



## LOVELAND PLANNING COMMISSION MEETING AGENDA

Monday, May 08, 2017  
500 E. 3<sup>rd</sup> Street – Council Chambers  
Loveland, CO 80537  
6:30 PM

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**LOVELAND PLANNING COMMISSIONERS: Jeremy Jersvig (Chair), Carol Dowding (Vice-Chair), Michele Forrest, Pat McFall, Rob Molloy, and Mike Ray, Jamie Baker Roskie, and Jeff Fleischer.**

### **I. CALL TO ORDER**

### **II. PLEDGE OF ALLEGIANCE**

### **III. REPORTS:**

#### **a. Citizen Reports**

This is time for citizens to address the Commission on matters not on the published agenda.

#### **b. Current Planning Updates**

##### **1. Monday, May 22, 2017 Planning Commission Agenda Preview**

- i. Anderson 1<sup>st</sup> Subdivision Preliminary Plat and Preliminary Development Plan Extension
- ii. Boyd Lake Village Master Plan Amendment
- iii. LEI Emergency Access Easement Vacation
- iv. UDC Study Session – New Residential Zoning Districts

##### **2. Comments on the Unified Development Code Open House (prior to PC meeting)**

##### **3. Hot Topics:**

- Update on expanding Planning Commission eligibility to include GMA residents

- c. **City Attorney's Office Updates:**
- d. **Committee Reports**
- e. **Commission Comments**

#### **IV. APPROVAL OF MINUTES**

##### **Review and approval of the April 24, 2017 Meeting minutes**

#### **V. CONSENT AGENDA**

The consent agenda includes items for which no discussion is anticipated. However, any Commissioner, staff member or citizen may request removal of an item from the consent agenda for discussion. Items requested to be removed from the consent agenda will be heard at the beginning of the regular agenda.

Public hearings remaining on the Consent Agenda are considered to have been opened and closed, with the information furnished in connection with these items considered as the only evidence presented. Adoption of the items remaining on the Consent Agenda is considered as adoption by the Planning Commission and acceptance by the Applicant of the staff recommendation for those items.

- Does anyone in the audience wish to remove an item from the Consent Agenda?
- Does any staff member wish to remove an item from the Consent Agenda?
- Does any Commissioner wish to add any item from the Regular Agenda to the Consent Agenda or remove an item from the Consent Agenda?

#### **VI. REGULAR AGENDA:**

##### **1. Unified Development Code – Infill and Corridor Development Standards (15 minute presentation)**

This is a public hearing item concerning new legislation. This component will be integrated into the UDC upon completion of the document later in 2017. It proposes new standards to facilitate redevelopment and reinvestment in properties along Loveland's highway corridors and to allow a wide range of housing types in new development and compatible infill development in older neighborhoods. The draft has been presented to the Commission at the March 13<sup>th</sup> and March 27<sup>th</sup> study sessions and the draft was presented at the City Council's April 11th study session. Concerns raised by the Planning Commission have resulted in adjustments to the provisions; the City Council raised no concerns with the proposed provisions.

Staff is requesting that the Commission recommend approval of this portion of the UDC to City Council. Upon the Commission's recommendation, this portion will be put on hold while other portions of the UDC are drafted and undergo review. Once all components of the UDC are completed, and have been reviewed by City Council and recommended for approval by the Planning Commission, a complete final draft will be brought back to the Commission for a recommendation of approval. The final version will then be forwarded to City Council for adoption.

**2. Wireless Co-location Code Provisions (10 minute presentation)**

This is a public hearing item regarding proposed amendments to Chapter 18.55 of the Municipal Code. This chapter of the zoning code specifies requirements for wireless telecommunications facilities, commonly referred to as "cell towers," antennas and associated equipment. The code amendment responds to recently adopted rule changes by the Federal Communications Commission (FCC) concerning co-location. The intent of the FCC provisions is to simplify the co-location process. Among the new FCC provisions is a 60-day review period that mandates the automatic approval of any co-location application that is not processed by local government within this time period. The proposed amendments will bring the Municipal Code into compliance with the FCC regulations. The role of the Planning Commission is to make a recommendation to City Council for final action. This code amendment is scheduled for the May 16, 2017 Council meeting.

**VII. ADJOURNMENT**

**STUDY SESSION:**

**1. Temporary Uses Code Amendments (5 minute presentation)**

Adjustments have been made to the proposed Temporary Use provisions based on comments made by the Planning Commission in a study session held on April 24, 2017. Staff will provide a brief presentation on the adjustments and be available for any comments and questions the Commission may have. The Temporary Use provisions are scheduled for City Council study session on June 13<sup>th</sup> and staff is working to address any remaining concerns or issues with the proposal prior to Council review.

**2. Unified Development Code – New Residential Zoning Districts (20 minute presentation)**

This study session will introduce to the Planning Commission Task 4 – New Residential Districts in the new Unified Development Code (UDC). Items to be discussed are new standards to implement policies in the Comprehensive Plan for Complete Neighborhoods. A study session with City Council on the same material is scheduled for July 11<sup>th</sup>.

Please note that a public open house on the New Residential Districts of the Unified Development Code will occur in the Council Chambers between 5:30 and 6:30 pm, immediately preceding the Planning Commission meeting. Commissioners and members of the public are invited to attend.

**CITY OF LOVELAND**  
**PLANNING COMMISSION MINUTES**  
**April 24, 2017**

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A meeting of the City of Loveland Planning Commission was held in the City Council Chambers on April 24, 2017 at 6:30 p.m. Members present: Chairman Jersvig; and Commissioners Dowding, Molloy, Forrest, Ray, McFall, Roskie, and Fleischer. Members absent: None. City Staff present: Bob Paulsen, Current Planning Manager; Moses Garcia, Assistant City Attorney; Linda Bersch, Interim Planning Commission Secretary.

*These minutes are a general summary of the meeting. A complete video recording of the meeting is available for two years on the City's web site as follows: <https://loveland.viebit.com/>*

**CITIZEN REPORTS**

There were no citizen reports.

**CURRENT PLANNING UPDATES**

1. **Mr. Robert Paulsen, Current Planning Manager**, noted that there are two items currently on the agenda for the May 08, 2017 meeting. First is the Unified Development Code – Infill and Corridor Development Standards. The City Council has held a study session on these standards. Council is supportive and asked that it proceed to a public hearing before the Planning Commission.

The other agenda item is regarding two ordinances addressing wireless telecommunications facilities. This stems from recent FCC regulation changes. The first ordinance has been under consideration for some time, including review by the Title 18 Committee. This ordinance will bring City colocation standards on private property into compliance with FCC provisions by July. The second ordinance is unusual in that it has not been reviewed by the Title 18 Committee but will come directly to the Planning Commission in order for the regulation to go to City Council and be adopted by early July. This ordinance addresses co-location of wireless facilities within city right of way, including changes that will allow mounting equipment on city facilities.

2. **Mr. Paulsen** reported he has received e-mails from Commissioners indicating another residential tour is desired. Preference is for a local tour that would not only illustrate good residential development but also developments that may have challenges. A visit to both single and multi-family housing as well as older developments is desired. **Mr. Paulsen** indicated there is not a scheduled date as of yet and a COLT bus may not be available. If that is the case, a couple of vans would be used for transportation. **Commissioner Jersvig** asked that the itinerary be published so self-guided tours could be taken if attendance on the tour date was not possible.



3. In regard to the current vacancy on the Planning Commission, **Mr. Paulsen** reported that the position is posted on the City web site and has been advertised with a May 26, 2017 deadline for applications. He noted the recent ordinance regarding commission membership from within the city's GMA was removed from the Council's agenda only temporarily for a look at relevant factors as they applied to other city boards. Materials and research on this request have been provided to the administration and will be provided to Council when the item is scheduled.

### **CITY ATTORNEY'S OFFICE UPDATES**

There was nothing to report from the City Attorney's Office.

### **COMMITTEE REPORTS**

**Commissioner Roskie** reported that the last Title 18 Committee meeting in conjunction with the Stakeholder Group focused on the UDC Complete Neighborhood Concept and how to implement as far as the housing pallet. The regulation would require a developer to come forward with a Pattern Book such as what you would see in a planned community or general development plans. It is coming along well.

**Commissioner Forrest** indicated there was nothing to report in regard to the ZBA.

### **COMMISSIONER COMMENTS**

**Commissioner Jersvig** reported he attended the last City Council study session where he was asked by the Mayor to extend his and the Council's gratitude for all the hard work the Planning Commission does.

**Mr. Paulsen** emphasized that the City Council is putting their trust and responsibility relative to the UDC on the shoulders of the Planning Commission. If any Commissioner at any time has any questions or concerns regarding any portion of the UDC, please contact him. This is a large project with many key components that are being built on by the Consultant and staff with input from the Project Teams and the Planning Commission. Added in along the way is reformatting and restructuring of the current code. The Commission will only see the full code when all components are complete in the fall. This will mean a lot of work at that time. He appreciates all the Commissioners' work; Commissioners will see the Code come together in the Fall.

**Commissioner Jersvig** said he appreciates the way the UDC is being developed and the staff getting the individual components to them as quickly as possible and the small introductions before proceeding to a study session and public hearing.

### **APPROVAL OF THE MINUTES**

*Commissioner Dowding made a motion to approve the April 10, 2017 minutes as amended; upon a second from Commissioner Molloy the minutes were unanimously approved.*

## **CONSENT AGENDA**

### **1. Waterfall 4<sup>th</sup> Subdivision: Vacation of Access & Utility Easements**

This is a public hearing concerning the vacation of 3 utility easements and 1 emergency access easement to accommodate a building expansion for the Orthopedic & Spine Center of the Rockies (OCR). The existing easements were established based on the current site and building layout for OCR. The City is currently reviewing a site development plan, construction drawings and an amended plat application for a proposed 64,000 square foot addition directly to the west of the existing building. The expansion would house a new surgery and recovery center for OCR. New utility and emergency access easements will be dedicated to the City with the development of the building addition and will replace the easements proposed to be vacated.

Vacation applications are legislative actions. Under Loveland Municipal Code Chapter 16.36, the Planning Commission must hold a public hearing and make a recommendation to Council on the request. City Council is scheduled to hear this matter on May 16, 2017.

*Commissioner Dowding moved to accept the Consent Agenda regarding the Waterfall 4<sup>th</sup> Subdivision Vacation of Access and Utility Easements. Upon a second by Commissioner McFall, the motion was unanimously approved.*

## **REGULAR AGENDA**

### **2. Waterfall 6<sup>th</sup> Subdivision: Master Plan Major Amendment**

**Noreen Smyth, Staff Planner**, stated that the applicant's request is to modify the Waterfall Sixth Conceptual Master Plan to add multifamily units as an allowed use for a 6.3-acre vacant parcel currently designated for commercial uses. The parcel is adjacent to an existing multifamily development within Waterfall Sixth and the developer/operator of those units, the Loveland Housing Authority, is interested in constructing an expansion of that development on the vacant parcel.

If the amendment to allow the multifamily use on the parcel is approved, additional applications will need to be submitted for review by staff prior to construction of any new buildings. Details of the multifamily development, including transportation and utility design, will reviewed administratively at the time.

There were concerns about increased traffic and property values voiced at the neighborhood meeting. The traffic concerns will be considered with the additional required development

applications. Staff supports the proposed amendment.

Ms. Smyth noted that for MAC developments that exceed 50% residential, the zoning code requires a commercial market analysis which has been done for this property. That analysis demonstrates that there is sufficient commercial development within the vicinity of the property. She also noted that the Planning Commission decision is the final decision.

The project developer, McWhinney, was represented by **Ms. Kim Perry, Vice President of Community Design and Neighborhood Development**, who gave a brief presentation on the preliminary look at the layout and design for the project. This project would maintain the design of the existing development, The Edge, and would make use of the existing amenities. Access continues through the use of the existing driveways and for maintaining the open space trail corridor for the future Loveland Regional Trail. She provided additional comment on the commercial market analysis that shows sufficient commercial development in the area. She also invited the Commissioners to a fundraiser for the Loveland Housing Authority and the Veteran's Program that is being held now through May 14, 2017 at the Wonderland House at The Lakes. Details are at [lovelanddesignhouse.org](http://lovelanddesignhouse.org).

