larger area.
- c. **Pedestrian Gathering Spaces.** Outdoor spaces for pedestrians, such as plazas, courtyards, outdoor seating areas, and other amenities with connecting pedestrian paths shall be included with mixed-use and nonresidential developments to the maximum extent practicable under subsection 15.05.040.H.1.
- d. **Developments with Multiple Buildings.** Buildings shall be arranged on the site so that their orientation frames, encloses, or otherwise gives prominence to a pedestrian corridor, an outdoor gathering space, a "main street" pedestrian or vehicle access corridor within the site, or the corners of street intersections or entry points into the development.
- e. **Design for Security.** Sites shall be designed to avoid the creation of areas that are shielded on multiple sides by barriers such as screen walls or landscaping that have low visibility. Such areas shall be avoided in site design to the maximum extent practicable, or shall otherwise be well-lit and have some form of surveillance.
2. **Building Entrances.**
- a. Primary building entrances shall be oriented toward pedestrian walkways and plazas, with direct, continuous connections to the street without requiring pedestrians to walk through parking areas.
 - b. Entrances for buildings on a corner shall be chamfered at a 45 degree angle at least 10 feet from the building corner to face the intersection of such corner to the maximum extent practicable.
 - c. Buildings that front on the St. Vrain Creek, parks, plazas, common areas and public open space shall have a primary building facade with a customer entrance that faces the common or public area.
 - d. All customer or resident/visitor entrances shall create architectural interest and variation from other portions of the building by incorporating at least three of the following:
 - i. Changes in building plane through recesses and/or projections;
 - ii. Canopies, awnings, arcades, galleries, or other overhangs;
 - iii. Tower elements;
 - iv. Architectural embellishments;
 - v. Changes in building material, color, and/or texture; or
 - vi. Other design elements that add visual interest as determined by the director.
3. **Building Articulation.**
- a. **Horizontal Articulation.**
 - i. Each building façade greater than 50 feet in length shall incorporate wall plane projections or recesses that are compatible with the proposed building architecture.
 - ii. Additionally, each building façade shall incorporate a change of materials (A) and at least two of the following elements (B through E) (see Figure 5.5):
 - (A) Change in building materials - at least 3 materials for a façade facing a street or other public area and at least 2 materials for another facade;
 - (B) Change in building colors;
 - (C) Change in textures;
 - (D) Variation in window design; or

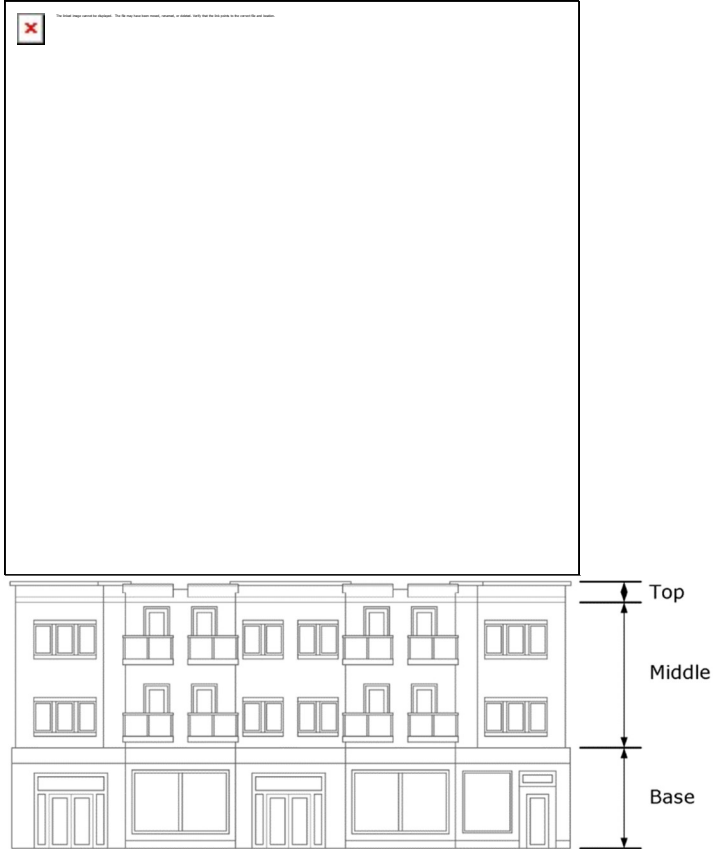
- (E) Other design elements that add visual interest as determined by the director.

Figure 5.5: Horizontal Articulation



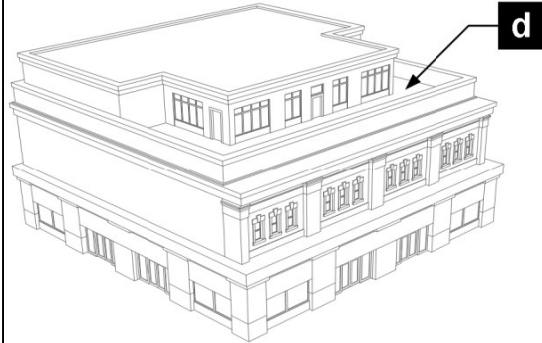
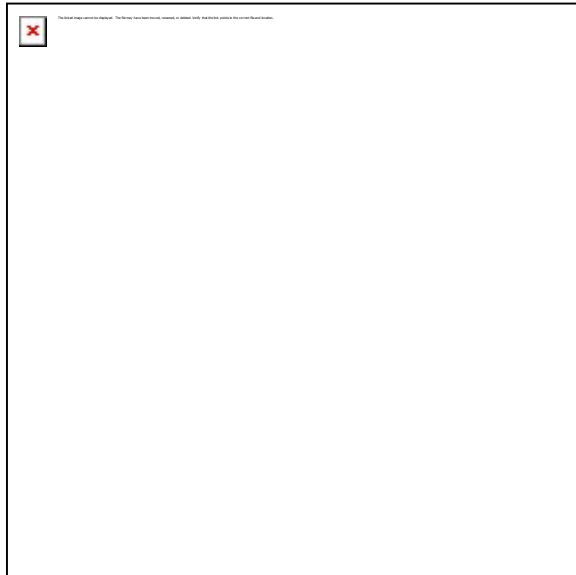
- b. **Vertical Articulation.** Each principal mixed-use and nonresidential building taller than 20 feet shall be designed so that the massing or facade articulation of the building presents a clear base, middle, and top. First floors in the mixed-use districts shall be designed with adequate floor to ceiling height to accommodate storefronts to the maximum extent practicable. Lower levels can be differentiated from upper stories by incorporation of elements including, but not limited to, the following (See Figure 5.6):
- i. Low planters and walls;
 - ii. Use of veneer banding or wainscot, change in materials, and change in textures;
 - iii. Heavier materials and darker colors on lower levels;
 - iv. Integrated covered walkways, trellises, or architectural awnings; or
 - v. Other design elements that distinguish lower levels as determined by the director.

Figure 5.6: Vertical Articulation



- c. **Corner Building Articulation.** Buildings located at the intersection of two streets or on axis with a terminating street or plaza shall be designed to incorporate prominent architectural elements to the maximum extent practicable, such as increased building height or massing with a tower element with a pitched roof or extended canopy.
- d. **Upper Story Floor Area Standard.** The upper-most story of all buildings greater than two stories shall have a reduced floor area of at least 10 percent of the ground floor (Figure 5.7).

Figure 5.7: Upper Story Floor Area Standard



e. Comprehensive Design.

- i. Building façades that are visible to the public shall be designed with a similar level of detail, patterning, and finish through the use of similar architectural features, building materials, and design of landscaping features. Blank walls void of architectural detailing shall be prohibited unless the director determines that the façade is not visible from adjacent development or public rights-of-way.
- ii. Accessory building façades shall be designed and finished to complement primary buildings through the use of similar colors, materials, and architectural style.

4. Roof Design.

- a. No roofline along any building elevation shall exceed 30 feet in length without a visual variation that incorporates any of the following:
 - i. Projections or recessions of at least two feet in depth;
 - ii. Dormers;
 - iii. Change in roof height of at least two feet; or
 - iv. Distinct architectural features.
- b. Roofs of buildings shall have parapets or enclosures concealing flat roofs and roof-top equipment from public view, and such parapets and enclosures shall be constructed of materials that match the building in quality and detail. Each such parapet or enclosure shall have an average height of no more than 15 percent of the height of the supporting wall, a maximum height at any point equal to 33 percent of the height of the supporting wall, and three-dimensional cornice treatments.
- c. Roofs shall be designed to accommodate solar energy systems to the maximum extent practicable.

5. Ground-Floor Uses.

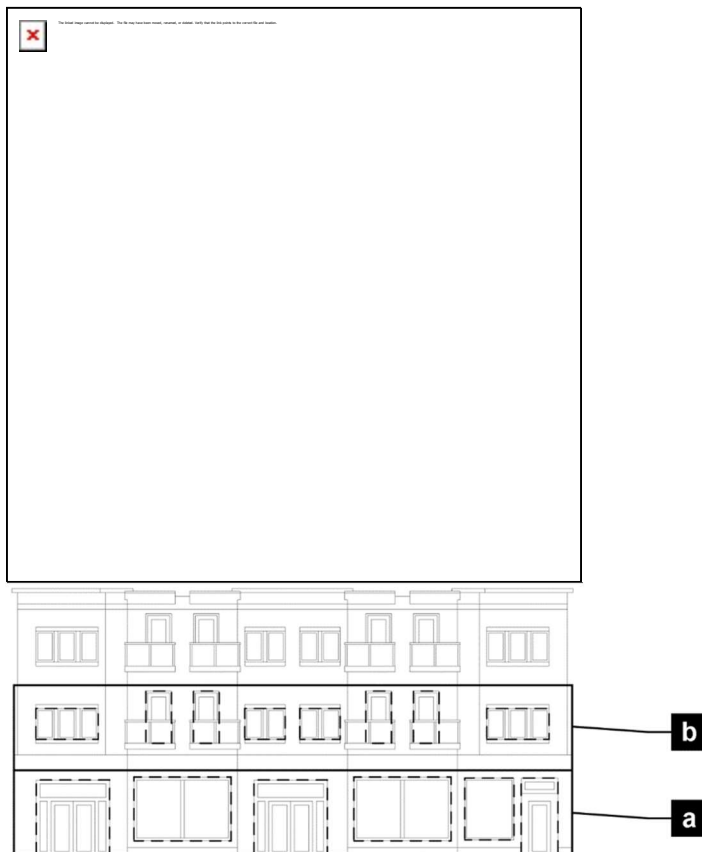
- a. Ground-floor facades with frontage on public streets shall have arcades, display windows, entry areas, awnings, or other such features along at least 60 percent of the horizontal length.

- b. Ground-floor residential units with direct access to a public sidewalk or other public right-of-way shall comply with the design standards for multifamily dwellings in subsection 15.05.110.1.2.

6. **Transparency (Windows, Doors and Openings).**

- a. The ground floor of each façade facing a public street or other public area shall contain a minimum of 50 percent windows or doorways (Figure 5.8).
- b. Upper floor facades facing public street or other public area shall contain a minimum of 15 percent windows (Figure 5.8).
- c. Clear glass shall be used for storefront display windows and doors.
- d. Windows shall be accented and defined with detail elements, such as frames, sills, and lintels, and shall be located to visually establish and define the street or pedestrian ways facing portions of a building and to establish human scale and proportion.
- e. Alternative transparency requirements may be approved by the director as an administrative modification under subsection 15.02.080.B consistent with the building design and use, orientation, placement and location context.