#### **COMMISSIONER QUESTIONS AND COMMENTS:**

- **Commercial Jersvig** asked if the preference for Veterans that is part of the current housing at the site would continue. **Ms. Perry** deferred the question to **Jeff Feneis** with the Loveland Housing Authority who explained that the current building has ten units designated for homeless veterans with a preference for veterans on the other 60 units.
- **Commissioner Molloy** asked, in regard to the open space available for the regional trail, has there been a time frame established for the development of the trail? Since we are housing homeless we need to keep pushing for those connections. You shouldn't have to have a vehicle to get to the commercial developments. **Ms. Perry** said she had not recently discussed trail development with Parks and Recreation but she understood there is a need for an underpass to be constructed before the trail can proceed. She wasn't aware if all the right of way and easements have been acquired for the connection.

#### **CITIZEN COMMENTS:**

**Commissioner Jersvig opened the public hearing at 7:04 p.m.**

- **Jeff Feneis, Affordable Housing Authority Development Director**, said this is an extension of the Edge 1 project of 70 units. We envision an additional 84 units probably with a veterans preference although they are not sure of a homeless preference. This site is attractive because of the east Loveland location. It lends itself well because we can use the existing amenities and architecture and can leverage our operations resources as well. The Edge has been very well received. We appreciate your consideration.

- **Cassandra Sosa, Maintenance Coordinator for the Loveland Housing Authority**, had the pleasure of seeing first part of The Edge from groundbreaking to opening. There was a lot of support for the project. Occupants of this first building were very appreciative. There is a great need for this project. She read letters into the hearing record from two Loveland residents in support of the project.
- **Mark Betz, Section 8 Coordinator for Loveland Housing Authority**, spoke of the need for expanded capacity for affordable housing due to high rents, long wait lists, higher deposits and expanded background checks.
- **Moofie Miller, Loveland Housing Authority**, is here to talk about the lease-up of the existing facility at the Edge. The 70 units were leased out in three months and the wait list was closed at two months with over 300 applications just for that building. Applications are no longer being accepted. She invited the Commissioners to the grand opening of The Edge from 2:00 to 4:00 PM on Thursday.

**Commissioner Jersvig closed the public hearing at 7:15 p.m.**

#### **COMMISSIONER COMMENTS:**

- **Commissioner Dowding** expressed appreciation for the Boyd Lake Avenue/ Eisenhower Boulevard safety improvements even though they are not related to this project. This project is well done and there is a definite need.
- **Commissioner Jersvig** commended the continued use of the same architecture to get the economies of scale on the project. He fully supports the project.

*Commissioner Dowding moved to make the findings listed in Section VIII. of the Planning Commission staff report dated April 24, 2017; and, based on those findings, approve the Waterfall Sixth Comprehensive Master Plan Amendment, as amended on the record. Upon a second from Commissioner Roskie the motion was unanimously approved.*

**Commissioner Molloy** asked **Mr. Paulsen** to arrange for update for the Commission regarding the regional trail system. **Mr. Paulsen** will set that up.

#### **ADJOURNMENT**

**Commissioner Dowding** made a motion to adjourn. Upon a second by **Commissioner McFall**, the motion was unanimously adopted.

**Commissioner Jersvig adjourned the meeting at 7:18 p.m.**

Approved by: \_\_\_\_\_  
Jeremy Jersvig, Planning Commission Chair

\_\_\_\_\_  
Linda Bersch, Interim Planning Commission Secretary.



## DEVELOPMENT SERVICES ADMINISTRATION

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(970) 962-2722  
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# MEMORANDUM

**To:** Loveland Planning Commission  
**From:** Greg George, Special Projects Manager  
**Date:** May 8, 2017  
**Subject:** **Public Hearing: Unified Development Code: TASK 3 - Infill and Corridor Development Standards**

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## I. INTRODUCTION

The subject of this Planning Commission public hearing is Task 3 of the Zoning Code Update project, which proposes new standards to facilitate redevelopment and reinvestment in properties along Loveland's highway corridors and to allow a wide range of housing types in new development and compatible infill development in older neighborhoods.

The intent of these standards is to achieve the following policies in the recently adopted Loveland Comprehensive Plan (Create Loveland) and the 287 Strategic Plan.

### A. Highway Corridors:

- *Foster infrastructure to make walking and bicycling convenient and viable for all types and for all ages, abilities, and income levels.*
- *Support the existing and local business community.*
- *Plan and redevelop major corridors in a manner that promotes a positive and attractive image and that advances the economic prosperity of the City.*
- *Foster reinvestment in existing corridors.*
- *Improve corridor wide aesthetics*

### B. Infill Development:

- *Encourage new development to respect and enhance the visual character of nearby historical buildings by designing new buildings to be compatible with the massing, materials and setbacks of existing structures.*
- *Minimize and discourage alterations and new construction that weakens the historic integrity of individual buildings and/or a neighborhood.*
- *Stimulate infill in vacant properties and promote multiuse development in older neighborhoods by utilizing infill standards that allow for the development of buildings to meet today's needs while being compatible with neighboring structures and providing certainty to neighboring residents.*

- II. **RECOMMENDED ACTION:** The project team requests that the Planning Commission grant preliminary approval of Task 3 – Infill and Corridor Development Standards, consisting of the second working drafts of Division 2.08.04 – Enhanced Corridor Overlay Standards (**Attachment A**) and Division 2.10.02 Housing Palette (**Attachment B**). The following is a motion for consideration.

*Move to grant preliminary approval of the second working drafts of Division 2.08.04 – Enhanced Corridor Overlay Standards and Division 2.10.02 Housing Palette, dated May 8, 2017, with the understanding that both divisions will be considered by the Planning Commission for final approval in Task 6.*

III. **PLANNING COMMISSION REVISIONS**

The second working draft of the Enhanced Corridor Overlay Standards (**Attachment A**) and the second working draft of the Housing Palette (**Attachment B**) include revisions requested by the Planning Commission on March 27, 2017. Those revisions are shown in red line font in **Attachment C**.

IV. **TASK 3 – INFILL AND CORRIDOR DEVELOPMENT STANDARDS**

- A. **Enhanced Corridor Overlay Standards:** These standards promote infill development, redevelopment and reinvestment in property along Loveland's highway corridors. To implement these standards an overlay-zone district would be designated on properties along selected segments of Highway 287 and Highway 34. Other corridors may also be considered. The objective is to provide regulatory options that increase the building envelope available for development as incentives for enhanced landscaping and pedestrian improvements along the highway frontage. **Attachment D** illustrates the option of locating buildings up to the edge of the highway right-of-way, along with enhanced landscaping and pedestrian improvements. Another option under the overlay zone would be a maximum building height of 90 feet. **Attachment E** illustrates a sloping height plane to address compatibility with adjacent residential neighborhoods.

Consistent with policies in the 287 Strategic Plan, these options would provide incentives for retail uses to show their front door to the street. In Task 5 standards will be developed for landscaping and pedestrian improvements along the highway frontage. The existing standards in Chapter 18.53 for commercial architecture will also be reviewed and possibly modified for application within this overlay zone.

- B. **Housing Palette:** These standards implement a density/housing type palette for new and existing zoning districts along with bulk standards for infill neighborhoods. The palette provides options for lot and housing types and compatibility standards for infill development. The palette provides an opportunity for different housing types to develop in existing zoning districts. Standards are included to ensure that the scale and mass of new infill development is compatible with existing neighborhoods. For smaller infill lots, these standards include options for alley-loaded dwelling units and limitations on building height and building coverage to reflect the character of existing neighborhoods. The palette would be included in new residential and mixed use zoning districts to allow for a wide range of housing types.

In Task 6, the Land Use Table will establish the review procedure (i.e. Use-by-Right, Limited Use, Adaptable Use or Conditional Use) for allowing each housing types in each zoning district. The table in **Attachment F** is an example of such a land use table. The four types of review procedures developed in Task 2 are generally described as follows:

- a) **Use-by-Right** means a land use approved by the Director upon a finding of compliance with the generally applicable standards of this UDC.
- b) **Limited Use** means a land use approved by the Director upon a finding of compliance with specific standards that pertain to the use, as well as the generally applicable standards of this UDC.
- c) **Adaptable Use** means a land use approved by the Director after a neighborhood meeting and upon a finding of compliance with specific standards that pertain to the use, the generally applicable standards for all adaptable uses, and the generally applicable standards of the UDC. Owners of property receiving notice of the neighborhood meeting may appeal the Director's decision to the Planning Commission.
- d) **Conditional Use** means a land use approved after public hearing review by the Planning Commission upon a finding of compliance with specific standards that pertain to the use, the generally applicable standards for all conditional uses, the generally applicable standards of this UDC and conditions placed on the use by the Planning Commission.

- C. **Infill Compatibility Standards:** The primary objective in developing standards for infill development in Loveland's older neighborhoods is *to reach a balance on how best to achieve the three related policies in the Comprehensive Plan, while providing opportunities for infill development and a level of intensification compatible with the character of existing older neighborhoods*. The goal is to prevent the extreme cases of intensification not anticipated when the zoning districts were established (i.e. building from setback to setback at a building height of 35 feet).

The project team presented the following proposal to Planning Commission and City Council as an example of how standards for building coverage and building height is used as a proxy for addressing infill compatibility in older neighborhoods.

- 1. **Allowable Housing Types:** The current focus for infill compatibility standards is on the existing older neighborhoods in Established Low Density Residential - R1e and Established High Density Residential – R3e. Respecting the stated purpose for each of these two zoning districts is important in determining allowable land uses. As stated in the existing zoning code, the purpose for each of these zoning districts is as follow:
  - a) **R1e District:** The established low-density residential zoning district is intended to preserve established low density residential neighborhoods and to provide standards for the development of single family detached dwellings.



- b) R3e District:** The established high-density residential zoning district provides standards that are intended to preserve the traditional building and use pattern of mixed housing types, including multi-family dwellings having up to four units, and complementary low-intensity commercial uses predominantly located within established neighborhoods.

The differences in the stated purposes for these districts would suggest that a broader range of housing types, including multi-family, certain types of low-intensity commercial and a higher degree of intensification would be appropriate in the R3e District. In contrast, the intent of the R1e District is to 'preserve' low-density residential neighborhoods, consisting primarily of single family detached dwellings.

The uses allowed in each district reflect the differences in the stated purposes for the two districts. In the R1e District, single family detached dwellings are a Use-by-Right, with duplexes and accessory dwellings being a Special Review Use. In the R3e District, single family detached, duplex, multi family dwellings not exceeding four dwelling units and accessory dwelling units are all a Use-by-Right. Multi family dwellings exceeding four dwelling units are a Special Review Use in the R3e District

**c) Recommendation:**

- i. **R1e District** – Limit housing types to single family detached dwellings as a Use-by-Right and duplexes as a Limited Use. Allow other housing types, such as townhomes, with a higher level of review (i.e. Adaptable Use). Adaptable Uses require a neighborhood meeting, with the possibility of an appeal to Planning Commission.
- ii. **R3e District** – Allow a broader range of housing types in the R3e District. Single family detached, duplex and multi family dwelling not exceeding four dwelling units would be a Use-by Right. Allow other housing types, including multi-family dwellings exceeding four dwelling units, as an Adaptable Use.

- 2. Building Coverage:** A general GIS analysis was prepared to identify the median lot sizes in the R1e and R3e Districts (see **Attachment G**). In the neighborhoods zoned R1e generally surrounding Lake Loveland, the median lot size is 9,000 sq. ft. In the neighborhoods generally south of Lake Loveland zoned R1e, the median lot size is 7,630 sq. ft. The median lot size in the neighborhoods zoned R3e is 7,050 sq. ft.

- a) R1e District:** On a 9,000 sq. ft. lot (75'x120'), the maximum allowable building coverage (lot area excluding building setbacks) is approximately 69% (6,175 sq. ft.). On a 7,630 sq. ft. lot (70'x109'), the maximum allowable building coverage (lot area excluding building setbacks) is approximately 66% (5,040 sq. ft.). A general visual review of the 2012 aerial in these areas shows that existing buildings do not cover nearly 66% of the lot area, but more in the range of 30% (2,700 sq. ft.).

**Recommendation:** Allow building coverage up to 45% (an additional 1,400 sq. ft.) to provide an opportunity for ground floor additions to existing homes and promote a reasonable level of compatibility for new infill development.

- b) R3e District:** The maximum allowable building coverage (lot area excluding building setbacks) on a 7,050 sq. ft. lot (50'x141') is approximately 66% (4,640 sq. ft.). A general visual review of the 2012 aerial in these areas shows existing building coverage to be typically 30%, or less.