Figure 5.8: Building Transparency



7. **Building Materials.**

- a. **Generally.** Building materials shall either be similar to the materials already being used in the existing neighborhood or, if dissimilar materials are being proposed, other characteristics such as scale and proportions, form, architectural detailing, color, and texture shall be used to ensure compatibility despite the differences in materials.

- b. **Allowable Building Materials.** Allowable materials include:
 - i. **Primary Materials.** The following primary materials may comprise more than 50 percent any building façade:
 - (A) Fire clay brick;
 - (B) Natural stone;
 - (C) Clear glass;
 - (D) Cementitious stucco;
 - (E) Other quality materials, such as repurposed materials, as determined by the director under subsection 7.d below.
 - ii. **Secondary Materials.** The following secondary materials shall not comprise more than 50 percent any building façade:
 - (A) Architectural tiles;
 - (B) Quality architectural metal panels;
 - (C) Fiber cement board;
 - (D) Quality wood or composite siding or panels;
 - (E) Split face and ground face masonry block;
 - (F) Other quality materials as determined by the director under subsection 7.d below.
 - c. **Metal Panels and Roofs.** Quality architectural metal panels may be used on the exterior of buildings pursuant to the following:
 - i. May be used as architectural and accent features, but shall not be the primary exterior material on any building façade, except that in the N-PE, N-PF and N-AG zoning districts building facades not facing a street or other public area, or residential or mixed-use district, may have metal panels as the primary exterior material.
 - ii. Quality metal roof designs are allowed and shall not count toward any limit on metal used on a building exterior.
 - d. **Alternative Materials.** Alternative building materials, or different combinations of primary and secondary materials, may be allowed if the director, through an administrative modification under subsection 15.02.080.B, determines that the design creates a high-quality or unique building design that meets the purpose and intent of the standards in this section.
8. **Exterior Color.** Mixed-use and nonresidential developments shall include a variety of exterior color palettes to provide diversity within the development. Color palettes shall be compatible with surrounding development to the maximum extent practicable. Fluorescent colors and glossy finishes shall not be used on any exterior wall or roof of any structure.
9. **Parking Structure Design.** Parking structures shall be designed as follows to the maximum extent practicable:
- a. Facades facing a street or other public area, residential or mixed-use district shall comply with the building materials requirements of subsection C.7 above;
 - b. The first story shall include storefronts along the street facing façade except for necessary street access to the parking structure;
 - c. Upper floor parking decks shall be designed to screen vehicles; and
 - d. The top parking deck shall be designed to accommodate shade structures and solar energy systems.

15.05.130 - Outdoor Service, Storage, Equipment, Loading and Display

A. Outdoor Service, Storage and Loading Areas.

1. General Design Standards.

- a. In all developments 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 an adequate height as demonstrated visually by the applicant. When plants are used for screening, as appropriate, they shall be planted and maintained to provide a solid screen within two years from the time of planting.

2. Trash/Recycling/Compost Collection 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 area with equal space for the placement of trash, recycling, and compost collection containers that shall be located and designed to ensure adequate space on-site for the maneuvering of collection vehicles. Each such area shall be incorporated into the overall design of the principal structure on the site, and shall be located in the rear or side of the lot to screen the storage area and separate it from residential uses to the maximum extent practicable.
- b. Trash, recycling, and compost collection areas shall not be located within any required buffer, between a principal building and any street (excluding alleys), or adjacent to a public pedestrian path, unless the decision-making body determines that the proposed location is appropriate and will not create an adverse impact on surrounding properties or neighborhoods.
- c. Trash, recycling, and compost collection areas that are visible to surrounding uses, properties, or rights-of-way shall include enclosures and gates of sufficient height to provide adequate screening. The enclosure shall be constructed of the same materials as used in the principal structure and the gate(s) shall be constructed of a durable and quality metal and painted a compatible color. The enclosure gate(s) shall remain closed except when being accessed.

3. Outdoor Storage Areas.

- a. Outdoor storage areas shall be incorporated into the overall design of the principal structure or the site and shall be screened from view from all property lines by an opaque fence or wall of sufficient height to provide adequate screening. The fence or wall shall incorporate at least one of the predominant materials and one of the predominant colors used in the principal structure.
- b. If an outdoor storage area shall be covered, then the covering shall include at least one of the predominant exposed roofing colors on the principal structure.
- c. Stored items shall not project above the fence or wall used to screen such materials.
- d. No flammable or explosive liquids, solids, or gases shall be stored in bulk above ground if they exceed the currently adopted fire code requirements. Flammable liquids or gases in excess of 1,000 gallons shall be stored underground. High pressure gases or liquids whether flammable or inflammable shall be stored above ground and shall meet all applicable laws and regulations.

4. **Utility/Mechanical Equipment.** Mechanical or utility equipment shall be sited away from residential uses and shall be screened by a wall, fence, or landscaping that is adequate in height as demonstrated visually by the applicant. Fences and walls shall be of similar quality materials and color as the principal structure. Plant materials used for screening shall be planted and maintained to provide a solid screen within two years of installation.
- B. **Roof-Top Utility/Mechanical Equipment.** Mechanical or utility equipment on the roof of a building shall be screened from public view to the maximum extent practicable by locating equipment in the center of the roof or providing screening materials around the mechanical equipment. All screening materials shall be compatible with the principal structure in terms of design, materials and color.
- C. **Outdoor Retail Display Areas.** Unless explicitly stated otherwise in an approved plan or temporary use permit, no outdoor retail display area shall be located in a required off-street parking area or landscape or buffer yard area.

15.05.140 - Outdoor Lighting

- A. **Purpose.** These outdoor lighting regulations are intended to achieve the following purposes:
 1. Further the goals, policies, and strategies stated in the Comprehensive Plan;
 2. Ensure that the functional and security needs of the community are met in ways that do not adversely affect adjacent properties or neighborhoods;
 3. Promote safe and compatible design, curtail light pollution, reduce sky glow and improve the nighttime environment for stargazing;
 4. Minimize adverse off-site impacts of lighting such as light trespass and obtrusive light;
 5. Help protect the natural environment from the adverse effects of night lighting from gas or electric sources; and
 6. Conserve energy and resources to the greatest extent possible.
- B. **Applicability.**
 1. This section shall apply to new development and redevelopment, except that existing developments shall be subject to the standards of subsections F and G of this section.
 2. Nonconforming outdoor lighting shall comply with section 15.08.100.
- C. **Design Requirements.** Developments and redevelopments shall submit a photometric site plan (lighting plan) designed by a licensed professional engineer or architect consistent with the submittal requirements in the administrative manual.
- D. **Exemptions.** The following are exempt from the regulations in this section unless noted otherwise:
 1. Single-family detached developments are exempt from the lighting plan requirement, but when lighting is provided it is subject to the standards of subsections F and G of this section.
 2. Public street lighting.
 3. Temporary holiday displays.
 4. Emergency/warning lights.
 5. City-owned outdoor recreational uses (ball fields, play fields, tennis courts, and other similar uses) provided these uses meet the following standards:
 - a. Limits on luminaire angle. The luminaire angle from a lighting source that illuminates an outdoor recreational use may exceed an angle of zero degrees only to the extent necessary for lighting the use, and provided that the luminaire is shielded to minimize spillover to surrounding properties;
 - b. Maximum permitted illumination at the property line of the recreational use shall be two footcandles;

- c. Exterior lighting for an outdoor recreational use shall be extinguished as soon as possible after the event.

E. **Modifications.** The director may waive or modify a requirement in this section upon making one of the following findings:

1. The request complies with the standards for an administrative modification under subsection 15.02.080.B; 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 director shall approve the use of exposed neon or light emitting diode (LED) upon finding that the applicant has demonstrated such lighting is appropriate and necessary for the design of the building, will not adversely affect surrounding properties and is consistent with the purpose of the lighting standards.
4. The director may require modifications to outdoor lighting after installation upon finding that the lighting, as installed, does not comply with these standards.

G. **General Design Standards.** Lighting shall meet the following design standards:

1. All outdoor lighting shall meet the functional security needs of the proposed land use without adversely affecting surrounding properties, neighborhoods, the community, or the natural environment.
2. All new and replacement light fixtures shall be full cutoff, except that light sources not exceeding 500 lumens for individual light fixtures, 150 lumens for individual lights in a light string (e.g., patio lights), and 3000 Kelvin in color temperature are not required to 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. Light types of limited spectral emission, such as low-pressure sodium or mercury vapor lights, are prohibited in all areas.
11. Energy efficient lighting shall be used to the maximum extent practicable.
12. Light sources in residential zoning districts shall not exceed 3000 Kelvin in color temperature and other areas shall not exceed 4000 Kelvin in color temperature.
13. Light sources in the interior of buildings shall minimize glare when viewed from the exterior of the building.

14. Light fixtures used to illuminate flags, statues, or any other objects shall minimize glare beyond the illuminated object.
15. Light produced from architectural, landscape, and decorative uplighting shall minimize glare and shall not be visible above the building roof line.

H. Lighting Levels.

1. Table 5.8 below provides the maximum illuminance of various activity areas. The table is based on IESNA recommendations as published in the current Lighting Handbook, using a visual age of 25—65, a lighting zone of LZ3, and an activity area of High for nonresidential zoning districts and Medium for residential zoning districts.

Table 5.8: Maximum Lighting Levels by District or Activity	
District or Activity	Average Footcandles (maximum)
Site lighting in a residential zoning district	1.0
Site lighting in a mixed-use or nonresidential district	2.0
Gasoline fueling areas, drive-up window areas, ATM areas, car wash bays, and loading and service areas within 250 feet of residential uses [1]	10.0
Gasoline fueling areas, drive-up window areas, ATM areas, car wash bays, and loading and service areas adjacent to nonresidential uses [1]	15.0
Note: [1] These areas are defined as the areas directly under a canopy or within ten feet of a location defined on the lighting plan if no canopy exists.	

I. Height Standards for Lighting.

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 15 feet from the ground.
3. Freestanding light fixtures located in mixed-use and 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 director finds that such lighting is appropriate and necessary for the development, shall not adversely affect surrounding properties and is consistent with the purpose of the lighting standards.
5. Lighting fixture heights greater than the maximum zoning district height may be approved only through an administrative modification or variance.

- 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 addressed by city standards, as amended, and as required by city-approved drainage studies.
 - b. All development shall comply with applicable state and federal stormwater regulations designed to reduce the potential adverse impact of stormwater discharges on water quality.
 - 2. **Minimum Approval Requirements.** Adequate stormwater drainage facilities and services to support the proposed development shall be available concurrently with the impacts of such development. Except as stated below, at the time of building permit issuance, the decision-making body shall require that all necessary drainage facilities and services are in place and available to serve the new development according to the approved drainage and erosion control report and plan for the development.
- E. **Fire and Emergency Medical Response.**
 - 1. **Fire Response Level of Service.** For fire response services, each building lot within a subdivision plat or development shall be within five minutes and 59 seconds response time of a city fire station. The fire chief may waive this requirement if the fire chief finds that:
 - a. Each building on the building lot shall have an automatic fire extinguishing system meeting all applicable code requirements; or
 - b. The fire chief approves an equivalent means to insure adequate fire response.
 - 2. **Emergency Medical Response Level of Service.** For emergency medical response services, each building lot within a preliminary or final plat shall be within five minutes and 59 seconds response time of a city fire station. The fire chief may waive this requirement if the fire chief finds:
 - a. A Boulder or Weld County licensed ambulance service, staffed full-time, can provide emergency medical services 90 percent of the time to each building lot within five minutes and 59 seconds;
 - b. Each building lot owner shall provide full-time emergency medical response services on site equivalent to the fire department's emergency medical response services; or

- c. The fire chief approves an equivalent means to insure adequate emergency medical response.
3. **Determination of Compliance with Minimum Standards.** The fire chief shall determine whether each building lot within a preliminary or final subdivision plat or plan shall be within the required minimum five minutes and 59 seconds response time of a city fire station by:
 - a. Using the Rand Corporation formula $D = (T - 0.65)/1.7$, where "D" equals travel distance from the nearest city fire station, and "T" equals 4.98 minutes (fire pumper truck emergency travel time without an additional one minute for fire fighter response readiness); and
 - b. At least annually, comparing the Rand Corporation formula output to actual city fire department response times, and adjusting the formula output to reflect actual response times from city fire stations.
4. **Minimum Approval Requirements.** Adequate fire protection and emergency response services to support the proposed development shall be available concurrently with the impacts of such development. In this regard, the decision-making body shall require that, at the time of final plat approval or at issuance of any building permit, whichever occurs first, all such services, as described in subsections E.1. and E.2. above, are in place and available to serve the new development.

F. Transportation.

1. **Levels of Service.**
 - a. **General Standard.** For all subdivisions and developments, the applicant shall demonstrate that, with the planned development, the transportation level of service for any signalized intersection located within one-half mile of the development site or directly impacted by the development shall not fall below level of service "D." Any of the directional traffic movements, comprising five percent or more of the total entering volume of a signalized intersection during any hour of traffic, shall not fall below level of service "D" and shall not exceed a volume to capacity (v/c) ratio of 1.0.
 - b. **Standard Modification or Waiver.**
 - i. The decision-making body may modify these requirements if the applicant demonstrates that adverse impacts on the level of service have been mitigated to the maximum extent feasible as determined by the decision-making body. Mitigation may include on-site or off-site street or traffic signal improvements, implementation of a transportation demand management program, reducing the intensity of the development, or other mitigation techniques.
 - ii. The decision-making body may waive these requirements if it determines that the direct and cumulative impacts of the proposed development on adjacent roads and intersections will be minimal and insignificant.
2. **Threshold for Transportation Impact Study.** Unless waived by the city, a transportation impact study (TIS) shall be submitted with any application for subdivision or development that exceeds 50 peak hour trips or 500 average daily traffic (ADT), based on traffic generation estimates of the latest edition of the Institute of Transportation Engineers' Trip Generation Manual, or when specified in the criteria for a TIS (see Appendix A of city standards).
3. **Transportation Impact Study Contents.** The TIS shall be prepared according to city standards. At a minimum, the study shall contain the following information:
 - a. **Traffic Impact Area.** Identification of the boundaries of the traffic impact area, which the traffic engineer shall approve in advance;
 - b. **Current LOS.** The current projected average daily traffic volumes (level of service) on the segments and intersections of the road system in the traffic impact area based on existing conditions and factoring in approved developments. For purposes of these transportation

facility standards, "approved development" shall mean developments that have received preliminary or final approvals from the city and that have not been completed;

- c. **LOS Including the Proposed Development.** The projected average daily traffic volumes (level of service) of the segments and intersections on the road system in the traffic impact area based upon existing conditions, the demands from approved development, and the proposed development;
 - d. **Study Findings.** A summary outlining the study findings on the traffic impacts of the proposed development, including a detailed description of proposed improvements and mitigation measures necessary to maintain the adopted level of service standard;
 - e. **Other Information.** Other information addressed in 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 addressed in the city standards and this development code, and as required by titles 13 and 14 of the Longmont Municipal Code.
2. **Minimum Approval Requirements.** Adequate utility facilities and services to support the proposed development, as described in subsection G.1 above, shall be available concurrently with the impacts of such development. At the time of building permit issuance, the decision-making body shall require that all necessary utility facilities and services are in place and available to serve the new development.

- H. **School Capacity.** The provisions of the intergovernmental agreement between the City of Longmont and the St. Vrain Valley School District RE-1J, which is included as appendix B to this development code, states the level of service and minimum approval requirements for school capacity.

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 consistent with best management practices and state regulations.

B. **Noise.**

1. **Applicability.** The following noise standards are in addition to, and shall supplement, the nighttime noise standards found at sections 10.20.100 and 10.20.110 of the Municipal Code (chapter 10.20, Offenses Against the Public Peace). These standards are applicable to all new development and existing development in the City of Longmont.

2. **General Daytime Noise Standard.**

- a. No activity or operation within the city shall exceed the maximum permitted sound levels dB(A) stated in Table 10.20.110.B at the property line of the receiving premises, during the daytime (between 7:00 a.m. and 10:00 p.m.), except as provided in this section. The terms "residential," "commercial," and "industrial" in Table 10.20.110.B shall be defined as stated in section 10.20.110 of the Longmont Municipal Code.
- b. When a development produces or is affected by noise that exceeds the standards stated in Table 10.20.110.B, the applicant or owner shall provide noise attenuation techniques based on an analysis conducted by a qualified acoustical engineer. The analysis shall include a description of the noise environment and the construction or other methods necessary to attenuate the noise to permitted levels. When so required, the noise analysis and mitigation plan shall be submitted with a development application.
- 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 either up to 15 dB(A) below normal construction volumes or to 55 dB(A) at the property line abutting any residential development.

C. **Vibrations.** No activity or operation shall cause or create earth-borne vibrations in excess of the displacement values stated in Table 5.9 below on or beyond any abutting parcel or shall cause any inherent or recurring generated vibration perceptible without instruments at any point along the property line on which the vibration source is located. The applicant, property owner or tenant shall be responsible for demonstrating compliance with these standards.

Table 5.9: Steady-State Vibration Limits

Vibration Limit	Peak Particle Velocity (Inches per Second) Daytime 7:00 a.m. to 10:00 p.m.	Peak Particle Velocity (Inches per Second) Nighttime 10:00 p.m. to 7:00 a.m.
At a residential or mixed-use parcel	0.03	0.01
At a nonresidential parcel	0.06	0.06

- D. **Odors.** No person or business, including the applicant, property owner or tenant, shall cause or allow the emission of odorous air contaminants from any source that results in detectable odors that are measured in excess of the following limits:
1. It is a violation if odors are detected on properties used for residential purposes after the odorous air has been diluted with seven or more volumes of odor-free air.
 2. No violation shall occur if the city finds that the person or business causing or allowing the emission of odorous air contaminants is in compliance with all other applicable standards in this development code and is employing the best available treatment, maintenance, and control technologies currently available to maintain the lowest possible emission of odorous gases.
- E. **Hazardous Waste/Materials.**
1. All hazardous materials or wastes shall be stored and deposited in compliance with the city's adopted fire code.
 2. If a facility, building, or project is 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 waste receptacles;
 4. Location of loading and delivery areas;
 5. Light intensity and hours of illumination; and
 6. Placement and illumination of outdoor activity areas and equipment.

15.05.170 - Wireless Telecommunications Facilities

A. **General Standards.**

1. The standards in this section apply to all applications for a permitted, limited, or conditional use wireless telecommunication facility. The applicant shall demonstrate to the city, in writing, that it meets all applicable standards and provisions of this section and the Municipal Code.
2. Building/structure-mounted wireless telecommunication facilities are preferred over new freestanding facilities. The applicant shall explore all potential options for locating a facility on an existing building or structure prior to submitting an application for a freestanding facility and shall submit in writing efforts taken to locate a facility on an existing building or structure.
3. When possible, wireless telecommunication facilities shall be collocated to minimize the number of telecommunication sites.
 - a. No wireless telecommunication facility owner or operator shall exclude a telecommunication competitor from using the same facility or location. Upon request by the city, the owner or operator shall provide evidence why collocation is not possible.
 - b. Applications for new wireless telecommunication facilities shall provide evidence that the facility can accommodate collocation of additional carriers.
 - c. If a telecommunication competitor attempts to collocate a facility on an existing or approved wireless telecommunication facility or location, and the parties cannot reach agreement, the city may require a third party technical study at the expense of either or both parties to determine the feasibility of collocation.
 - d. Operators using Unlicensed National Information Infrastructure (UNII) Radio Band as their primary service frequencies shall be exempt from the collocation requirements in this section.
4. The applicant shall design all wireless telecommunication facilities to mitigate or camouflage visual impacts. The design, materials, color and screening of the wireless telecommunication facilities shall take into consideration the design, materials and colors of surrounding buildings and structures and surrounding natural land forms and vegetation.
5. Wireless telecommunication facilities shall not reduce parking and landscaping to less than any minimum requirement for other uses on the parcel.
6. In addition to the standards in this section and chapter 13.04, work in city property, as applicable, the following standards shall apply to wireless telecommunication facilities in the public right-of-way:
 - a. They are exempt from setback requirements.
 - b. If proposed to be placed on the border of multiple zoning districts, the more restrictive use regulations and standards apply.
 - c. They shall be located on existing utility or street lighting poles or emergency communication facilities unless the applicant demonstrates in writing that this collocation is not possible. Wireless telecommunication facilities proposed to be placed on replacement or new utility or street lighting poles, or emergency communications facilities shall be consistent in height with the facility standards specified in the city standards, Longmont Power and Communications street lighting design guidelines under section 13.18.010, and the maximum building height of the applicable zoning district (50 feet for mixed-use and nonresidential zoning districts) if no facility standard exists.
 - d. They shall not conflict with existing or planned utilities or facilities in the right-of-way and shall conform to sight distance requirements.
7. Wireless telecommunication facility owners or operators shall verify that:
 - a. The wireless telecommunication facility complies at all times with the current Federal Communications Commission standards for cumulative field measurements of radio frequency power densities and electromagnetic fields; and

- b. The wireless telecommunication facility complies at all times with the current Federal Communication Commission regulations prohibiting localized interference with reception of television and radio broadcasts.
- 8. If the wireless telecommunication facility ceases operating for six consecutive months:
 - a. The facility owner or operator shall remove it within 90 days; and
 - b. Any site or development plan approving the wireless telecommunication facility, including site plans for conditional or limited uses, shall expire.
- 9. The replacement or upgrade of antennas, support structures and accessory equipment that does not increase the overall height, mass, width, or amount of equipment of an existing wireless telecommunication facility is exempt from land use review under title 15 and subject only to the issuance of other permits as may be required. Colors of replacement and upgrade equipment shall be consistent with the building or facility on which they are mounted.

B. Standards for Freestanding Wireless Telecommunication Facilities (Alternative Tower Structures, Monopoles and Lattice Towers).

- 1. **Setbacks.** A freestanding wireless telecommunication facility shall meet the greater of the following minimum setbacks from all property lines. Setbacks shall be measured from the nearest property line to the nearest outside edge of the freestanding wireless telecommunication facility.
 - a. The setback requirements for a principal building within the applicable zoning district as specified in chapter 15.03; or
 - b. The height of the freestanding wireless telecommunication facility, including antennas.
- 2. **Height.** A freestanding wireless telecommunication facility shall not exceed 50 feet.
- 3. **Number.** Only one freestanding wireless telecommunication facility shall be allowed on a legal parcel.
- 4. **Collocation.** The design of new freestanding wireless telecommunication facilities shall be such that they can accommodate collocation of additional providers.
- 5. Antenna(s) shall be mounted flush to the support structure unless the applicant demonstrates this is technically infeasible.
- 6. Freestanding wireless telecommunications facilities and antennas shall not be artificially lighted, unless required by federal law or regulation.
- 7. The visual impacts of a tower base and ancillary structures shall be mitigated through landscaping or other screening methods.
- 8. Mechanical equipment shelters shall be designed and constructed to look like a building, facility or structure typically found in the area.