**Recommendation:** A two tier approach to building coverage is recommended to provide opportunities for a wide range of housing types, while still respecting the character of the existing neighborhoods in the R3e District. The based allowable building coverage would be 45%. To exceed 45%, up to a maximum of 65%, the development application would require approval as an Adaptable Use. This higher level of review would give the neighborhood an opportunity to participate in the decision and, if an appeal is filed, the Planning Commission would make the final decision.

- 3. Building Height:** All building heights mentioned in this section are in accordance with the City's current zoning code, which measures height up to the mid-point of the highest pitched roof.

- a) R1e District:** Most of existing homes in the R1e District are single story ranch homes, with a building height of 16 ft., or less.

**Recommendation:** Allow a maximum building height of 26 ft. This building height would allow second story additions to existing single story homes, but would not allow three-story homes in these areas. Three story homes would be out of character with the existing homes in the neighborhoods and could potentially create privacy issues associated with third story windows and decks.

- b) R3e District:** There is a broader range of housing types in the R3e District, but typically, buildings are two stories in height or less. The building height of a typical two story residential building with a pitched roof is in the range of 20 - 26 ft.

**Recommendation:** Allow a building height of 26 ft. as a use by right. In recognition of the stated purpose of the R3e District, allow an allowance for additional height up to 35 ft. as an Adaptable Use.

- D. Planning Commission Review:** Planning Commission reviewed the proposed standards at study sessions on March 13 and March 27 and agreed on the 27<sup>th</sup> to send them on to City Council for consideration at a study session on April 11, 2017.

- E. City Council:** City Council reviewed the proposed standards at a study session on April 11, 2017. City Council did not request changes to the proposed standards and agreed to move them forward to the Planning Commission public hearing on May 8, 2017.

**F. Public Outreach:** On March 13, an open house was held in the Council Chambers to give interested citizens an opportunity to learn about and comment on the proposal. Invitations to attend the open house and the Planning Commission study session on the same evening were e-mailed to over 300 individuals, including:

- 11 members of the Construction Advisory Board;
- 98 individuals on the mailing list for the Create Loveland;
- 167 individuals on four contact lists for the general development community;
- 9 members of the Historic Preservation Commission;
- 15 members of the Stakeholder Committee;
- 11 members of the Technical Committee; and
- 6 members of the Title 18 Committee.

**Attachment H** is a petition submitted by City residents concerning “Creeping Density and Impacts on Livability”.

## **V. ATTACHMENTS**

- A. Enhanced Corridor Overlay Standards (second working draft)
- B. Housing Palette (second working draft)
- C. Planning Commission Revisions to first working drafts (red lines)
- D. Zero Building Setback
- E. Sloping Height Plane
- F. Land Use Table (example)
- G. GIS Analysis
- H. Citizen Petition
- I. Slide Show

## **Division 2.08.04 Enhanced Corridor Overlay Standards**

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### **2.08.401 Purpose and Application of Enhanced Corridor Overlay Zone**

- A. **Purpose.** The purpose of the Enhanced Corridor Overlay Zone ("ECZ") is to:
1. Provide development alternatives and regulatory incentives for new development, redevelopment, and infill development along major transportation corridors as specified on the Zoning Map;
  2. Address transitions between parcels that front on the corridors and adjacent residential neighborhoods, while simultaneously Improving connectivity between residential development and highway-oriented uses;
  3. Implement the policies set out in the Loveland Comprehensive Plan (Create Loveland), for the EC - Enhanced Corridor Overlay and the All Zones Action Plan set forth in the Highway 287 Strategic Plan and other corridor plans of the City, as appropriate. Plan policies and Action Plan elements include:
    - a. encouraging redevelopment patterns and densities sufficient to leverage new private re-investment along established commercial corridors;
    - b. promoting a mix of land uses that includes high-density residential, commercial, employment, and civic uses;
    - c. creating a highly connected multimodal transportation network;
    - d. encouraging places for neighborhood activity;
    - e. maximizing transit investment and transit readiness; and
    - f. promoting high quality architecture.
- B. **Application.**
1. The ECZ provides an option for applicants to apply an alternative to the underlying zoning with respect to land use and development form.
  2. ECZ standards are applied to applications for development approval when the property is located within the ECZ and the applicant requests to apply its standards in writing. The election to use the ECZ standards shall be shown on the proposed and approved site development plans.
- C. **Application of ECZ to Existing Development.** The ECZ may be applied to a parcel proposed for development that includes existing development that was constructed prior to the effective date of this Division, regardless of whether the existing development strictly complies with the standards of this Division, provided that:
1. All new development that occurs after the request to apply the ECZ conforms to the standards of this Division; and
  2. All improvements to existing buildings or site features conform to the standards of this Division to the extent practicable.

### **2.08.402 ECZ Bulk Standards**

- A. **Generally.** Upon an applicant's election to apply the ECZ standards pursuant to Section [2.08.401](#), *Purpose and Application of the Enhanced Corridor Overlay Zone*, and thereafter, the standards of this Section are applied. For the purposes of this Section only, the phrase "Residentially-Zoned Property" means property located in an ER, R1e, R1, R2, or R3e zone.

- B. **Maximum Building Height.** The maximum building height provisions of this subsection apply to the parcel proposed for development, and supersede any conflicting building height regulations in the underlying zone.
1. Maximum Height: 90 ft.
  2. Transition to Residentially-Zoned Property: no part of a building shall cross an angled building height plane that commences 10 feet above all property lines that border Residentially-Zoned Property, and proceeds into the Parcel Proposed for Development at an upwards angle of 45 degrees.
- C. **Perimeter Setbacks and Build-To Lines.** The perimeter setbacks and build-to lines set out in this subsection apply along the boundaries of the Parcel Proposed for Development, and supersede any conflicting setbacks or build-to lines in the underlying zone. Where build-to lines would require construction within utility or ditch easements or other areas where development is impracticable due to topography or comparable issues, the Director may authorize modification of the build-to line as appropriate achieve as closely as practicable the aesthetic and functional objectives of the ECZ.
1. Arterial frontage build-to line: 0 ft., or as necessary to provide an 11-foot wide parkway and 10-foot wide sidewalk between the building and the ultimate curb location of the abutting arterial street, and as necessary to provide "transition areas" as defined in Section [2.08.403 ECZ Site Design Standards](#), as follows:
    - a. Front property line is more than 160 feet long: Transition areas shall be provided along not less than 20 percent of the building frontage.
    - b. Front property line is up to 160 feet long: Transition areas may be provided at the applicant's option.
  2. Other street frontage setbacks:
    - a. Streets that intersect the arterial frontage street: 0 ft., or as necessary to provide an 8-foot wide parkway and 6-foot wide sidewalk between the building and the ultimate curb location of the abutting street.
    - b. Streets that do not intersect the arterial frontage street: 10 ft.
  3. Alley setbacks:
    - a. To garages: 3 ft., or as provided in Section [2.10.302, Rear Setbacks Along Alleys, Easements, and Waterbodies](#).
    - b. To buildings: 3 ft., or as required to maintain safe travel along the alley.
  4. Interior side setback:
    - a. Parcel Proposed for Development borders Residentially-Zoned Property: 10 feet
    - b. Parcel Proposed for Development does not border Residentially-Zoned Property: 0 feet
  5. Rear setback: 5 ft.

#### **2.08.403 ECZ Site Design Standards**

- A. **Generally.** Upon an applicant's election to apply the ECZ standards pursuant to Section [2.08.401, Purpose and Application of the Enhanced Corridor Overlay Zone](#), and thereafter, the standards of this Section are applied.
- B. **Arterial Right-of-Way Improvements. [RESERVED FOR DISCUSSION]**
- C. **Transition Areas.** As used in this Section and in Section [2.08.402 ECZ Bulk Standards](#), transition areas are "semi-public" spaces between buildings and the arterial frontage that provide a physical and psychological transition between the sidewalk and the building. Transition areas are (with the exception of landscape areas) accessible from both the sidewalk and the building. Such areas include,

but are not limited to, plazas, patios, seating areas, fountains, decks, and other landscaped areas. Transition areas may also include plazas and landscaped walkways that provide pedestrian access between or through buildings.

1. Transition areas are required along arterial frontages as provided in Section [2.08.402 ECZ Bulk Standards](#).
2. Transition areas shall have horizontal dimensions of not less than 10 feet by 10 feet, except that access between or through buildings shall be not less than 20 feet in width, nor greater than 60 feet in width (measured parallel to the arterial street) at ground level.

**D. Pedestrian Circulation.**

1. For every 200 linear feet of front property line or fraction thereof, at least one pedestrian access to the parcel proposed for development shall be provided from the public sidewalk. The access shall connect to a parking area, on-site pedestrian circulation system, building, or transition area.
2. Where existing public sidewalks, trails, or pedestrian access easements (collectively, "Access Points") on adjacent property terminate at the boundary of the Parcel Proposed for Development, the pedestrian circulation system shall connect to the access points.
3. The Parcel Proposed for Development shall include an internal pedestrian circulation system that connects the sidewalk to buildings to parking areas to access points (where required by subsection C.2.). Such system shall be designed for efficient pedestrian movement and minimization of vehicular-pedestrian conflicts.

**E. Vehicular Circulation.**

1. If access to the Parcel Proposed for Development is possible along an existing street alignment, then access shall be provided along the existing street alignment.
2. If the extension of an existing street alignment through the Parcel Proposed for Development would connect streets on opposite sides of the Parcel Proposed for Development, then the streets shall be connected across the Parcel Proposed for Development if such connection will complete a grid and improve mobility without materially increasing cut through traffic in a residential neighborhood.
3. If the construction of an alley along the rear property line would connect to a public street and improve vehicular mobility and property access to the benefit both the Parcel Proposed for Development and the bordering property owners, then an alley shall be constructed along the rear property line.

**F. Parking Configuration.** Parking spaces shall be set back at least 25 feet from the front property line of the parcel proposed for development. Parking aisles that run parallel to the front property line shall be set back at least 50 feet from the front property line of the parcel proposed for development.

**G. Utilities and Solid Waste Collection.** Utility service infrastructure (*e.g.*, meters, valves, etc.) shall be completely screened from view from public rights-of-way by building walls, wing walls, or screen walls. Dumpster enclosures shall be located behind buildings or set back not less than 60 feet from arterial rights-of-way.

**2.08.404 Enhanced Corridor Overly (ECO) Zone Building Design Standards**

- A. Generally. The standards of this Section apply to residential, office, retail, and restaurant uses within the ECO Zone.
- B. **Transparency.** At least 35 percent of the ground floor of the street-facing building elevation between two feet and 10 feet above grade shall be transparent.

## Division 2.10.02 Housing Palette

### 2.10.201 Lot Averaging Option

- A. **Generally.** Lot averaging allows for flexibility with regard to lot width and lot area when property is subdivided for residential uses.
- B. **Applicability.** Applicants may apply lot averaging to the housing types described in Section 2.10.202, [Single-Family Detached](#), Section 2.10.203, [Duplex](#), or Section 2.10.204, [Townhomes](#), as follows:
1. Lot width and lot depth may be reduced by up to 10 percent from the standards set out in the applicable table for lots up to 50 feet in width and 15 percent for lots 50 feet in width or more, provided that the average lot width and lot depth for each housing type within the subdivision is at least that which is set out in the applicable table; and
  2. Each individual block in the subdivision that includes one or more lots that are modified pursuant to this Section includes:
    - a. More than one housing type; or
    - b. A mix of lot sizes such that smaller-than-average lots occupy not more than 40 percent of the block.

### 2.10.202 Single-Family Detached

- A. **Generally.** Single-family detached homes are residences for one family that are typically located on a privately-owned lot, with private yards on each side of the unit. Single-family detached homes could also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single-family detached home, which would serve the same purpose as a private yard.
- B. **Lot and Building Standards.** The lot and building standards for single-family detached homes are set out in Table 2.10.202A, *Single-Family Detached Lot and Building Standards*. There are nine lot types, which are classified based on their area, width, and location of vehicular access.