C. Standards for Building- or Structure-Mounted Wireless Telecommunication Facilities.

- 1. A building- or structure-mounted wireless telecommunication facility is permissible only on nonresidential or multifamily buildings constructed under chapter 16.04 of the code.
- 2. Antennas may encroach into a setback a maximum of two feet, but shall not extend over a property line.
- 3. Antennas mounted on a building wall or side of a structure shall comply with the following standards:
 - a. Antennas shall be mounted flush to the building wall or side of a structure unless technical reasons dictate another type of installation and shall not extend above the roofline or parapet of the building or top of the structure; and
 - b. Support structures, accessory equipment including equipment cabinets, and all other appurtenances shall be fully screened from view and not visible from the ground.

- c. Antennas shall be painted a color to match the building or structure to which they are mounted.
4. New building- or structure-mounted installations (including those within structures) are not permitted inside of a historic district or within 250 feet of the boundary of a historic district; nor shall new installations be located on or within a structure that is designated as a National Historic Landmark or listed or eligible for listing in the National Register.

D. Standards for Rooftop-Mounted Wireless Telecommunication Facilities.

1. A rooftop-mounted wireless telecommunications facility shall be approved only if the applicant demonstrates that a building- or structure-mounted (wall-mounted) facility is inadequate to provide service or is technically not feasible, or that the visual and aesthetic impact of the rooftop-mounted wireless telecommunication facility would be less than that of a building- or structure-mounted facility.
2. Rooftop-mounted wireless telecommunication facilities are not permitted on buildings with pitched roofs unless the facilities are fully screened with architecturally compatible features such as cupolas, bell towers, chimneys, or similar features.
3. A wireless telecommunication facility located on a building roof or top of structure shall comply with the following standards:
 - a. Antennas, support structures, accessory equipment, and all other appurtenances shall be fully screened from view through the use of architecturally compatible features, screening materials and colors that match the building or structure to which the facility is mounted;
 - b. Whip antennas shall extend no more than 12 feet above the parapet of the roof or the structure to which they are mounted regardless of the height limitations of the underlying zoning district;
 - c. Panel and microwave antennas shall extend no more than ten feet above the parapet of the roof or the structure to which they are mounted regardless of the height limitations of the underlying zoning district;
 - d. Accessory equipment structures shall extend no more than five feet above any parapet of the roof or the structure to which they are mounted and must be fully screened from view; and
 - e. In addition to these height requirements, these facilities shall not exceed any height limit for the applicable zoning district.
4. New rooftop-mounted installations are not permitted inside of a historic district listed on the National Register or within 250 feet of the boundary of a historic district listed on the National Register; nor shall new rooftop installations be located on or within a structure that is designated as a National Historic Landmark or listed or eligible for listing in the National Register.

E. Standards for Small Cell and Wireless Mesh Networking Facilities.

1. Small cell and wireless mesh networking facilities may be located in any zone district and in public rights-of-way attached to existing structures in the right-of-way.
2. The small cell or wireless mesh networking facility must comply with applicable Federal Communication Commission regulations regarding radiated power.
3. The antenna or power-radiating components of a small cell or wireless mesh network facility must be mounted a minimum of 12 feet above ground.
4. Small cell or wireless mesh networking facilities may not extend more than 36 inches above the facility or structure on which they are mounted.
5. For small cell networks involving multiple individual small cell facilities, the applicant may file a consolidated application for a single permit approving the small cell network instead of filing separate applications for each individual small cell facility.

6. Small cell or wireless mesh networking facilities may be attached to any existing residential building or structure with nonconforming setbacks only if the structure conforms to chapter 16.04 of the Code and the nonconformity would not increase.

F. Standards for Amateur Radio Towers and Amateur Radio Operations.

1. Amateur radio towers are subject to restrictions in chapter 9.36 of the Code.
2. Side yard setbacks for amateur radio towers shall be 25 percent of the tower height.
3. Rear yard setbacks for amateur radio towers shall be as described for buildings in chapter 15.03.
4. No portion of a tower shall extend over a property line.
5. Amateur radio towers are not permitted between the front of the principal structure and the front yard property line.
6. Amateur radio operations shall not interfere with reception of television and radio broadcasts.

G. Exception for Insubstantial Modifications. Notwithstanding any other provisions of this development code, the director shall ministerially approve any "eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station," as that phrase is defined in United States Code and rules and regulations of the Federal Communications Commission, including Report and Order FCC 14-153. Where these regulations limit submission requirements, the submission requirements in this development code shall be construed to conform to those limitations.

H. Timing for Application Review for Wireless Telecommunication Facilities. The director may expedite review of an administrative or minor application for a wireless telecommunication facility in any manner necessary to comply with federal limitations on the amount of time the city may take to review these applications.

I. Application Denial. A final decision by the city to deny an application under this section shall be in writing and supported by substantial evidence in a written record.

15.05.180 - Mobile Homes

A. Purpose. The purpose of this section is to:

1. Make provision for an alternate choice in housing;
2. Encourage efficient and functional use of land for mobile homes;
3. Minimize potential impacts on surrounding land uses.

B. Qualifying Manufactured Housing Exemption. Manufactured housing, as defined by C.R.S. § 31-23-301(5)(a), and excluded from the definition of "mobile homes" stated in chapter 15.10, Definitions, of this development code, shall be subject to all the zoning and development standards otherwise applicable to one-family dwellings, unless such application is inconsistent with the specifications stated in Colorado law.

C. Location in Approved Mobile Home Developments. Mobile homes shall be located only in mobile home developments or parks approved by the city. The location of mobile home developments and parks shall be subject to all applicable provisions of chapters 15.03 (Zoning Districts) and 15.04 (Use Regulations) of this development code.

D. Existing Uses as Dwellings on Private 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.

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.
 4. **Compliance with State Statutes.** All existing and proposed mobile home developments shall comply with all applicable state statutes regarding mobile homes, including but not limited to the Colorado Housing Act of 1970 (C.R.S. § 24.32-700 et seq.) and the Mobile Home Park Act C.R.S. § 28-12-200.1 et seq.).
 5. **Compliance with Floodplain Regulations.** Existing and proposed mobile home developments shall comply with applicable floodplain regulations under title 20.
- F. **Procedure for New Mobile Home Development.**
1. **Site Plan—Requirements Generally.** Before any permits can be issued for construction of mobile home developments, a site plan must be submitted, reviewed, and approved per the development procedures stated in subsection 15.02.070.C, Site plans.
 2. **Site Plan—Existing Mobile Home Parks.** Nonconforming mobile home parks shall be subject to the site plan requirement of subsection F.1 above, only if the following are proposed:
 - a. An expansion of the park; or
 - b. An increase in the number of mobile home spaces over that approved on the mobile home park permit.
- 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 and all other applicable standards and regulations stated in the municipal code, and specifically including applicable building codes in title 16 and the International Property Management Code in chapter 16.20.
1. **Number per Lot.** Only one residential mobile home dwelling unit is allowed on each lot.
 2. **Street Design Standards.** All streets in a mobile home subdivision shall be dedicated to the public. Street design and construction are addressed in the city standards.
 3. **Utility Design Requirements.** All public utilities shall be installed underground according to the adopted plumbing code, the adopted electrical code, and city standards for one-family residential service.
 4. **Building Code 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. A building permit is required for initial on-site preparation for the mobile home. Permits shall be required for additions, fences, and accessory structures, and these shall conform to 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 standards and regulations stated in the municipal code, and specifically including applicable building codes in title 16 and the International Property Management Code in chapter 16.20.
1. **Number of Units per Site.** Only one residential mobile home dwelling unit is allowed on each individual mobile home site.
 2. **Street and Drive Design Standards.**

- a. All interior drives in mobile home parks shall be privately owned and maintained by the property owners.
- b. Required city streets on the perimeter of the development shall be dedicated to the public. Street design and construction are addressed in the city standards.

3. Utility Design Requirements.

- a. All public utilities shall be installed underground according to the adopted plumbing code and electrical code, and as addressed in the 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.
- d. Utilities should be installed so that utility connections can be closed when not linked to a mobile home, and shall be trapped so as to prevent any escape of odor or gas. All water connections should have a frost-free shutoff.

15.05.190 - Use of Public Rights-of-Way

Public rights-of-way shall be used for public purposes, including, but not limited to, utilities, streets and alleys, pedestrian walkways and bicycle paths, landscaping, and public signs (speed limit, street name signs, etc.). Private use of the public right-of-way, where allowed, is subject to chapters 13.04, Work in City Property, and 13.37, Use of Public Places, as well as section 15.05.040, Landscape and Common Area Standards.

15.05.200 - Residential Compatibility

A. Purpose. The purpose of this section is to promote compatible transitions between land use areas of differing intensities and to reduce potential negative impacts that may occur when nonresidential and mixed-use districts abut lower-intensity residential districts.

B. Applicability.

- 1. These standards apply to the following:
 - a. Development adjacent to lots zoned R-RU, R-SF, and R-MN.
 - b. Specific uses as identified in section 15.04.030 as having to comply with this section.
- 2. When the provisions of this section conflict with other sections of this development code, the more restrictive provision(s) shall apply.

C. Building Organization and Design.

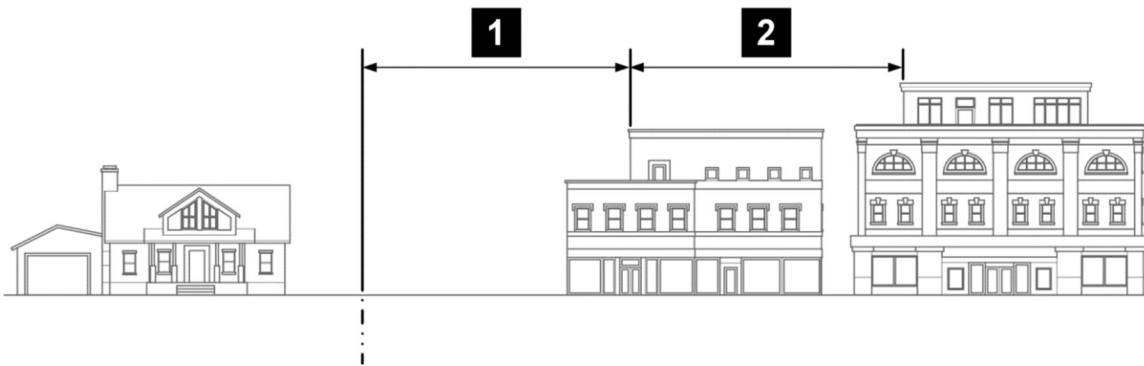
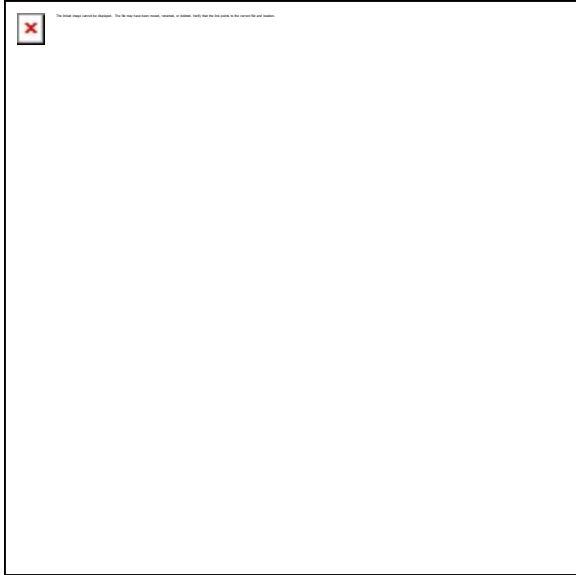
- 1. Building and site design shall comply with residential design standards in section 15.05.110 and nonresidential and mixed-use design standards in section 15.05.120, as applicable.
- 2. Multi-building developments shall be configured to locate the tallest and largest structures the furthest distance from residential zoning districts and provide a gradual decrease in building height and mass towards adjacent less intensive residential uses, so that new structures have a comparable scale as adjacent residential structures along the shared lot line or street frontage.
- 3. Horizontally integrated mixed-use developments shall locate nonresidential uses away from adjacent lots zoned for residential land uses, where feasible.
- 4. Multi-story structures with balconies, patios, or other public gathering spaces more than two stories above grade shall orient these features to avoid direct views into lots in lower intensity residential districts.
- 5. Buildings shall be designed to be compatible with adjacent residential uses.