Table 2.10.202A Single-Family Detached Lot and Building Standards									
Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback (Building / Garage Door)	Interior Side Setback	Street Side Setback	Rear Setback (Principal Building / Garage)	Height	Building Coverage
Urban	Alley	4,000 sf.	36 ft.	10 ft. / NA	5 ft.	8 ft.	15 ft. / 0 ft. <sup>1</sup>	30 ft.	single story: 40% two-story: 35%
Large Urban	Alley	4,500 sf.	45 ft.	10 ft. / NA	5 ft.	8 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	single story: 40% two-story: 35%
	Street	4,500 sf.	45 ft.	15 ft. / 20 ft.	5 ft.	8 ft.	15 ft. / 15 ft.	35 ft.	single story: 40%

									two-story: 35%
Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback (Building / Garage Door)	Interior Side Setback	Street Side Setback	Rear Setback (Principal Building / Garage)	Height	Building Coverage
General	Street	5,000 sf.	50 ft.	15 ft. / 20 ft.	5 ft.	8 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Large General	Street	6,000 sf.	60 ft.	15 ft. / 20 ft..	6 ft.	10 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Suburban	Street	7,000 sf.	65 ft.	15 ft. / 20 ft.	6 ft.	10 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Large Suburban	Street	10,800 sf.	80 ft.	15 ft. / 20 ft.	6 ft.	10 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Estate	Street	20,000 sf.	100 ft.	30 ft. / 30 ft.	10 ft.	20 ft.	25 ft. / 0 ft. <sup>1</sup>	35 ft.	30%
Large Estate	Street	2.5 ac.	300 ft.	30 ft. / 30 ft.	30 ft.	30 ft.	30 ft. / 0 ft. <sup>1</sup>	35 ft.	20%

## TABLE NOTES:

<sup>1</sup> 0 ft. standard applies to alley-loaded garages, subject to Sec. 2.10.302, *Setbacks Along Alleys, Easement, and Waterbodies*. Garages that are accessed across front or side lot lines are subject to the same setbacks as the principal building.

- C. **Lot-Line Home Variant.** Lot-line homes are a single-family detached housing type that differs from the typical single-family detached form in that they are situated on the lot such that one side building wall is located on a side lot line and the other side is designed to provide an expanded and useable private side yard. Lot line homes are subject to the standards of this subsection.
1. *Subdivision Layout.* Lots that are designated for lot-line homes must be configured such that the zero setback is on the same side of the lot for all of the lots on each street face (see Figure 2.10.202A, Arrangement of Zero Lot Line Setbacks). Street side setbacks are required where the side lot line borders a public right-of-way or a lot or tract that is not approved for use as a lot-line home.
  2. *Design Standards.* To provide a reasonable level of privacy in the adjoining side yard, the following design standards apply to all lot-line homes:
    - a. No window shall be permitted on the zero lot line side of the house unless:
      1. It opens into an enclosed light court;
      2. It is framed at a minimum of six foot four inches above the room floor so as to not provide a line of sight into the neighboring yard; or
      3. It is composed of glass block, frosted glass, or similar treatment, and is inoperable.
    - b. The lot shall include a usable combined side and rear yard on the opposite of the zero-lot line. The combined yard shall be screened from the street by the front building elevation.
  3. *Access and Maintenance Easements.* Appropriate access and maintenance easements shall be provided to ensure that each lot owner is able to access and maintain the side of the building that is constructed upon the lot line. Easements for overhanging eaves may also be required, as appropriate to the design of the buildings.



4. *Lot and Building Standards.* The lot and building standards for lot-line homes are set out in Table 2.10.202B, *Lot-Line Home Lot and Building Standards.*

Table 2.10.202A Lot-Line Home Lot and Building Standards										
Lot Type	Vehicular Access	Minimum							Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback	Area of Useable Side / Rear Yard	Street Side Setback	Rear Setback	Height	Building Coverage
Lot-Line Home	Alley	4,500 sf.	45 ft.	10 ft.	6 ft.	900 sf., no less than 15 ft. in any dimension	8 ft.	0 ft. <sup>1</sup>	35 ft.	40%
	Street	5,000 sf.	50 ft.	20 ft.	6 ft.	1,000 sf., no less than 20 ft. in any dimension	8 ft.	15 ft.	35 ft.	35%
<b>TABLE NOTES:</b>										
<sup>1</sup> May be increased as provided in Section 2.10.302, <i>Setbacks Along Alleys, Easements, and Waterbodies</i>										

### 2.10.203 Duplexes

- A. **Generally.** There are two types of duplex houses: standard duplexes and over-under duplexes:
1. In the standard duplex, the dwelling units are separated by a shared wall with no penetrations, and each unit has a separate outside door.
  2. In the over-under duplex, units are separated by a floor, and units may be accessed from an interior foyer with a staircase, or units may have separate front doors at street level. Exterior stair access to the principal entrance to the second floor unit is not allowed.
- B. **Lot and Building Standards.** Table 2.10.203, *Duplex Lot and Building Standards*, sets out the lot and building requirements for duplexes.

Table 2.10.203 Duplex Lot and Building Standards									
Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback <sup>3</sup>	Street Side Setback	Rear Setback	Height	Building Coverage
Standard Duplex	Alley	3,000 sf. <sup>1</sup>	30 ft. <sup>1</sup>	10 ft.	5 ft.	10 ft.	0 ft. <sup>4</sup>	35 ft.	50%
	Street	4,500 sf. <sup>1</sup>	45 ft. <sup>1</sup>	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%
Over-Under Duplex	Alley	5,000 sf. <sup>2</sup>	50 ft. <sup>2</sup>	10 ft.	5 ft.	10 ft.	0 ft. <sup>4</sup>	35 ft.	50%
	Street	5,500 sf. <sup>2</sup>	55 ft. <sup>2</sup>	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%
<b>TABLE NOTES:</b>									
<sup>1</sup> per unit									
<sup>2</sup> per building									
<sup>3</sup> for outer building walls (does not apply to common wall)									
<sup>4</sup> see Sec. 2.10.302, <i>Setbacks Along Alleys, Easement, and Waterbodies</i>									

### 2.10.204 Townhomes

- A. **Generally.** Townhomes are an attached housing type in which units are attached to each other in groups of three to eight, with common side walls that do not have penetrations.
- B. **Lot and Building Standards.** Table 2.10.204, *Townhome Lot and Building Standards*, sets out the lot and building requirements for townhomes.

Table 2.10.204 Townhome Lot and Building Standards										
Lot Type	Vehicular Access	Minimum						Maximum		
		Lot Area	Lot Width	Front Setback	Street Side Setback	Rear Setback	Building Separation	Units Per Building	Height	Building Coverage
Standard Townhouse	Alley or Parking Court	1,360 sf.	20 ft.	10 ft.	8 ft.	0 ft.	10 ft.	8	35 ft.	85%
	Street	2,000 sf.	20 ft.	Principal Buildings: 15 ft. Garage Doors: 20 ft.	8 ft.	10 ft.	10 ft.	8	35 ft.	70%

### 2.10.205 Multiplex and Multifamily

- A. **Generally.**
1. Multiplex and multifamily are both multiple-family building types. Multiplex buildings are constructed to look like large single-family homes. Typically, multifamily takes the form of apartments or condominiums that are two or more stories in height, in walk-up or elevator-access configurations. Multifamily units may also be located in mixed-use buildings, but mixed-use buildings are subject to the standards for nonresidential and mixed use buildings that are set out in Division 2.10.03, Exceptions to and Modifications of Bulk Standards.
  2. For the purposes of this Code, multifamily is classified as "General Multifamily," "Infill Multifamily," and "Downtown Multifamily." These classifications relate to the anticipated location, scale, and density of the housing type.
- B. **Lot and Building Standards.** Table 2.10.205, *Multiplex and Multifamily Lot and Building Standards*, sets out the lot and building requirements for multiplex and multifamily.

Table 2.10.205 Multiplex and Multifamily Lot and Building Standards										
Lot Type	Vehicular Access	Minimum						Maximum		
		Lot Area (per building)	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Units Per Building	Height	Building Coverage
Multiplex	Alley or Parking Court	3 unit bldg.: 8,000 sf. 4 unit bldg.: 10,000 sf. 5 unit bldg.: 12,000 sf.	3 unit bldg.: 80 ft. 4 unit bldg.: 100 ft. 5 unit bldg.: 120 ft.	10 ft.	6 ft.	8 ft.	0 ft. <sup>1</sup>	5	35 ft.	50%
	Street	3 unit bldg.: 8,000 sf. 4 unit bldg.: 10,000 sf.	3 unit bldg.: 80 ft. 4 unit bldg.: 100 ft.	25 ft.	6 ft.	8 ft.	15 ft.	interior lot: 3 corner lot: 4	35 ft.	50%
General Multifamily	Alley or Parking Court	10,000 sf.	100 ft.	10 ft.	6 ft.	10 ft.	0 ft. <sup>1</sup>	not limited <sup>2</sup>	(by zoning) <sup>3</sup>	35%
	Street	10,000 sf.	100 ft.	25 ft.	6 ft.	10 ft.	15 ft.	not limited <sup>2</sup>	(by zoning) <sup>3</sup>	35%
Infill Multifamily	Alley or Parking Court	10,000 sf.	70 ft.	10 ft.	5 ft.	8 ft.	0 ft. <sup>1</sup>	not limited	2 stories	40%
	Street	10,000 sf.	70 ft.	25 ft.	5 ft.	8 ft.	15 ft.	not limited	2 stories	40%
Downtown Multifamily	All Types	2,000 sf.	25 ft.	0 ft.	0 ft.	0 ft.	0 ft. <sup>1</sup>	not limited	(by zoning) <sup>3</sup>	not limited
<b>TABLE NOTES:</b> <sup>1</sup> see Sec. 2.10.302, <i>Setbacks Along Alleys, Easement, and Waterbodies</i> <sup>2</sup> The total number of units allowed on the lot is limited by the density of the zoning district in which the property is located (if the zoning district limits density), but the number of units in any individual building is not specifically limited. <sup>3</sup> Maximum height is established by the underlying zoning district or applicable overlay district in which the property is located, if the district or overlay district limits height.										

### 2.10.206 Cottage Clusters

- A. **Generally.** The cottage housing type consists of small single-family detached residences that have a footprint that is 600 square feet or less. Cottages are typically arranged in a cluster around a green space. Vehicular access is provided by a shared parking lot. Cottage clusters may be used for co-housing arrangements. In such cases, a common building with kitchen and meeting and / or indoor recreation facilities and up to two guest bedrooms is permitted as accessory to a cottage cluster.
- B. **Cluster Standards.** The standards that apply to each cottage cluster are set out in Table 2.10.206A, *Cluster Standards*.

Table 2.10.206A Cluster Standards	
Cluster Standard	Requirement
Minimum pervious surface	35%
Perimeter setbacks (buildings)	10 ft.
Perimeter setbacks (parking)	5 ft.
Minimum land area per unit (gross)	1,200 sf.
Maximum units per cluster	12

- C. **Building Standards.** The standards that apply to the buildings within the cottage cluster are set out in Table 2.10.206B, *Building Standards*.

Table 2.10.206B Building Standards	
Building Standard	Requirement
Maximum floor area of ground floor	Cottages: 600 sf. Common Building: 1,200 sf.
Minimum spacing between buildings	Front: 25 ft. All other: 10 ft.
Maximum building height	Cottages: 25 ft. Common Building: 30 ft.

## 2.10.207 Manufactured Homes

- A. **Generally.** Manufactured homes are a special type of single-family detached home, in that they are constructed in factories according to federal standards, and are designed to be moved. There are three types of manufactured homes: single-wide (transported in one section), double-wide (transported in two sections), and triple-wide (transported in three or more sections).
- B. **Lot and Building Standards.**
1. The lot and building standards for manufactured and tiny homes are set out in Table 2.10.207, *Manufactured Home Lot and Building Standards*. The standards of this section apply to manufactured homes that are located in new manufactured home parks and manufactured home subdivisions, or expanded areas of existing manufactured home parks and manufactured home subdivisions.
  2. In existing manufactured home parks and subdivisions, manufactured homes may be placed on existing lots or spaces that do not comply with this section, provided that they are spaced a minimum of 10 feet apart and 10 feet from property lines.