D. Building Height and Setback in the MU-D Zoning District.

- 1. Any building within the MU-D district on following lots shall not exceed 35 feet in height:

- a. Lots east of Kimbark Street adjacent to R-SF zoning district;
 - b. Lots west of Terry Street adjacent to R-SF and R-MN zoning districts;
 - c. Lots between Emery Street and the alley between Emery and Kimbark Streets north of 4th Avenue;
 - d. Lots between Emery Street and Martin Street adjacent to the R-SF zoning district;
 - e. Lots between 8th Avenue and 9th Avenue adjacent to the R-MN zoning district.
2. Buildings on lots listed in subsection D.1 above shall not be eligible for additional building height for affordable housing, vertical mixed-use or developments near transit centers under Table 3.19.
 3. Building features referenced as exceptions to maximum height requirements in Table 3.19 in section 15.03.080 shall be designed to minimize visibility from adjacent residential districts and fit within the allowed building height of the zoning district where the building is located to the maximum extent practicable.
 4. Buildings abutting an R-SF or R-MN zoning district shall comply with the minimum building setback of the adjacent residential zoning district along the common property line.
- E. Building Height and Setback in Other Areas.**
1. Any portion of a building within 75 feet of a property zoned R-RU, R-SF, or R-MN shall not exceed 35 feet in height (Figure 5.9). Portions of buildings within 75 feet are not eligible for additional building height for affordable housing, vertical mixed-use or developments near transit centers under Table 3.19.
 2. Any portion of a building between 75 feet and 150 feet of a property zoned R-RU, R-SF, or R-MN shall not exceed 45 feet in height (Figure 5.9). Portions of buildings between 75 feet and 150 feet are not eligible for additional building height for affordable housing, vertical mixed-use or developments near transit centers under Table 3.19.
 3. Any portion of a building beyond 150 feet from any property zoned R-RU, R-SF, or R-MN shall not exceed the allowed building height of the zoning district where the building is located. Portions of buildings beyond 150 feet are eligible for additional building height for affordable housing, vertical mixed-use or developments near transit centers under Table 3.19.
 4. Building features referenced as exceptions to maximum height requirements in Table 3.19 in section 15.03.080 shall be designed to minimize visibility from adjacent residential districts and fit within the allowed building height of the zoning district where the building is located to the maximum extent practicable.
 5. Buildings abutting an R-RU, R-SF, or R-MN zoning district shall comply with the minimum building setback of the adjacent residential zoning district along the common property line.

Figure 5.9: Building Height and Setbacks in Transition Areas



F. **Location of Off-Street Parking Areas.** Off-street parking meeting the parking needs of the proposed use(s) shall be located in one or more of the areas listed below. The areas are listed in priority order from highest to lowest; the applicant shall select the highest feasible area from this list, and shall demonstrate why that area was selected over alternative areas.

1. Available off-street public parking areas or structures;
2. Available off-street private shared parking areas or structures;
3. In front of the building using allowed on-street parking;
4. On the same lot as the use, adjacent to off-street parking areas serving nonresidential or mixed-uses;
5. On the same lot as the use, located behind the building in a parking structure, covered parking or open parking;
6. In front of the building on the lot; or
7. Adjacent to lot lines abutting residential uses only if consistent with landscape buffer standards in subsection 15.05.040.F.

G. **Buffering and Screening.**

1. Mixed-use or nonresidential service areas containing outdoor trash, recycling, or compost containers or off-street loading areas shall not be located within 10 feet of a lot occupied by or zoned for residential use, and shall be consistent with outdoor screening in section 15.05.130.
2. Landscaped buffers shall be provided pursuant to subsection 15.05.040.F.

- H. **Outdoor Lighting.** Outdoor lighting shall meet all standards in section 15.05.140 and shall:
1. Have a maximum height of 15 feet within 50 feet of any residential zoning district, 25 feet in height for locations between 51 and 150 feet from any residential zoning district, and 30 feet in height for all other locations;
 2. Be fully-shielded and configured so that the source of illumination is not visible;
 3. Be directed away from adjacent lots in residential districts; and
 4. Reduce lighting levels to only accessory security lighting during non-business hours.
- I. **Use and Operation.**
1. The following uses or features shall be prohibited as principal or accessory uses:
 - a. Public address systems and outdoor speakers;
 - b. Outdoor storage; and
 - c. Any use subject to a distance separation standard under section 15.04.030.
 2. Nonresidential uses with outdoor activities located adjacent to lots in a residential district shall cease operation of such outdoor activities by 10:00 p.m.
 3. Loading or unloading activities shall take place only between the hours of 7:00 a.m. and 10:00 p.m., except that loading and unloading shall not occur between 7:00 p.m. and 7:00 a.m. if located in the back of the property or from an adjacent alley.
 4. Alternate hours of outdoor activities may be approved by the director if the applicant demonstrates that the activity is compatible with the surrounding properties and neighborhood.
 5. Uses shall comply with applicable use specific standards under section 15.04.030.
 6. Uses shall comply with the operational and performance standards of section 15.05.160.
- J. **Residential Development Adjacent to Nonresidential or Mixed-Use Development.** When residential development is proposed adjacent to an existing nonresidential or mixed-use development, the decision-making body may impose residential compatibility standards on the proposed residential development including the configuration of the building and dwelling units to minimize potential conflicts with adjacent development. Any required mitigation shall be installed and maintained by the residential development, not the existing commercial or industrial use.

15.05.220. - Inclusionary Housing.

A. **Findings.**

1. The regional trend toward increasing housing prices will, without intervention, result in inadequate supplies of affordable housing in Longmont for low, moderate, and middle income households. This trend has a negative effect on the ability of local employers to maintain an adequate workforce, adversely impacting the economy of the city.
2. Because land appropriate for residential development within the city is limited, it is essential that a reasonable proportion of such land be developed into housing units that are affordable to low and moderate income residents and working people. All development of market-rate housing should therefore include affordable housing, and the council finds that 12 percent is the reasonable proportion at this time, given economic indicators and community need.
3. Less expensive market-rate housing (middle-tier housing) generally has less of an impact than larger market-rate housing, provides housing for an additional segment of the population that is critical to the city's workforce and economy, and would be less likely to be developed were it to be required to include an affordable housing component. The requirements of this section should therefore apply to market-rate housing in a graduated manner.

4. The development of accessory dwelling units has only a de minimis impact on land supply and the overall social, economic, and environmental health of the city, and need not be included within the requirements of this section.
 5. The market for rental housing is distinct from the market for for-sale housing and attracts different consumers. The construction of higher-density rental units will increase the overall quantity of rental units across all price ranges. The construction of a greater number of rental units across all price ranges will alleviate existing demand pressures, not apparent in the for-sale market, forcing some individuals to rent in price ranges below what their incomes will allow. In turn, higher-density rental developments will improve the availability of affordable rental housing. City housing data suggests that rental densities exceeding 20 units per acre are not likely to be developed absent a significant incentive. Accordingly, marginal units in a rental development that exceed a density threshold of 20 units per acre should not be subject to the requirements of this section.
- B. Applicability.** This section applies to all developments except accessory dwelling units.
- C. Transitional provision—applicability by date.** This section shall apply only to any development receiving approval of a final plat, site plan, PUD plan, overall development plan, or other similar planning approval after the enactment of this section. For development of one single-family detached dwelling unit on a single lot platted prior to the adoption of this section, this development code does not require a subdivision plat, because no subdivision will occur, nor a site plan. See § 15.02.070.C.2.
- D. Requirements by unit type.**
1. **For sale.** Developments of units for sale may satisfy the requirements of this section using any of the options listed in subsection E, below.
 2. **For rent.** Developments of units for rental may satisfy the requirements of this section using any of the options listed in subsection E, below, except the on-site or off-site location options described in paragraphs E.1 and 3, but including the alternative agreement option in paragraph E.6.
 3. **Live/work.** Live/work units shall be considered residential development for the purposes of this section. However, for market-rate live/work units, only 80 percent of the unit shall be considered market-rate housing.
- E. Options to satisfy requirements.**
1. **On-site location.** The developer or builder may satisfy its obligations under this section by providing affordable housing at the same location as market-rate units.
 - a. **Quantity and design.** At least 12 percent of the dwelling units in the development shall be affordable.
 - b. **Phasing.** Phasing of construction of affordable units and securities for each phase shall be detailed in an affordable housing agreement approved by the community services director under the same standards and procedures as a public improvement agreement.
 - c. Affordable units shall have equal access as market-rate units to all amenities within the development, including but not limited to, common areas, indoor and outdoor facilities for convenience or recreation, and parking facilities.
 - d. **Homeowner associations.** Affordable units must be placed on a fair and equal footing as market-rate units within the governing documents of any homeowner association or similar entity.
 2. **Fee in lieu.** A developer may pay a fee in lieu of providing affordable units.
 - a. **Amount.** The council finds that Inclusionary Housing Fee in Lieu Methodology for the City of Longmont, dated November 30, 2018, reasonably calculates the impact to the city, including the city's finances and the welfare of the city's residents, of market-rate dwelling units being developed in the city. Accordingly, the fee in lieu is set initially at \$7.90 per square foot of finished market-rate for-sale housing, and \$1.90 per square foot of finished market-

rate rental housing. The fee in lieu of providing any required fraction of a unit shall be based on its proportional share (fractional quantity divided by total number of units required) of the amount of fee in lieu that would be required for the whole development. The community services director shall recalculate the fee in lieu every three years and present the recalculation to the council.

- b. **Timing of payment.** A developer or builder shall pay the fee in lieu for each market-rate unit as a prerequisite for receiving the certificate of occupancy for that unit. The fee paid shall be the fee in effect at the time of the final plat or site plan for the development, whichever is later.
 - c. **Calculation with density cap.** Rental units excluded from the requirements of this section due to the density cap in subsection Q shall be excluded from the calculation of the fee in lieu in the following manner: the square footage of the development for the purposes of the fee in lieu shall be calculated as the average actual square footage of the units in the development multiplied by the number of units not excluded.
3. **Off-site location.** A developer or builder may seek to provide affordable units within the city in a different location than the development of the market-rate units.
- a. **Quantity required.** The developer or builder shall provide no less quantity of affordable housing than would have been required on-site.
 - b. **Location restrictions.** The affordable units may not be located in a low to moderate income area as designated by the U.S. Department of Housing and Urban Development, unless an exception is granted under subsection K.3.
 - c. **New or existing housing.** Existing homes may be acquired and deed restricted as affordable if they are in good repair in the determination of the community services director based on an inspection paid for by the developer but commissioned by the city, carry a warranty of sufficient scope and duration to protect the resident from significant preexisting deficiencies, and are not already burdened by restrictions requiring them to be kept affordable or restrictions similar in effect.
 - d. **Timing of off-site construction.** No final plat or site plan shall be executed for the location of the market-rate units until a final plat sufficient to facilitate the development of the affordable units, and site plan if necessary, have been recorded. Phasing and security shall be governed in the same manner as on-site locations as described in paragraph E.1.b. The affordable housing agreement shall run with the land and shall be recorded against the off-site location.
 - e. Approval of the use of this option does not guarantee approval of any land use application or building permit for the off-site location. The developer risks forfeiture of security if unable to build the off-site units as proposed.
4. **Land dedication.** A developer may seek to provide land to the city in lieu of the development of affordable units. Dedicated land must meet the following standards:
- a. All off-site infrastructure necessary or proper for the development of the land as affordable housing either: (i) must already be in place, and any outstanding obligations paid to neighboring landowners for public infrastructure they installed, (ii) the developer must agree to build the infrastructure within a time frame that will not delay the development of the affordable housing and the developer may be required to post securities for the infrastructure via a public improvement agreement, or (iii) the land donation must be accompanied with additional compensation to the city sufficient to construct such infrastructure.
 - b. The land must be able to support at least the quantity of affordable housing as would be required on-site, without the need for a variance, modification, rezoning, or reliance on any incentive for affordable housing found in this Code, such as a density or height bonus. The developer shall submit a concept plan illustrating how it complies.

- c. The land must not be encumbered in any manner including, but not limited to, any lien, outstanding tax or fee accrued, or floodplain, which in any way jeopardizes the city's ability to develop that quantity of housing.
 - d. The land may not be located in a low to moderate income area as designated by the U.S. Department of Housing and Urban Development, unless an exception is granted under subsection K.3.
 - e. The land must be dedicated to the city at the time of execution of the plat or plan allowing the development of the market-rate units.
 - f. The developer and the owner of the land shall comply with all environmental site assessment provisions of section 15.02.140 applicable to dedications via plats or site plans, and associated development.
 - g. The land dedication must be in fee simple and by general warranty deed.
 5. **Redemption of credits.** A developer may acquire, and redeem with the city, credits generated as described in subsection L below, from the prior development of affordable housing, to offset an equivalent quantity of required affordable housing.
 6. **Voluntary alternative agreement.** A developer may propose an alternative manner in which the development will satisfy its obligations under this section. Such an agreement need not meet the otherwise applicable substantive requirements of this section, but must be approved by the city council under the provisions of subsection K(2). Specifically, developers of rental housing may voluntarily agree to limit rent on a property or unit and accept deed restrictions to that effect in order to designate the units as affordable, rather than pay the fee in lieu or dedicate land. Also, the agreement may facilitate the construction of lower-priced affordable homes as follows:
 - a. The agreement may provide that the home price of a for-sale unit would be affordable at or below 60.0 percent of the area median income.
 - b. For rental housing, the agreement may provide that the monthly rental price would be affordable at or below 40.0 percent of the area median income.
 - c. Under subsections E.6.a and b above, the obligations otherwise applicable under this section may be reduced up to 25 percent.
 - d. Subsections E.6.a—c above, may apply to on-site and off-site affordable housing as well as land donations.
 7. **Combination.** A developer or builder may pursue any combination of the allowable options in this subsection.
- F. **Middle-tier housing.** Prior to issuance of building permits, a developer or builder may enter an agreement with the city, acting by and through its community services director, where the form of such agreement is approved by the community services director, providing that the development may include less affordable housing than this section would otherwise require, due to the developer's commitment to provide middle-tier housing. The agreement shall provide as follows:
 1. No obligation shall arise under this section to satisfy any affordable housing requirement for any unit sold for occupancy at a price affordable between 80.1 percent and 100.0 percent of the area median income.
 2. The requirements for any units sold for occupancy at a price affordable between 100.1 percent and 110.0 percent of the area median income shall be reduced to forty percent of the otherwise applicable requirement.
 3. The requirements for any units sold for occupancy at a price affordable between 110.1 percent and 120.0 percent of the area median income shall be reduced to eighty percent of the otherwise applicable requirement.
 4. The developer or builder shall state the price tiers for which the homes will qualify.

5. The developer or builder shall use best efforts to ensure that the initial owner or owners of each such individual home shall have a bona fide intent to occupy the premises, and shall provide documentation thereof.
 6. In order to receive building permits for such middle-tier homes, the developer or builder shall confirm in writing to the community services director, in the form provided by the community services director, that each home will sell for a price within the applicable range described in the agreement. In order to receive a certificate of occupancy for such a middle-tier home, the developer or builder shall produce proof, to the satisfaction of the community services director, that the home will actually sell for a price within that applicable range. Promptly upon sale of the home, the developer or builder shall provide proof, to the satisfaction of the community services director, that the home did actually sell for a price within the applicable range.
 7. Middle-tier true-up. Where a developer or builder sells some of such middle-tier homes for more than the designated tier, and the development's obligations under this section increase as a result, the developer or builder may still receive approvals for such homes, including certificates of occupancy, by paying to the city the amount of the fee in lieu for the difference.
- G. **Deed restrictions.** All required affordable housing shall carry deed restrictions and covenants in the form set by the community services director.
1. **When required.**
 - a. **Ownership covenant.** Deed restrictions shall be required for each affordable for-sale unit at the time the unit passes to a qualifying owner.
 - b. **Rental covenant.** Deed restrictions for affordable rental units shall be required prior to issuance of the first certificate of occupancy for any rental unit in the development.
 2. **Content.** The deed restrictions shall contain all terms determined by the community services director to be appropriate to ensure the affordability of the unit and compliance with this section.
 3. **Deed of trust.** The deed restrictions shall be secured by a deed of trust on the property, which may be subrogated to other deeds of trust on the property.
 4. **Term.** All ownership and rental covenants shall be perpetual or virtually so; they shall require affordability of the affected unit for the greatest duration allowed by law.
 5. **Sale.**
 - a. **Ownership covenants.** Ownership covenants shall allow sale to another homeowner qualifying under subsection H. These covenants shall allow for appreciation of the home at a rate determined based on changes in the area median income, plus an allowance for the value of capital improvements to the home installed by the owner. The rate may be capped so as to ensure the continued affordability of a unit to a new purchaser, to ensure that unit price does not fall unreasonably below the level at which a unit would be considered affordable, and to facilitate the economically practical sale of a unit once its owner's income increases sufficiently for the owner to afford a market-rate unit. The seller of the home shall charge to the buyer no other special or unusual fees, including any finder's fee. The council may consider allowing an owner of an affordable unit to sell to a buyer who does not meet the qualifications of subsection H, below, in exceptional circumstances involving significant disruption to the local economy or individual financial hardship. In exchange, the owner would transfer equity to the city at that time. The community services director may specify in the deed restriction the amount of such equity. The amount shall be based on the difference between the initial sale price and the estimated market price of the unit at the time of initial sale.
 - b. **Rental covenants.** The community services director may release and discharge a rental covenant after thirty years' duration, allowing sale or rental of the property to people who do not qualify under subsection H, so long as the owner of the units seeking the removal of the deed restriction pays to the city at that time, for each deed-restricted affordable rental unit, the amount of the difference between the value of the unit with and without the deed

restriction, as calculated by the community services director based on reasonable market data collection or projections. If an arm's-length sale of the property accompanies the termination, the units shall be valued proportionally to the value at which the property is priced in the sale, so long as the director determines that valuation to be a reasonable market price.

- H. **Income qualification and local live/work preference.** Affordable units may be sold or rented only to a person selected by the community services director who meets the city's qualifications. Such qualifications shall be based on the person's income and assets, and shall be intended to ensure that only those who require affordable housing shall be eligible. In selecting particular qualified applicants for particular affordable units, the community services director shall consider applicants' household size compared to the size of available affordable units. If more qualified applicants of the appropriate household size request housing in an affordable unit than there are affordable units available, the community services director shall give priority to applicants who prove their residency or employment within Longmont to the satisfaction of the community services director. If applicants are equally so prioritized, the community services director may select among the applicants by lottery.
- I. **Restriction on rental of for-sale units.** No owner of a for-sale affordable unit may fail to continuously occupy the unit as a primary residence, or lease or rent out the unit to any person. The community services director may grant an exception to this restriction if the owner proves to the satisfaction of the community services director that the lease or rental is directly necessitated by a bona fide hardship, the property has no outstanding down payment assistance loan from the city, and the lessee or renter will be a person approved by the community services director as meeting the qualifications of a purchaser of an affordable unit under subsection H, above. The owner must notify the community services director at least 90 days prior to leasing or renting out the unit, to give the community services director adequate time to consider the proposed exception.
- J. All revenues accruing to the city under this section shall be placed in the affordable housing fund established in chapter 4.99.
- K. **Approval process.**
 - 1. **Administrative approval.**
 - a. **For-sale on-site.** For-sale developments which opt to satisfy this section by producing all required affordable for-sale units on-site under subsection E.1, may memorialize their commitments on the plat or site plan without requiring council approval.
 - b. **Fee in lieu.** Developments which opt to satisfy this section by paying the fee in lieu, as described in subsection E.2, may do so without requiring council approval.
 - 2. **Other options - approval by city council.** Developments seeking to use other options in subsection E must seek approval of their proposed use of such options from the city council. The council's decision on such proposals is discretionary and legislative. The council will consider whether the proposal will result in more affordable housing, providing more of a benefit to the city, than would the provision of the affordable units on-site under subsection E.1, whether practical difficulties prevent the inclusion of the affordable units on-site under subsection E.1, whether the proposal would better benefit the inhabitants of the city than requiring the provision of affordable housing on-site, or any other factors that may be relevant to these considerations.
 - 3. **Exception to restrictions on placement of affordable housing in low to moderate income areas.** The council may, in its discretion and as a legislative act, grant an exception to the restrictions of subsections E.3 and E.4 on provision of off-site affordable housing and land dedication within low to moderate income areas. The council will generally consider whether the placement of the required affordable housing in such areas would result in clustering of low-income housing in a way that would negatively impact the inhabitants of the area, the surrounding community, or the city as a whole, and whether positive elements of redevelopment or investment in the area outweigh any potential negative impacts.
 - 4. The community services director shall recommend approval or denial of each proposal before the council.