Table 2.10.207 Manufactured Home Lot and Building Standards									
Lot Type	Parking Location	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Height	Building Coverage
Tiny Home	side of unit	1,000 sf.	30 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	30%
	front of unit	1,000 sf.	25 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	30%
	Off-lot (centralized)	1,000 sf.	10 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	30%
Single-Wide	side of unit	4,000 sf.	40 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.	50%
	front of unit	4,000 sf.	30 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
	off-lot (centralized)	3,750 sf.	30 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
Double-Wide	side of unit	5,000 sf.	50 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.	50%
	front of unit	5,000 sf.	40 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
	off-lot (centralized)	5,000 sf.	40 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
Triple-Wide	side of unit	6,000 sf.	66 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.	50%
	front of unit	6,600 sf.	60 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
	off-lot (centralized)	6,000 sf.	60 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%

## Division 2.08.04 Enhanced Corridor Overlay Standards

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### 2.08.401 Purpose and Application of Enhanced Corridor Overlay Zone

- A. **Purpose.** The purpose of the Enhanced Corridor Overlay Zone ("ECZ") is to:
1. Provide development alternatives and regulatory incentives for new development, redevelopment, and infill development along major transportation corridors as specified on the Zoning Map;
  2. Address transitions between parcels that front on the corridors and adjacent residential neighborhoods, while simultaneously Improving connectivity between residential development and highway-oriented uses;
  3. ~~To implement the goals/policies set out in the Loveland Create Loveland, the Comprehensive Plan (Create Loveland), {for the EC - regarding the Enhanced Corridor Overlay} and, the All Zones Action Plan set forth in the strategic objectives of the Highway 287 Strategic Plan and other corridor plans of the City, as appropriate. Plan policies and Action Plan elements, which include:~~
    - a. encouraging redevelopment patterns and densities sufficient to leverage new private re-investment along established commercial corridors;
    - b. promoting a mix of land uses that includes high-density residential, commercial, employment, and civic uses;
    - c. creating a highly connected multimodal transportation network;
    - d. encouraging places for neighborhood activity;
    - e. maximizing transit investment and transit readiness; and
    - f. promoting high quality architecture.
- B. **Application.**
1. The ECZ provides an option for applicants to apply an alternative to the underlying zoning with respect to land use and development form.
  2. ECZ standards are applied to applications for development approval when the property is located within the ECZ and the applicant requests to apply its standards in writing. The election to use the ECZ standards shall be shown on the proposed and approved site development plans.
- C. **Application of ECZ to Existing Development.** The ECZ may be applied to a parcel proposed for development that includes existing development that was constructed prior to the effective date of this Division, regardless of whether the existing development strictly complies with the standards of this Division, provided that:
1. All new development that occurs after the request to apply the ECZ conforms to the standards of this Division; and
  2. All improvements to existing buildings or site features conform to the standards of this Division to the extent practicable.

### 2.08.402 ECZ Bulk Standards

- A. **Generally.** Upon an applicant's election to apply the ECZ standards pursuant to Section 2.08.401, *Purpose and Application of the Enhanced Corridor Overlay Zone*, and thereafter, the standards of this Section are applied. For the purposes of this Section only, the phrase "Residentially-Zoned Property" means property located in an ER, R1e, R1, R2, or R3e zone.

- B. **Maximum Building Height.** The maximum building height provisions of this subsection apply to the parcel proposed for development, and supersede any conflicting building height regulations in the underlying zone.
1. Maximum Height: 90 ft.
  2. Transition to Residentially-Zoned Property: no part of a building shall cross an angled building height plane that commences 10 feet above all property lines that border Residentially-Zoned Property, and proceeds into the Parcel Proposed for Development at an upwards angle of 45 degrees.
- C. **Perimeter Setbacks and Build-To Lines.** The perimeter setbacks and build-to lines set out in this subsection apply along the boundaries of the Parcel Proposed for Development, and supersede any conflicting setbacks or build-to lines in the underlying zone. Where build-to lines would require construction within utility or ditch easements or other areas where development is impracticable due to topography or comparable issues, the Director may authorize modification of the build-to line as appropriate achieve as closely as practicable the aesthetic and functional objectives of the ECZ.
1. Arterial frontage build-to line: 0 ft., or as necessary to provide an 11-foot wide parkway and 10-foot wide sidewalk between the building and the ultimate curb location of the abutting arterial street, and as necessary to provide "transition areas" as defined in Section [2.08.403 ECZ Site Design Standards](#), as follows:
    - a. Front property line is more than 160 feet long: Transition areas shall be provided along not less than 20 percent of the building frontage.
    - b. Front property line is up to 160 feet long: Transition areas may be provided at the applicant's option.
  2. Other street frontage setbacks:
    - a. Streets that intersect the arterial frontage street: 0 ft., or as necessary to provide an 8-foot wide parkway and 6-foot wide sidewalk between the building and the ultimate curb location of the abutting street.
    - b. Streets that do not intersect the arterial frontage street: 10 ft.
  3. Alley setbacks:
    - a. To garages: 3 ft., or as provided in Section [2.10.302, Rear Setbacks Along Alleys, Easements, and Waterbodies](#).
    - b. To buildings: 3 ft., or as required to maintain safe travel along the alley.
  4. Interior side setback:
    - a. Parcel Proposed for Development borders Residentially-Zoned Property: 10 feet
    - b. Parcel Proposed for Development does not border Residentially-Zoned Property: 0 feet
  5. Rear setback: 5 ft.

#### **2.08.403 ECZ Site Design Standards**

- A. **Generally.** Upon an applicant's election to apply the ECZ standards pursuant to Section [2.08.401, Purpose and Application of the Enhanced Corridor Overlay Zone](#), and thereafter, the standards of this Section are applied.
- B. **Arterial Right-of-Way Improvements. [RESERVED FOR DISCUSSION]**
- C. **Transition Areas.** As used in this Section and in Section [2.08.402 ECZ Bulk Standards](#), transition areas are "semi-public" spaces between buildings and the arterial frontage that provide a physical and psychological transition between the sidewalk and the building. Transition areas are (with the

exception of landscape areas) accessible from both the sidewalk and the building. Such areas include, but are not limited to, plazas, patios, seating areas, fountains, decks, and other landscaped areas. Transition areas may also include plazas and landscaped walkways that provide pedestrian access between or through buildings.

1. Transition areas are required along arterial frontages as provided in Section [2.08.402 ECZ Bulk Standards](#).
2. Transition areas shall have horizontal dimensions of not less than 10 feet by 10 feet, except that access between or through buildings shall be not less than 20 feet in width, nor greater than 60 feet in width (measured parallel to the arterial street) at ground level.

**D. Pedestrian Circulation.**

1. For every 200 linear feet of front property line or fraction thereof, at least one pedestrian access to the parcel proposed for development shall be provided from the public sidewalk. The access shall connect to a parking area, on-site pedestrian circulation system, building, or transition area.
2. Where existing public sidewalks, trails, or pedestrian access easements (collectively, "Access Points") on adjacent property terminate at the boundary of the Parcel Proposed for Development, the pedestrian circulation system shall connect to the access points.
3. The Parcel Proposed for Development shall include an internal pedestrian circulation system that connects the sidewalk to buildings to parking areas to access points (where required by subsection C.2.). Such system shall be designed for efficient pedestrian movement and minimization of vehicular-pedestrian conflicts.

**E. Vehicular Circulation.**

1. If access to the Parcel Proposed for Development is possible along an existing street alignment, then access shall be provided along the existing street alignment.
2. If the extension of an existing street alignment through the Parcel Proposed for Development would connect streets on opposite sides of the Parcel Proposed for Development, then the streets shall be connected across the Parcel Proposed for Development if such connection will complete a grid and improve mobility without materially increasing cut through traffic in a residential neighborhood.
3. If the construction of an alley along the rear property line would connect to a public street and improve vehicular mobility and property access to the benefit both the Parcel Proposed for Development and the bordering property owners, then an alley shall be constructed along the rear property line.

**F. Parking Configuration.** Parking spaces shall be set back at least 25 feet from the front property line of the parcel proposed for development. Parking aisles that run parallel to the front property line shall be set back at least 50 feet from the front property line of the parcel proposed for development.

**G. Utilities and Solid Waste Collection.** Utility service infrastructure (*e.g.*, meters, valves, etc.) shall be completely screened from view from public rights-of-way by building walls, wing walls, or screen walls. Dumpster enclosures shall be located behind buildings or set back not less than 60 feet from arterial rights-of-way.

**2.08.404 Enhanced Corridor Overlay (ECO) Zone Building Design Standards**

- A. Generally. The standards of this Section apply to residential, office, retail, and restaurant uses within the ECO Zone.
- B. **Transparency.** At least 35 percent of the ground floor of the street-facing building elevation between two feet and 10 feet above grade shall be transparent.



## Division 2.10.02 Housing Palette

### 2.10.201 Lot Averaging Option

- D. **Generally.** Lot averaging allows for flexibility with regard to lot width and lot area when property is subdivided for residential uses.
- E. **Applicability.** Applicants may apply lot averaging to the housing types described in Section 2.10.202, *Single-Family Detached*, Section 2.10.203, *Duplex*, or Section 2.10.204, *Townhomes*, as follows:
4. Lot width and lot depth may be reduced by up to 10 percent from the standards set out in the applicable table for lots up to 50 feet in width and 15 percent for lots 50 feet in width or more, provided that the average lot width and lot depth for each housing type within the subdivision is at least that which is set out in the applicable table; and
  5. Each individual block in the subdivision that includes one or more lots that are modified pursuant to this Section includes:
    - g. More than one housing type; or
    - h. A mix of lot sizes such that smaller-than-average lots occupy not more than 40 percent of the block.

### 2.10.202 Single-Family Detached

2. **Generally.** Single-family detached homes are residences for one family that are typically located on a privately-owned lot, with private yards on each side of the unit. Single-family detached homes could also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single-family detached home, which would serve the same purpose as a private yard.
3. **Lot and Building Standards.** The lot and building standards for single-family detached homes are set out in Table 2.10.202A, *Single-Family Detached Lot and Building Standards*. There are nine lot types, which are classified based on their area, width, and location of vehicular access.

Table 2.10.202A Single-Family Detached Lot and Building Standards									
Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback (Building / Garage Door)	Interior Side Setback	Street Side Setback	Rear Setback (Principal Building / Garage)	Height	Building Coverage
Urban	Alley	4,000 sf.	36 ft.	10 ft. / NA	5 ft.	8 ft.	15 ft. / 0 ft. <sup>1</sup>	30 ft.	single story: 40% two-story: 35%
Large Urban	Alley	4,500 sf.	45 ft.	10 ft. / NA	5 ft.	8 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	single story: 40% two-story: 35%
	Street	4,500 sf.	45 ft.	15 ft. / 20 ft.	5 ft.	8 ft.	15 ft. / 15 ft.	35 ft.	single story: 40% two-story: 35%

Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback (Building / Garage Door)	Interior Side Setback	Street Side Setback	Rear Setback (Principal Building / Garage)	Height	Building Coverage
General	Street	5,000 sf.	50 ft.	15 ft. / 20 ft.	5 ft.	8 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Large General	Street	6,000 sf.	60 ft.	15 ft. / 20 ft.	6 ft.	10 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Suburban	Street	7,000 sf.	65 ft.	15 ft. / 20 ft.	6 ft.	10 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Large Suburban	Street	10,800 sf.	80 ft.	15 ft. / 20 ft.	6 ft.	10 ft.	15 ft. / 0 ft. <sup>1</sup>	35 ft.	35%
Estate	Street	20,000 sf.	100 ft.	30 ft. / 30 ft.	10 ft.	20 ft.	25 ft. / 0 ft. <sup>1</sup>	35 ft.	30%
Large Estate	Street	2.5 ac.	300 ft.	30 ft. / 30 ft.	30 ft.	30 ft.	30 ft. / 0 ft. <sup>1</sup>	35 ft.	20%

TABLE NOTES:

<sup>1</sup> 0 ft. standard applies to alley-loaded garages, subject to Sec. 2.10.302, *Setbacks Along Alleys, Easement, and Waterbodies*. Garages that are accessed across front or side lot lines are subject to the same setbacks as the principal building.

2. **Lot-Line Home Variant.** Lot-line homes are a single-family detached housing type that differs from the typical single-family detached form in that they are situated on the lot such that one side building wall is located on a side lot line and the other side is designed to provide an expanded and useable private side yard. Lot line homes are subject to the standards of this subsection.
  - a. *Subdivision Layout.* Lots that are designated for lot-line homes must be configured such that the zero setback is on the same side of the lot for all of the lots on each street face (see Figure 2.10.202A, Arrangement of Zero Lot Line Setbacks). Street side setbacks are required where the side lot line borders a public right-of-way or a lot or tract that is not approved for use as a lot-line home.
  - b. *Design Standards.* To provide a reasonable level of privacy in the adjoining side yard, the ~~The~~ following design standards apply to all lot-line homes:
    - i. No window shall be permitted on the zero lot line side of the house unless:
      1. It opens into an enclosed light court;
      2. It is framed at a minimum of six foot four inches above the room floor so as to not provide a line of sight into the neighboring yard; or
      3. It is composed of glass block, frosted glass, or similar treatment, and is inoperable.
    - ii. The lot shall include a usable combined side and rear yard on the opposite of the zero-lot line. The combined yard shall be screened from the street by the front building elevation.
  - c. *Access and Maintenance Easements.* Appropriate access and maintenance easements shall be provided to ensure that each lot owner is able to access and maintain the side of the building that is constructed upon the lot line. Easements for overhanging eaves may also be required, as appropriate to the design of the buildings.
  - d. *Lot and Building Standards.* The lot and building standards for lot-line homes are set out in Table 2.10.202B, *Lot-Line Home Lot and Building Standards*.