L. **Credits for excess affordable housing.**

1. **Award of credit.**

- a. **By agreement.** At the time of plat or site plan, a developer may enter into an agreement with the city, acting by and through the community services director, and in a form acceptable to the community services director, to memorialize that the developer shall develop more affordable housing than would otherwise be required under this section.
- b. **Certificate of credit.** Provided that such housing is actually developed and a certificate of occupancy issued, the city shall award the developer a credit for the excess number of units provided.
- c. **Exceptions.** No credit shall be available for any affordable housing built on land donated or sold at a significant discount, for the purpose of developing affordable housing, in satisfaction of this section or any prior affordable housing requirements of the city; or for any affordable housing receiving any city-funded or city-administered assistance whether financial subsidy, tax relief or other credits or incentives from the city under chapter 4.79 of this Code. However, a development's use of a loan from the U.S. Department of Housing and Urban Development shall not disqualify its affordable housing from generating a credit.
- d. **Applicable regardless of nonmonetary development code incentives.** Affordable housing receiving land use incentives under this development code shall not thereby be rendered ineligible for a credit. As an exception to any otherwise applicable provision of this development code, such excess affordable housing shall not be excluded from such land use incentives by virtue of a developer's determination to seek a credit rather than to enter an agreement with the city for monetary incentives under chapter 4.79.

2. **Redemption of credit.** The credit may be redeemed to offset an equivalent number of affordable housing units that would otherwise be required under this section. Such credit shall be freely transferable to any other developer, but shall be transferred in a manner acceptable to the community services director so as to ensure accurate tracking of the transfer of credits by the city. A credit shall expire five years after it is awarded unless, within that time, the city executes an agreement with the holder of the credit to apply the credit to a specified development. Before the credit expires, the community services director may, upon request, in writing, and for good cause, extend the term of the credit by one additional term of two years.

M. **Marketing and sale of units.** Rules and regulations under subsection O, below, may address marketing and sale of units to ensure that the community has sufficient notice of available affordable housing.

N. It shall be unlawful and a violation of this development code for any person to violate any provision of this section, any rule or regulation adopted by the community services director under this section, any agreement executed as described in this section, or any deed restriction recorded as described in this section.

O. **Rules and regulations.** The community services director may propose such reasonable rules and regulations as may be necessary for the purpose of administering, interpreting, or enforcing the provisions of this section. The rules and regulations shall be reviewed by the city attorney's office and then adopted by the city manager. Notice of adopted rules shall be published in a newspaper of general circulation in the city.

P. **Appeal.** The general appeal provisions of subsection 15.02.040.K, shall not apply to this section, except as noted below, and no variances, modifications, or other deviations from the requirements of this section shall proceed under this development code. Appeals shall instead be permitted as follows:

1. **Appeal of decisions of the community services director.**

- a. **To the city manager.** A developer or builder may appeal to the city manager, under the procedures listed in chapter 2.98, any action, decision, refusal, denial, or order by the community services director that finally disposes of a request or application under this

section. The city manager shall reverse the decision of the community services director upon finding that the decision misapplied or misinterpreted this section.

- b. **To the city council.** A developer or builder who receives an unfavorable written decision from the city manager on appeal may then appeal the matter to the city council by filing a notice of appeal as described in subsection 15.02.040.K.6 within seven days from the date of the city manager's decision. The council shall hear and decide on the appeal generally under the procedures detailed in subsections 15.02.040.K.10., 11.a—c, and 12. The council shall reverse the decision of the city manager upon finding that the decision misapplied or misinterpreted this section.

2. **Appeal of adoption of rules and regulations.** Any rule or regulation promulgated under subsection O may be appealed to the city council within 28 days of publication of adoption, by filing a notice of appeal as described in subsection 15.02.040.K.6. The council shall hear and decide on the appeal generally under the procedures detailed in subsections 15.02.040.K.10, 11.a—c, and 12. The council shall reverse any rule or any part of any rule upon finding that the decision misapplied or misinterpreted this section, and may then remand any matters to the city staff for further rulemaking. Any rules or parts of rules not specifically reversed shall be final.

- Q. **Density cap for rental units.** Where a rental development exceeds a density of 20 units per acre, no obligation shall arise under this section to satisfy any affordable housing requirement for any marginal rental units provided exceeding that density.

(Ord. No. [O-2018-51](#), § 2, 12-11-2018; Ord. No. [O-2019-17](#), § 3, 3-19-2019)

CHAPTER 15.07. - SUBDIVISION AND IMPROVEMENTS STANDARDS

15.07.010 - Applicability, Procedures and Other Relevant Provisions

- A. **Applicability.** Unless otherwise exempted by this chapter, all development, subdivisions or resubdivisions of land within the city and any additional lands over which the city has control under C.R.S. § 31-23-212 shall be reviewed and approved according to the standards stated in this development code. In addition, this chapter shall apply to all land in the process of annexation to the city. No land shall be conveyed or developed, or lots consolidated or reconfigured until a plat has been approved, except as specifically exempted, under the provisions of this development code.

B. **Applicable Procedures and Other Relevant Provisions.**

1. **Subdivision Review Process.** All applications for subdivision approval are reviewed according to the applicable procedures in subsection 15.02.060.E (preliminary subdivision plats), subsection 15.02.070.B (minor subdivision plats), or subsection 15.02.070.A (final subdivision plats).
2. **Plat Submittal Requirements.** Submittal requirements for subdivision plats are found in the administrative manual.
3. **Improvement Guarantees.** For standards governing improvement guarantees, including performance and maintenance guarantees for public and private on-site improvements, please refer to section 15.02.110, public and common/private improvement review, construction and acceptance.
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 subsection 15.02.090.A, development agreements.

15.07.020 - Dedications and Provisions for Community Facilities

A. **General Rules.**

1. Applicants shall identify and provide community facilities during the subdivision review process. The city shall refer subdivision plat applications to applicable outside agencies for comment.

2. In order to facilitate the future acquisition of land areas required to implement this development code, the city may require that land be reserved, dedicated, or donated for the future acquisition and development of schools, parks, and other public uses and purposes.
3. The city shall have the discretion to accept any offered donation or dedication of land area.

B. Parks, Greenways and Open Space. All subdivisions shall reserve land for public parks according to the comprehensive plan, or dedicate land, or pay fees in-lieu of dedication, for the purpose of providing a proportionate share of public parks, greenways, and open space. All dedications for parks, greenways, and open space shall comply with the standards stated in section 15.05.040, landscape and common area regulations.

C. Fair Contribution for Public School Sites.

1. Applicability/Dedication or Payment In-Lieu Required.

- a. Unless exempt under subsection C.2 below, before final plat approval applicants shall provide proof that the school district has received fair contribution for public school sites, as defined by Table 7.1 below.

Table 7.1: School Planning and Calculation of In-Lieu Fees											
Type of School	Projected Student Yield		Student Faculty Standard Acres		Site Size Acres		Acres Contribution		Developed Land Value		Cash in-lieu per unit
Single-Family											
Elementary	0.21	/	525	x	10	=	0.00408				
Middle	0.12	/	750	x	25	=	0.00397				
High	0.16	/	1200	x	50	=	0.00683				
TOTAL	0.50						0.01488	x	\$100,062	=	\$1489
Two- or Three-Family											
Elementary	0.20	/	525	x	10	=	0.00375				
Middle	0.09	/	750	x	25	=	0.00297				
High	0.09	/	1200	x	50	=	0.00358				
TOTAL	0.38						0.01030	x	\$100,092	=	\$1031
Condo/Townhouse											
Elementary	0.07	/	525	x	10	=	0.00133				
Middle	0.04	/	750	x	25	=	0.00133				
High	0.04	/	1200	x	50	=	0.00167				
TOTAL	0.15						0.00433	x	\$100,092	=	\$434
Multifamily											
Elementary	0.15	/	525	x	10	=	0.00286				
Middle	0.06	/	750	x	25	=	0.00183				
High	0.06	/	1200	x	50	=	0.00254				
TOTAL	0.25						0.00636	x	\$100,092	=	\$714

	Mobile Home										
Elementary	0.16	/	525	x	10	=	0.00301				
Middle	0.09	/	750	x	25	=	0.00283				
High	0.09	/	1200	x	50	=	0.00375				
TOTAL	0.33						0.00959	x	\$100,092	=	\$960

- b. If a subdivision plat includes land identified in the comprehensive plan for a public school site, the applicant shall:
 - i. Plat and dedicate such land as fair contribution for public school sites, provided such dedication is, as determined by the school district, properly configured and located so as to accommodate a school campus; and
 - ii. Convey to the school district by general warranty deed title to the land slated for dedication free and clear of all liens, encumbrances, and exceptions (except those approved in writing by the school district), including without limitation, real property taxes, which will be prorated to the date of conveyance or dedication; and
 - iii. At the time of conveyance, provide an ALTA title insurance policy to the school district insuring the title described above in an amount equal to the fair market value of the dedicated property; and
 - iv. Satisfy the city's raw water requirement for the land conveyed before conveying the property to the school district; and
 - v. In addition to any lands dedicated or conveyed, provide to the school district an option to purchase abutting lands identified as a school site in the comprehensive plan at their fair market value so that the dedicated or conveyed and purchased lands together form a contiguous parcel meeting the school district's land area requirements listed in the comprehensive plan.
 - c. The applicant shall, not later than the issuance of the first building permit for the subdivision, provide or provide for payment of the cost of:
 - i. Construction of one-half of adjacent street development costs for land dedicated to the school district under this section;
 - ii. Connections for water, sewer, gas, electric, and other normal utilities stubbed to the dedicated land;
 - iii. Overlot grading of the dedicated land.
 - d. The applicant shall also, by issuance of the first building permit, furnish any off-site easements that the school district will need to develop the site.
 - e. The school district may, at its discretion, accept a payment in-lieu of land dedication for public school sites.
2. **Exemptions from Contribution Requirement.** Subject to school district approval, the following uses are exempt from the fair contribution for public school sites requirement:
- a. Construction of any nonresidential building or structure;
 - b. Alteration, replacement or expansion of any legally existing building or structure with a comparable new building or structure which does not increase the number of residential dwelling units;

- c. Construction of any building or structure for limited term stay or for long-term assisted living, including, but not limited to, short-term rentals, bed and breakfast establishments, boarding or rooming houses, group care homes or group care facilities, halfway houses, rehabilitation or treatment facilities, hotels or hospices; and
 - d. Construction of any residential building or structure classified as housing for older persons, under the federal Fair Housing Act then in effect.
- D. **Easements and Rights-of-Way.** Easements shall be provided on-site or off-site to serve the site where necessary for utilities, drainage, ditch companies, or other public purposes, as required in chapter 13.36 of the Longmont Municipal Code. Public right-of-way dedication to serve the site is required for streets and primary greenways as shown on the Comprehensive Plan.

15.07.030 - Lot 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 and floodplain regulations in title 20. No subdivision shall create lots that prohibit development due to configuration of the lots, steepness of terrain, location of watercourses or floodplain, natural physical conditions, or other existing conditions.
- B. **Lot Dimensions.** The minimum area and dimensions of all lots shall conform to the requirements of chapters 15.03 (Zoning Districts) and 15.05 (Development Standards) relating to the zoning district in which the lot is located. This subsection does not apply to planned unit developments.
- C. **Compliance with Design Standards.** All subdivisions shall comply with the applicable residential, mixed-use and nonresidential design standards in sections 15.05.110 and 15.05.120.
- 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.**
 - 1. Lots intended for single-family detached dwellings shall have a minimum street frontage of 25 feet unless otherwise allowed in this development code or required by other applicable city standards, except that single-family detached dwellings that front a common area with a pedestrian path connecting each dwelling to a public sidewalk, and take access from an alley meeting applicable standards are exempt from street frontage requirements if adequate emergency and utility access and easements, public services such as trash, recycling and composting, parking, and signage are provided consistent with city standards and this development code.
 - 2. Lots intended for attached residential dwellings, such as townhome lots, shall have a minimum street frontage of 20 feet, except that attached residential dwellings and mixed-use and nonresidential uses that take access from an alley or private drive meeting applicable standards, are exempt from street frontage requirements if adequate emergency and utility access and easements, public services such as trash, recycling and composting, parking, signage, and pedestrian access to each dwelling are provided consistent with city standards and this development code.
- F. **Corner Lots.** Corner lots for residential use shall be platted ten feet wider than interior lots in order to facilitate conformance with the setback requirements of chapter 15.03, Zoning Districts.
- G. **Division of Lots.** No lot shall be divided by a city boundary line.
- H. **Flag (or Flagpole) Lots.** Flag lots are prohibited, except for those complying with utility, fire, and emergency access standards.

- I. **Lots Divided by a Zoning District Boundary.** Lots that are divided by a zoning district boundary are prohibited.
- J. **Outlots.**
 - 1. Outlots shall not be used as developable parcels.
 - 2. Outlots shall be designated on an approved plat, and shall specify the ownership, use, and maintenance responsibility for all outlots.
 - 3. No outlots are permitted except to satisfy a requirement of this development code or to serve a public, common area, or private access purpose.
 - 4. If city maintenance is requested, such outlots shall be adjacent to other city-maintained areas and shall be subject to a perpetual maintenance agreement acceptable to the city. Outlots to be maintained by the city shall be dedicated to the city.

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 or density does not exceed prior approvals for the subject property or the density allowed under the comprehensive plan land use classification and the respective zoning district. Cluster lot subdivisions are intended to create a more compact residential development to preserve and maintain open areas and natural lands in excess of what would otherwise be required by this development code. Cluster lot subdivisions shall meet all of the following requirements.

- A. **Zoning Districts Where Allowed.** Cluster lot subdivisions are allowed in the N-AG and R-RU zoning districts.
- B. **Minimum Parcel Size.** The minimum land area for a cluster lot subdivision shall be 10 acres.
- C. **Open Space and Other Preserved Lands.** At least 50 percent of the property shall be preserved as open space, agricultural, or other preserved land. Common areas and landscaping shall be provided only for the developed portion of the subdivision. Open space, agricultural, or other preserved land shall be noted as outlot(s) on the subdivision plat subject to subsection 15.07.030.J, or if not platted, a conservation easement protecting such land similarly to an outlot, as determined by the director, shall be granted to the city with final approval of the cluster lot subdivision.
- D. **Cluster Lot Development Standards.** All cluster lots shall comply with the development standards stated in Table 7.2 below. In the case of conflict between the provisions of Table 7.2 and any other portion of this development code, the provisions of this Table 7.2 shall govern. To the extent not covered by this section, the provisions in this development code shall apply to cluster subdivisions.

Table 7.2: Cluster Lot Development Standards	
Item	Standard
Minimum lot size	5,000 square feet
Minimum lot width	50 feet
Minimum front setback	15 feet to primary structure; 20 feet to front-facing garage
Minimum side setback	5 feet
Minimum rear setback, with alley	6 feet
Minimum rear setback, without alley	15 feet

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, overall development plan, or annexation agreement.
- B. **City of Longmont Public Improvements Design Standards and Construction Specifications.**
1. **Standards and Specifications Incorporated by Reference.**
 - a. Under section 4.9 of the Municipal Charter, the City of Longmont Public Improvements Design Standards and Construction Specifications (referred to collectively as "city standards"), as amended July 1, 2007, are adopted by reference as ordinances of the city, and are incorporated into this development code by reference.
 - b. Under section 4.9 of the Municipal Charter, the City of Longmont Storm Drainage Criteria Manual (1984, as amended), is incorporated into this development code by reference. See also section 14.24.010 of the Longmont Municipal Code.
 - c. Copies of the city standards and storm drainage criteria manual are available online and are on file with the department of public works and natural resources, and available for public inspection or purchase during normal business hours.
 2. **Compliance with City Standards.** All public improvements, public streets, and private common areas and pocket parks shall be constructed to comply with all applicable city standards, with the standards established by this chapter, and with all other applicable city regulations, standards and specifications.
- C. **Consistency with Plans and Regulations.** All subdivisions shall be consistent with the comprehensive plan, this development code, and prior approvals applicable to the subject property.
- D. **Plans for Remainder Parcels.** Where an entire parcel under the applicant's control or ownership is not subdivided for development and the entire parcel is not part of an approved concept plan, the applicant shall submit a concept plan for the remainder of the parcel, including major road connections and intended land uses.
- E. **Noise Reduction Required.** Where a subdivision or development borders a railroad right-of-way, federal or state highway, or arterial street, the subdivision design shall include adequate provisions for traffic noise reduction. The city may also refer the proposed subdivision or development to the Colorado Department of Transportation and other appropriate federal or state agencies for comment and recommendations addressing noise reduction and compliance with other applicable state/federal highway controls. Solutions for noise reduction may include, but are not limited to: a parallel street, a landscaped buffer area including berming or a wall, or lots with increased depth or building setbacks.
1. Where a proposed subdivision or development may include uses expected to produce noise at levels noticeable by the inhabitants of adjacent property, the city may require an acoustical analysis and a plan for noise reduction - also refer to subsection 15.05.160.B.
 2. When the city requires acoustical analysis, a qualified acoustical engineer shall conduct the analysis, which shall include a description of the noise environment and the construction or other methods necessary to reduce the noise to an acceptable level. The acoustical analysis shall be submitted with the applicable development or subdivision application. As a result of the analysis, the decision-making body may attach conditions to the approval necessary to mitigate any identified adverse noise impacts.
- F. **Ditch Improvements.** The city may require ditches to be concrete-lined or piped in any proposed subdivision if necessary to promote public safety and welfare, subject to the consent of the applicable ditch company.
- G. **Protection of Existing Vegetation and Natural Features.**
1. The general layout of lots, roads, driveways, utilities, drainage facilities, and other services within all proposed subdivisions shall be designed to minimize land disturbance and preserve existing trees, vegetation, watercourses, and other natural features. Applicants shall refer to the

development standards stated in sections 15.05.020, Protection of Rivers/Streams, Wetlands, Riparian Areas, 15.05.030, Habitat and Species Protection, and 15.05.040.D, Tree Preservation, and shall apply them in the layout of the subdivision to avoid creating lots or patterns of lots that will make compliance with such standards difficult or infeasible.

2. Under subsection 15.05.040.D, the city shall determine which existing site trees are to be saved, replaced, or relocated. The applicant or owner shall not remove any trees from the subdivision or change the grade of the land affected until the final plat is approved. All trees on the plat required to be retained shall be preserved and, as needed, protected against change of grade.

H. **Streets.**

1. **General Rule.** Any access way that provides public access and provision of public services shall be shown on the subdivision plat, shall be dedicated to the public, and shall be constructed as a public street or alley according to the standards stated in this development code and applicable city standards.
2. **Lot Access and Street Connectivity.** All new lots shall have access to a right-of-way conforming to the standards stated in subsection 15.05.050.D, Streets. Also refer to subsection 15.07.030.E regarding lot street frontage.
3. **Determination of Street versus Drive.** Where designation of an access way as a street or a drive is unclear, the general manager shall consider all of the following criteria and determine if the access way, as proposed, shall be a public street or private drive.
 - a. Drives are generally non-through ways, do not provide an easy, convenient connection between streets, or do not encourage use by the general public.
 - b. Unless the city determines that it is in its best interests to do otherwise, the publicly owned and maintained portions of the water and sewer systems are generally constructed within a street.
 - c. Public services are generally provided on streets. A street is appropriate in a situation where drive design makes it difficult for the city to provide its services, or makes it difficult for residents to utilize the standard public services, and where the difficulty can be eliminated by utilizing a street.

- I. **Pedestrian Access and Circulation.** All subdivisions shall include a system of sidewalks, pedestrian walkways, and trails that interconnect to all uses, lots, open space, and parks. All subdivisions shall comply with the pedestrian and bicycle access and connectivity standards stated in section 15.05.060.

J. **Water Supply/Fire Protection.**

1. All subdivisions shall include a water supply and fire protection system designed according to city standards and with applicable utility rules and regulations and fire codes.
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.
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. Lands subject to flooding even if not located within a designated floodplain, shall not be platted for residential occupancy or for any other use that may increase danger to health, life, or property, or aggravate the flood hazard to surrounding properties.
2. All subdivisions shall include a stormwater management system designed according to the city standards section 300. 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 at the applicant's expense. The applicant shall be responsible for coordinating with the appropriate utility agencies and complying with the requirements of this provision and all other applicable city and state regulations.
2. Transformers, switching boxes, terminal boxes, meter cabinets, pedestals, ducts, street lighting and other facilities necessarily appurtenant to such underground utilities may be placed above ground. High-voltage electric transmission and distribution feeder lines and necessary appurtenances thereto may be placed above ground. All utility lines and facilities shall be placed within easements or rights-of-way provided for particular facilities. Subject to review by applicable utility agencies, aboveground utilities allowed by this subsection shall be screened from public view with landscaping, fences, or walls to the maximum extent practicable taking into consideration applicable clearance, access and maintenance requirements.

O. **Grading and Erosion Control.**

1. No site grading shall occur on land included within any proposed subdivision prior to the issuance of stormwater construction activity permits as required by the municipal code and the city standards.
2. All subdivisions shall be designed to avoid or minimize soil erosion, both during construction and at final stabilization, according to the city standards, and applicable state and county regulations.

P. **Setbacks/Location from Existing and Abandoned Wells and Facilities.** See section 15.05.090 regarding setbacks/location of platted residential lots, parks, sports fields and playgrounds, public roads, and major above ground utility lines from existing and abandoned oil and gas wells and facilities.

15.07.060 - Survey Monuments

Survey monuments shall be installed within subdivisions according to city standards and applicable Colorado law.

15.07.070 - Property or Home Owners Associations

A. **Declaration of Covenants and Restrictions Required.** If common areas and facilities within a subdivision or development are to be owned and maintained by a property owners association, the applicant shall file a declaration of covenants and restrictions consistent with Colorado law that will govern the association. The declaration must be submitted prior to construction acceptance.

B. **Proof of Establishment of Association; Submission of Recorded Covenants and Restrictions.**

1. Prior to construction acceptance for the initial phase of development, and sale of individual lots, the applicant shall submit evidence that the property owners association has been legally established, typically in the form of recorded articles of incorporation filed with the Colorado Secretary of State recorded covenants and restrictions.
2. Prior to construction acceptance for each phase of development, and release of public improvement securities and sale of individual lots, the applicant shall provide certification that all lots, outlots, dwellings, and other common areas and facilities are included as part of the established property owners association.

C. **Control of Common Areas and Other Private Improvements.**

1. All development is approved subject to the submission of relevant legal instruments, including covenants and restrictive instruments of conveyance setting forth a plan or manner of architectural character and control and permanent care and maintenance of all common areas and other community facilities provided by the approved development or subdivision application.
2. Common areas and other community facilities provided shall be conveyed to a property owners association or some other entity having the authority and responsibility to maintain said facilities.

Provision shall be made to dedicate such facilities to the city only if the recreation facility and/or open space is designated on the Comprehensive Plan.

3. If common areas or other community facilities are not maintained consistently with the approved development or subdivision application, the city may, at its option, cause such maintenance to be performed and assess the costs to the affected property owner(s) or responsible association, which assessment shall constitute a lien upon the property and shall be collected by assessment by the county in the manner of tax assessments.