Table 2.10.202A Lot-Line Home Lot and Building Standards										
Lot Type	Vehicular Access	Minimum							Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback	Area of Useable Side / Rear Yard	Street Side Setback	Rear Setback	Height	Building Coverage
Lot-Line Home	Alley	4,500 sf.	45 ft.	10 ft.	6 ft.	900 sf., no less than 15 ft. in any dimension	8 ft.	0 ft. <sup>1</sup>	35 ft.	40%
	Street	5,000 sf.	50 ft.	20 ft.	6 ft.	1,000 sf., no less than 20 ft. in any dimension	8 ft.	15 ft.	35 ft.	35%

**TABLE NOTES:**  
<sup>1</sup> May be increased as provided in Section 2.10.302, *Setbacks Along Alleys, Easements, and Waterbodies*

### 2.10.203 Duplexes

2. **Generally.** There are two types of duplex houses: standard duplexes and over-under duplexes:
  - b. In the standard duplex, the dwelling units are separated by a shared wall with no penetrations, and each unit has a separate outside door.
  - c. In the over-under duplex, units are separated by a floor, and units may be accessed from an interior foyer with a staircase, or units may have separate front doors at street level. Exterior stair access to the principal entrance to the second floor unit is not allowed.
3. **Lot and Building Standards.** Table 2.10.203, *Duplex Lot and Building Standards*, sets out the lot and building requirements for duplexes.

Table 2.10.203 Duplex Lot and Building Standards									
Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback <sup>3</sup>	Street Side Setback	Rear Setback	Height	Building Coverage
Standard Duplex	Alley	3,000 sf. <sup>1</sup>	30 ft. <sup>1</sup>	10 ft.	5 ft.	10 ft.	0 ft. <sup>4</sup>	35 ft.	50%
	Street	4,500 sf. <sup>1</sup>	45 ft. <sup>1</sup>	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%
Over-Under Duplex	Alley	5,000 sf. <sup>2</sup>	50 ft. <sup>2</sup>	10 ft.	5 ft.	10 ft.	0 ft. <sup>4</sup>	35 ft.	50%
	Street	5,500 sf. <sup>2</sup>	55 ft. <sup>2</sup>	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%

**TABLE NOTES:**  
<sup>1</sup> per unit  
<sup>2</sup> per building  
<sup>3</sup> for outer building walls (does not apply to common wall)  
<sup>4</sup> see Sec. 2.10.302, *Setbacks Along Alleys, Easement, and Waterbodies*

### 2.10.204 Townhomes

2. **Generally.** Townhomes are an attached housing type in which units are attached to each other in groups of three to eight, with common side walls that do not have penetrations.
3. **Lot and Building Standards.** Table 2.10.204, *Townhome Lot and Building Standards*, sets out the lot and building requirements for townhomes.

Table 2.10.204 Townhome Lot and Building Standards										
Lot Type	Vehicular Access	Minimum						Maximum		
		Lot Area	Lot Width	Front Setback	Street Side Setback	Rear Setback	Building Separation	Units Per Building	Height	Building Coverage
Standard Townhouse	Alley or Parking Court	1,360 sf.	20 ft.	10 ft.	8 ft.	0 ft.	10 ft.	8	35 ft.	85%
	Street	2,000 sf.	20 ft.	Principal Buildings: 15 ft. Garage Doors: 20 ft.	8 ft.	10 ft.	10 ft.	8	35 ft.	70%

### 2.10.205 Multiplex and Multifamily

2. **Generally.**
  - a. Multiplex and multifamily are both multiple-family building types. Multiplex buildings are constructed to look like large single-family homes. Typically, multifamily takes the form of apartments or condominiums that are two or more stories in height, in walk-up or elevator-access configurations. Multifamily units may also be located in mixed-use buildings, but mixed-use buildings are subject to the standards for nonresidential and mixed use buildings that are set out in Division 2.10.03, Exceptions to and Modifications of Bulk Standards.
  - b. For the purposes of this Code, multifamily is classified as "General Multifamily," "Infill Multifamily," and "Downtown Multifamily." These classifications relate to the anticipated location, scale, and density of the housing type.
3. **Lot and Building Standards.** Table 2.10.205, *Multiplex and Multifamily Lot and Building Standards*, sets out the lot and building requirements for multiplex and multifamily.

Table 2.10.205 Multiplex and Multifamily Lot and Building Standards										
Lot Type	Vehicular Access	Minimum						Maximum		
		Lot Area (per building)	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Units Per Building	Height	Building Coverage
Multiplex	Alley or Parking Court	3 unit bldg.: 8,000 sf. 4 unit bldg.: 10,000 sf. 5 unit bldg.: 12,000 sf.	3 unit bldg.: 80 ft. 4 unit bldg.: 100 ft. 5 unit bldg.: 120 ft.	10 ft.	6 ft.	8 ft.	0 ft. <sup>1</sup>	5	35 ft.	50%
	Street	3 unit bldg.: 8,000 sf. 4 unit bldg.: 10,000 sf.	3 unit bldg.: 80 ft. 4 unit bldg.: 100 ft.	25 ft.	6 ft.	8 ft.	15 ft.	interior lot: 3 corner lot: 4	35 ft.	50%
General Multifamily	Alley or Parking Court	10,000 sf.	100 ft.	10 ft.	6 ft.	10 ft.	0 ft. <sup>1</sup>	not limited <sup>2</sup>	(by zoning) <sup>3</sup>	35%
	Street	10,000 sf.	100 ft.	25 ft.	6 ft.	10 ft.	15 ft.	not limited <sup>2</sup>	(by zoning) <sup>3</sup>	35%
Infill Multifamily	Alley or Parking Court	10,000 sf.	70 ft.	10 ft.	5 ft.	8 ft.	0 ft. <sup>1</sup>	not limited	2 stories	40%
	Street	10,000 sf.	70 ft.	25 ft.	5 ft.	8 ft.	15 ft.	not limited	2 stories	40%
Downtown Multifamily	All Types	2,000 sf.	25 ft.	0 ft.	0 ft.	0 ft.	0 ft. <sup>1</sup>	not limited	(by zoning) <sup>3</sup>	not limited
<b>TABLE NOTES:</b> <sup>1</sup> see Sec. 2.10.302, <i>Setbacks Along Alleys, Easement, and Waterbodies</i> <sup>2</sup> The total number of units allowed on the lot is limited by the density of the zoning district in which the property is located (if the zoning district limits density), but the number of units in any individual building is not specifically limited. <sup>3</sup> Maximum height is established by the underlying zoning district or applicable overlay district in which the property is located, if the district or overlay district limits height.										

### 2.10.206 Cottage Clusters

2. **Generally.** The cottage housing type consists of small single-family detached residences that have a footprint that is 600 square feet or less. Cottages are typically arranged in a cluster around a green space. Vehicular access is provided by a shared parking lot. Cottage clusters may be used for co-housing arrangements. In such cases, a common building with kitchen and meeting and / or indoor recreation facilities and up to two guest bedrooms is permitted as accessory to a cottage cluster.

3. **Cluster Standards.** The standards that apply to each cottage cluster are set out in Table 2.10.206A, *Cluster Standards*.

Table 2.10.206A Cluster Standards	
Cluster Standard	Requirement
Minimum pervious surface	35%
Perimeter setbacks (buildings)	10 ft.
Perimeter setbacks (parking)	5 ft.
Minimum land area per unit (gross)	1,200 sf.
Maximum units per cluster	12

2. **Building Standards.** The standards that apply to the buildings within the cottage cluster are set out in Table 2.10.206B, *Building Standards*.

Table 2.10.206B Building Standards	
Building Standard	Requirement
Maximum floor area of ground floor	Cottages: 600 sf. Common Building: 1,200 sf.
Minimum spacing between buildings	Front: 25 ft. All other: 10 ft.
Maximum building height	Cottages: 25 ft. Common Building: 30 ft.

### 2.10.207 Manufactured Homes

2. **Generally.** Manufactured homes are a special type of single-family detached home, in that they are constructed in factories according to federal standards, and are designed to be moved. There are three types of manufactured homes: single-wide (transported in one section), double-wide (transported in two sections), and triple-wide (transported in three or more sections).
3. **Lot and Building Standards.**
  - a. The lot and building standards for manufactured and tiny homes are set out in Table 2.10.207, *Manufactured Home Lot and Building Standards*. The standards of this section apply to manufactured homes that are located in new manufactured home parks and manufactured home subdivisions, or expanded areas of existing manufactured home parks and manufactured home subdivisions.
  - b. In existing manufactured home parks and subdivisions, manufactured homes may be placed on existing lots or spaces that do not comply with this section, provided that they are spaced a minimum of 10 feet apart and 10 feet from property lines.

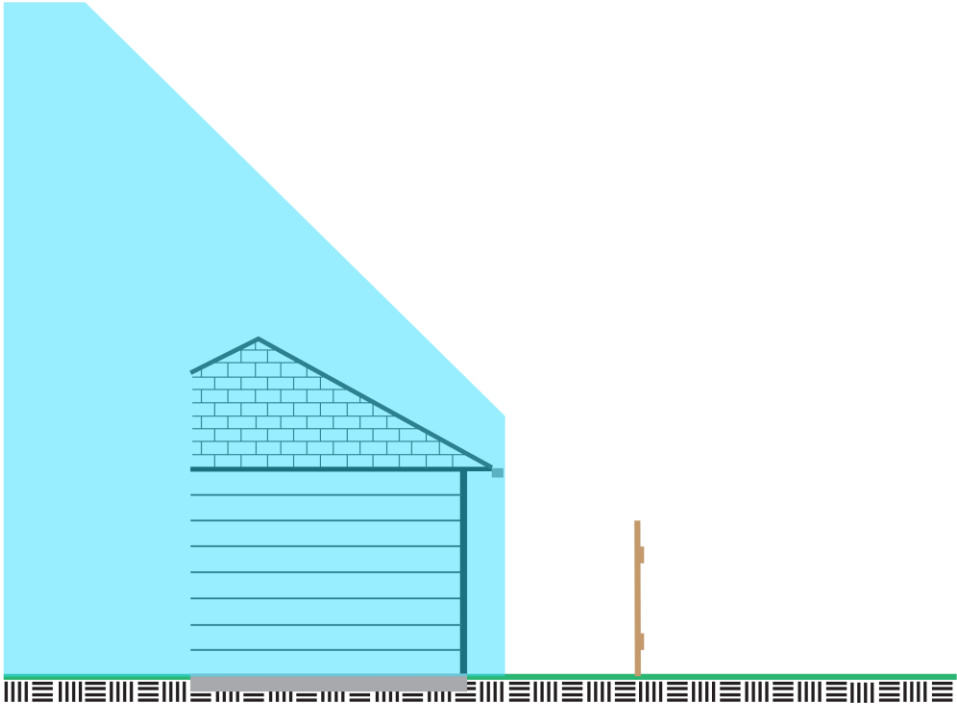
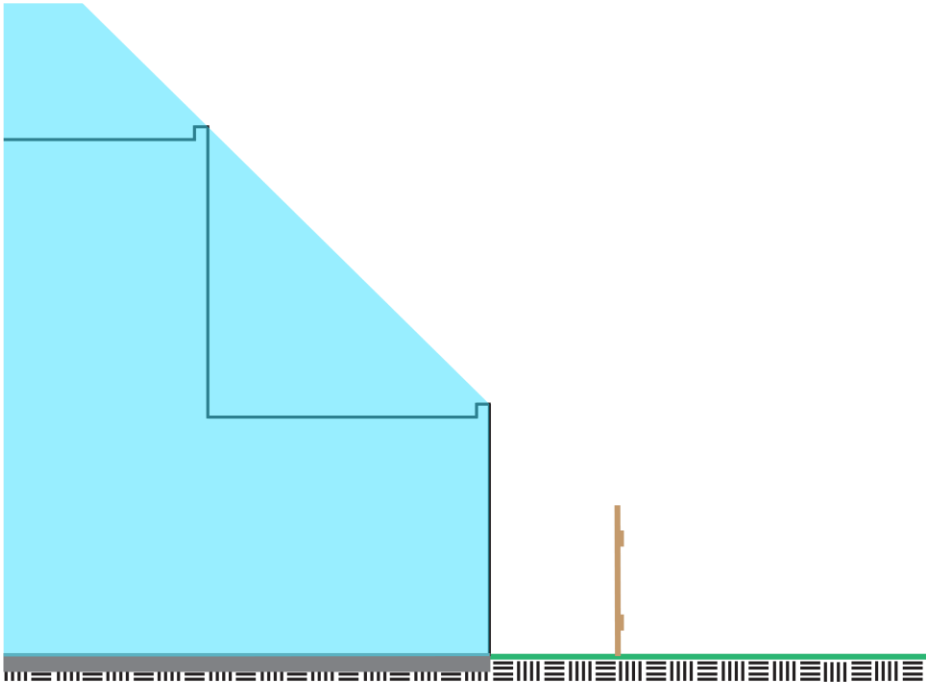
Table 2.10.207 Manufactured Home Lot and Building Standards									
Lot Type	Parking Location	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback	Street Side Setback	Rear Setback	Height	Building Coverage
Tiny Home	side of unit	1,000 sf.	30 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	30%
	front of unit	1,000 sf.	25 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	30%
	Off-lot (centralized)	1,000 sf.	10 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	30%
Single-Wide	side of unit	4,000 sf.	40 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.	50%
	front of unit	4,000 sf.	30 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
	off-lot (centralized)	3,750 sf.	30 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
Double-Wide	side of unit	5,000 sf.	50 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.	50%
	front of unit	5,000 sf.	40 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
	off-lot (centralized)	5,000 sf.	40 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
Triple-Wide	side of unit	6,000 sf.	66 ft.	10 ft.	6 ft.	10 ft.	10 ft.	20 ft.	50%
	front of unit	6,600 sf.	60 ft.	25 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%
	off-lot (centralized)	6,000 sf.	60 ft.	10 ft.	5 ft.	10 ft.	10 ft.	20 ft.	50%

# Zero Front Setback





Sloping Building Height Plane



## LAND USE TABLE

(Example)

LAND USE TABLE								
LOT TYPE	ZONING DISTRICTS							Development Standards
	R1	R1e	R2	R3e	Mix-Use Activity Center	Business	Employment	
Urban	A	L	L	L	L	L	X	§6.03.401
General	R	R	R	R	R	A	X	§6.03.401
Lot-Line Home	A	A	A	A	L	A	X	§6.03.402
Townhome	L	L	L	L	R	A	X	§6.03.403
Duplex	A	L	R	R	R	A	X	§6.03.404
Multifamily	A	A	L	L	R	L	X	§6.03.405
Infill Multifamily	A	L	L	L	L	L	X	§6.03.406
Manufactured and Tiny Home	A	A	A	A	L	A	X	§ 6.03.407

### LEGEND

R – Use-by-Right    L – Limited Use    A – Adaptable Use    C – Conditional Use    X – Use Not Allowed



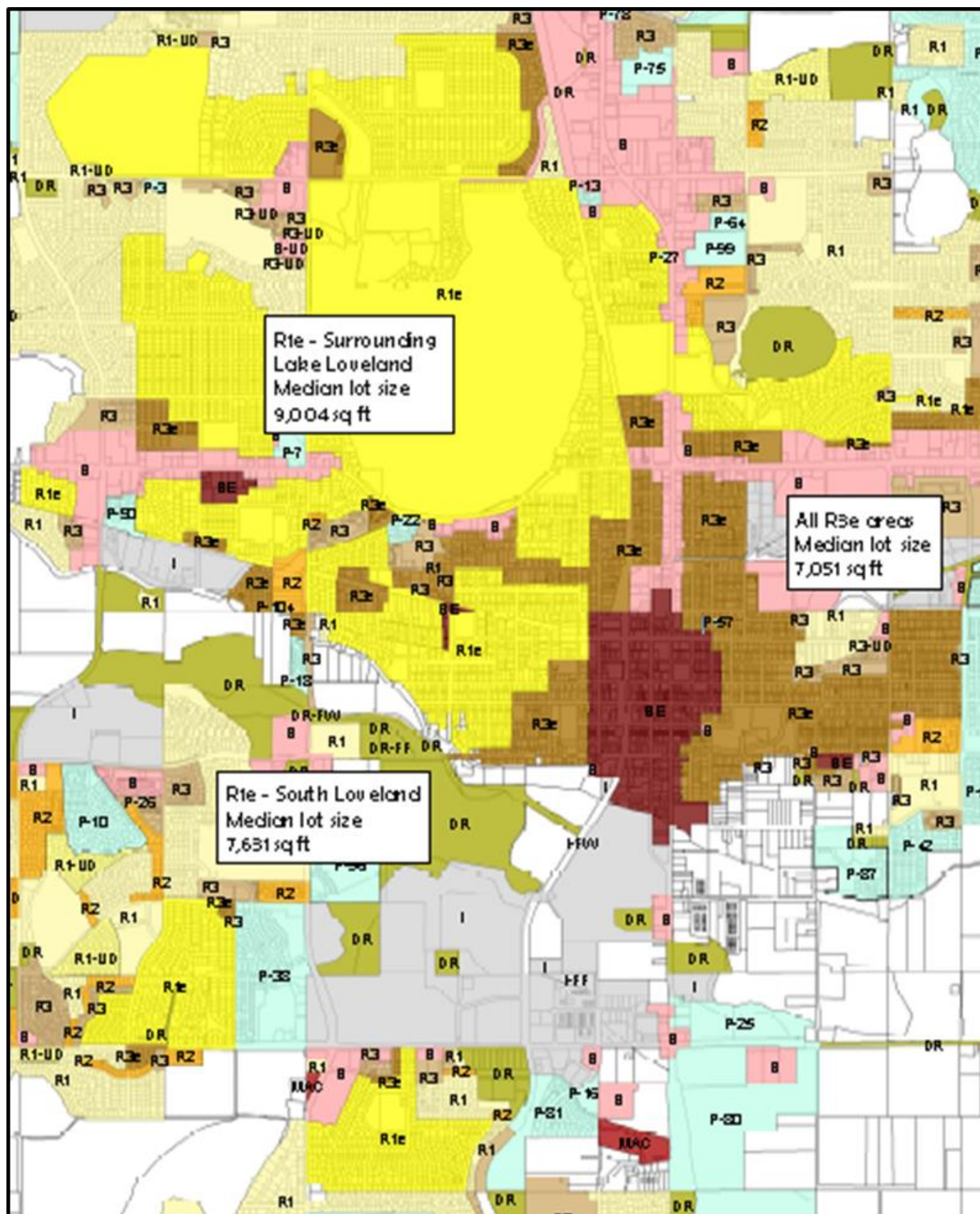
Required notice and comment to neighborhood and, at discretion of Director based on certain criteria, a neighborhood meeting with possible appeal to Planning Commission.



Development application goes directly to Planning Commission for public hearing with possible appeal to City Council



Approved by Director if in compliance with standards



TO: HISTORIC PRESERVATION COMMISSION (HPC)

FROM: CONCERNED CITIZENS IN WEST DOWNTOWN NEEIGHBORHOODS

DATE: February 20, 2017/HPC Meeting

RE: CREEPING DENSITY AND IMPACTS ON LIVEABILITY

The historical character, liveability and preservation of the area defined largely by Westside Park is being threatened by creeping density which continues to be promoted by the City of Loveland and developers. Close proximity to an expanding downtown, West Side Park and Bill Reed Middle School attract families, children, pedestrians and bicyclists making it an increasingly active area. An increase in car traffic moving on 1<sup>st</sup> St. is noticeable, and if creeping density continues, parking and congestion and safety issues will continue with negative impacts.

The historic character of many houses and other structures makes it attractive to house purchasers and renters, and this character needs to be preserved. Inappropriately large and out of character structures are being erected and have negatively affected property values and eroded overall liveability.

Zoning designations in area range from single family residential to multiple family and light business, and it is our understanding that the City/Planning Dept. is now working on Overlay Zones for historic areas which would support preservation and protection of our historic neighborhoods.

We encourage the HPC and the City to work with concerned residents to limit and control creeping density. We encourage the City to organize and hold several meetings to facilitate dialogue this winter/spring targeted to area residents focused on Overlay Zoning changes being made.

Please contact Trudi Manuel and/or Zach Andersson to continue our conversation and move forward to address our creeping density concerns.

PRINT NAME	ADDRESS	DATE
MARYlou Rogers	1816 DOVE CREEK CIR	2/9/17
Chris Worthheim	4125 Elm Creek Dr.	2/9/17
Kathy Huchman	945 E. 6 <sup>th</sup> St.	2/9/17
Celia Marsano	4250 Tarryall Ct	2/9/17
Nancy Waldum	216 Skender	2/14/17
Jack Luffbich	484 W 2nd St.	2-14-2017

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PRINT NAME	ADDRESS	DATE
Kimberly Butts	554 W. 3rd St.	Feb 9, 2017
Nancy B. BRIDEN	5130 Coral Burst Cir	Feb 9, 2017
A.M.C. Wiedmann	2510 Lake Crest Pl	Feb 9, 2017
Robert Kling	458 W. 8th St.	Feb 9, 2017
Mary McCrewy	1240 W 6th St.	2/9/17
Nancy Morgan	117 S. Washington Ave	2/9/17
Mary Jo Alley	2399 W 29th St.	2/9/17



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PRINT NAME	ADDRESS	DATE
Kari Klapper	330 W. 5 <sup>th</sup> St	02/16/17 [Signature]
Zachary Andersson	468 W. 3rd St	02/17/17 [Signature]
Lori Hrzedal Ward	501 W. 4 <sup>th</sup> St.	2-17-17 [Signature]
Suffie Gressel	355 W 5 <sup>th</sup> St.	2-17-17
Chere [unclear]	340 W 5 <sup>th</sup> St	2-17-17 (Cw)
Bret Lubwick	369 W. 4 <sup>th</sup> St	2-17-17 [Signature]
Katie Johnson	431 W. 3 <sup>rd</sup> St	2-17-17 [Signature]

OVER

ATTACHMENT H

TO: HISTORIC PRESERVATION COMMISSION (HPC)

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Zach Andersson - Zachandersson@Gmail.com  
Trudi Manuel - tremanuel@hotmail.com

PRINT NAME	ADDRESS	DATE
Trudi Manuel	500 W. 3rd St.	2/10/17
Jo Huffaker	260 N. Roosevelt Ave	2/10/17
Ky Huffaker	260 N. Roosevelt Ave.	2/10/17
Angela Townsend	250 Roosevelt Ave	2/10/17
Lynna McIntosh	536 W. 3rd	2/9/17
Kathy Leonard	675 W. 3rd	2-9-17
Lynna McIntosh	536 W. 3rd St	2-9-17

name	Address	Date
Brett Kendrick	502 W. 4 <sup>th</sup> St.	2/17/17
Andrea Crowl	602 W 3rd St	2/17/17
Mike Morgan	117 S. Washington Ave	2/20/17
Joe Ewing	2730 FARISITA DR	2-20-17



# UNIFIED DEVELOPMENT CODE

## TASK 3

### Infill and Corridor Development Standards

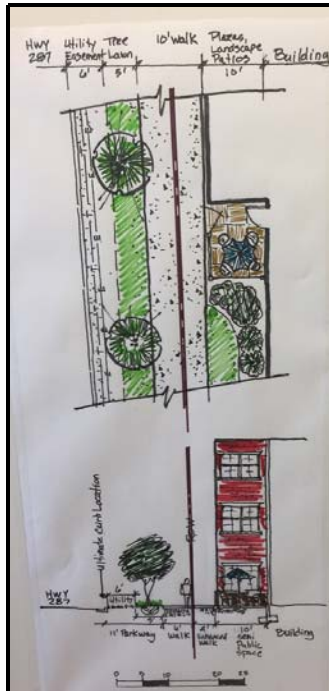
Planning Commission Public Hearing

May 8, 2017

#### **Enhanced Corridor Overlay Zone**

- Provides development options – maintains existing underlying zoning – options for land use and development form
- Provides additional building height (90 feet)
- Height of buildings adjacent to residential uses limited in accordance with “building height plane”
- “Build-To-Line” – increases net land area for development – in exchange for enhanced landscaping and pedestrian improvements along the highway frontage – includes semi-public “activity area” between building and right-of-way
- Provisions for pedestrian access from public sidewalk to parking area on development site
- Provisions to encourage parking to be side-loaded or set back 50 feet from front property line

## Zero Front Building Setback



## Building Height Plane



## Housing Palette

- Numerous Housing Types:

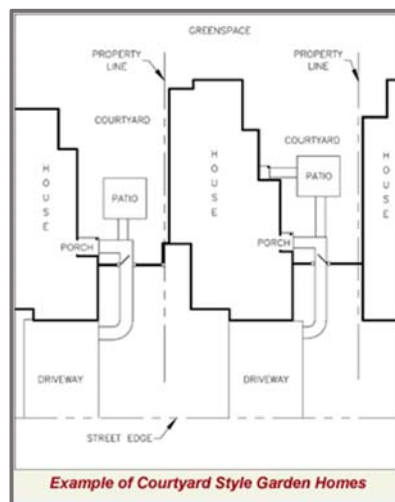
- Zero lot line homes
- Alley loaded duplexes
- Over-Under Duplexes
- Townhomes
- Multiplex Buildings
- Infill Multifamily
- Downtown Multifamily
- Cottage Clusters
- Manufactures and Tiny Homes

## Housing Types

### Over-Under Duplex

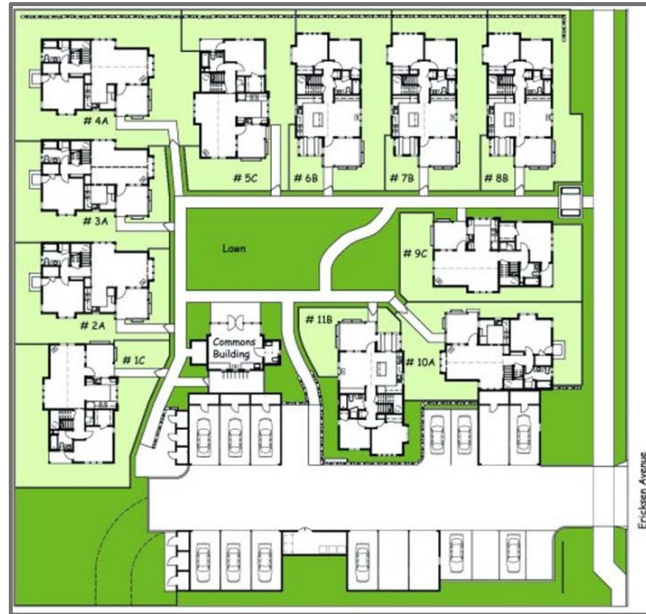


### Zero Lot Line Homes



## Housing Types

### Cottage Clusters



## Housing Types

### Cottage Cluster

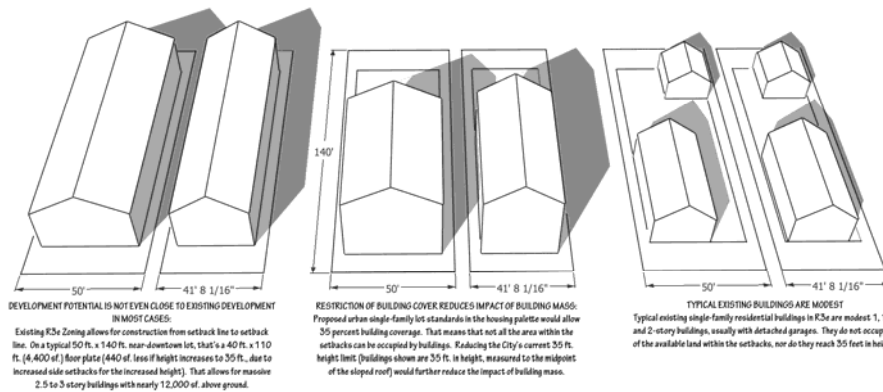


# Housing Types

## Cottage Cluster



# Massing Study



## Housing Palette

- Limitations on building coverage in conjunction with building height as a proxy for mass, which along with setbacks is a measure for compatibility.
- Provides flexibility for reducing lot widths and depth provided lot averages for each housing type meet standard

## Flexibility for Reducing Lot Widths and Depths

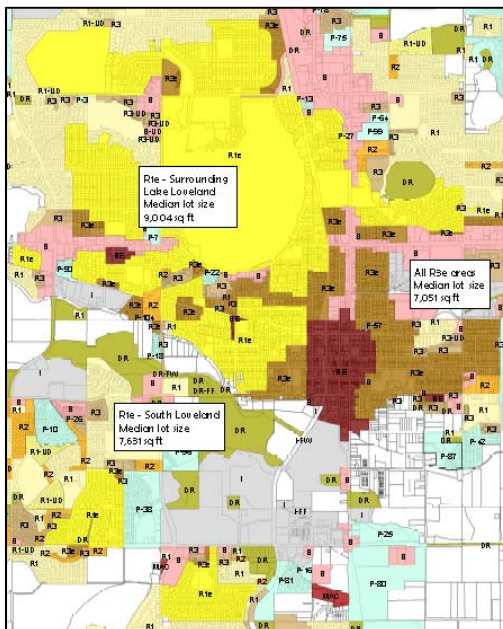
Table 2.10.203 Duplex Lot and Building Standards									
Lot Type	Vehicular Access	Minimum						Maximum	
		Lot Area	Lot Width	Front Setback	Interior Side Setback <sup>3</sup>	Street Side Setback	Rear Setback	Height	Building Coverage
Standard Duplex	Alley	3,000 sf. <sup>1</sup>	30 ft. <sup>1</sup>	10 ft.	5 ft.	10 ft.	0 ft. <sup>4</sup>	35 ft.	50%
	Street	4,500 sf. <sup>1</sup>	45 ft. <sup>1</sup>	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%
Over-Under Duplex	Alley	5,000 sf. <sup>2</sup>	50 ft. <sup>2</sup>	10 ft.	5 ft.	10 ft.	0 ft. <sup>4</sup>	35 ft.	50%
	Street	5,500 sf. <sup>2</sup>	55 ft. <sup>2</sup>	20 ft.	5 ft.	10 ft.	15 ft.	35 ft.	50%
<b>TABLE NOTES:</b> <sup>1</sup> per unit <sup>2</sup> per building <sup>3</sup> for outer building walls (does not apply to common wall) <sup>4</sup> see Sec. 2.10.302, <i>Setbacks Along Alleys, Easement, and Waterbodies</i>									



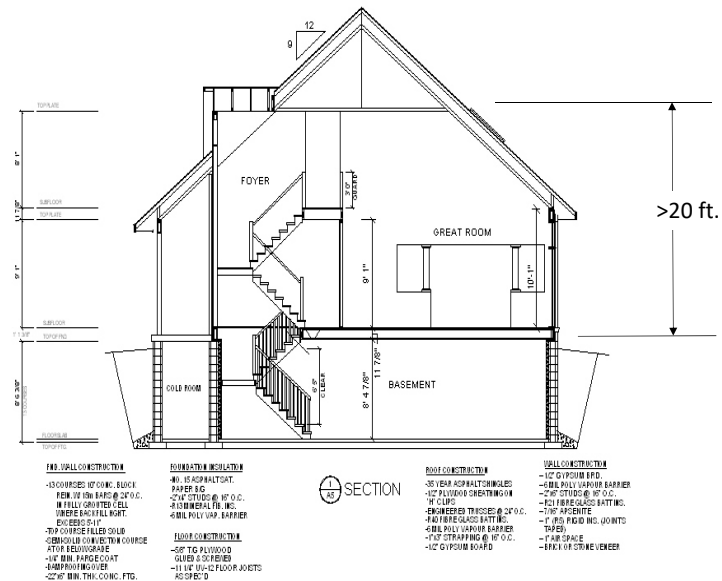
## Land Use Table

LAND USE TABLE								
LOT TYPE	ZONING DISTRICTS							Development Standards
	R1	R1e	R2	R3e	Mix-Use Activity Center	Business	Employment	
Urban	A	L	L	L	L	L	X	\$6.03.401
General	R	R	R	R	R	A	X	\$6.03.401
Lot-Line Home	A	A	A	A	L	A	X	\$6.03.402
Townhome	L	L	L	L	R	A	X	\$6.03.403
Duplex	A	L	R	R	R	A	X	\$6.03.404
Multifamily	A	A	L	L	R	L	X	\$6.03.405
Infill Multifamily	A	L	L	L	L	L	X	\$6.03.406
Manufactured and Tiny Home	A	A	A	A	L	A	X	\$ 6.03.407

## R1e and R3e Median Lot Sizes



## Building Height Example



## Land Use Table Example

LAND USE TABLE						
LOT TYPE	Zoning District					
	R1e		R3e			
	Building Coverage	Building Height	Building Coverage		Building Height	
	45% or less	26 ft. or less	45% or less	Greater than 45% up to 65%	26 ft. or less	Greater the 26 ft. up to 35 ft.
Single Family Dwelling	R		R	A	R	A
Duplex	L		R	A	R	A
Lot-Line Home	A		L	A	L	A
Townhome	A		L	A	L	A
Multifamily	C		L	A	L	A



## Planning Commission Revisions to Housing Palette

### • Lot-Line Home Variant

2. *Design Standards.* To provide a reasonable level of privacy in the adjoining side yard, the following design standards apply to all lot-line homes:

- a. No window shall be permitted on the zero lot line side of the house unless:
  1. It opens into an enclosed light court;
  2. It is framed at a minimum of six foot four inches above the room floor so as to not provide a line of sight into the neighboring yard; or
  3. It is composed of glass block, frosted glass, or similar treatment, and is inoperable.

### • Multiplex and Multifamily

#### A. Generally.

1. Multiplex and multifamily are both multiple-family building types. Multiplex buildings are constructed to look like large single-family homes. Typically, multifamily takes the form of apartments or condominiums that are two or more stories in height, in walk-up or elevator-access configurations. Multifamily units may also be located in mixed-use buildings, but mixed-use buildings are subject to the standards for nonresidential and mixed use buildings that are set out in Division 2.10.03, Exceptions to and Modifications of Bulk Standards T&D.

## Planning Commission Revisions to Enhanced Corridor Overlay

### • Purpose and Application of Enhanced Corridor Overlay Zone

3. ~~To~~ Implement the goals-policies set out in the Loveland Create Loveland Comprehensive Plan (Create Loveland), for the EC - Enhanced Corridor Overlay and the All Zones Action Plan set forth in the strategic objectives of the Highway 287 Strategic Plan and other corridor plans of the City, as appropriate. These Plan Policies and Action Plan elements include:
  - a. encouraging redevelopment patterns and densities sufficient to leverage new private re-investment along established commercial corridors;
  - b. promoting a mix of land uses that includes high-density residential, commercial, employment, and civic uses;
  - c. creating a highly connected multimodal transportation network;
  - d. encouraging places for neighborhood activity;
  - e. maximizing transit investment and transit readiness; and
  - f. promoting high quality architecture.

### • 2.08.404 Enhanced Corridor Overlay (ECO) Building Design Standards

**Questions**

**and**

**Comments**



**Current Planning Division**  
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planning@cityofloveland.org  
www.cityofloveland.org/DC

## **Staff Report: Eligible Facilities Amendment**

May 8, 2017

FROM: David Eisenbraun, Planner II, Development Services Department  
TO: Loveland Planning Commission  
SUBJECT: Proposed amendments to Chapter 18.55 of the City Code to incorporate updated processes and definitions related to Co-Location set forth by the FCC.

### **SUMMARY**

This is a public hearing to consider amendments to Chapter 18.55 of the City code. This chapter specifies requirements for Personal Wireless Service Facilities, commonly known as cell towers along with the related antennae and base cabinets that house associated componentry. These amendments specifically addresses co-location of additional wireless facilities being affixed to existing towers or support structures, and additional ground-mounted facilities. Co-Location is considered applicable when a wireless provider proposes to attach new antenna, rays, base equipment, or other related wireless equipment on any sort of existing structure. Co-Location in Chapter 18.55 does not apply to wireless facilities placed in public rights-of-way, which are addressed in other Titles of the City Code. An Eligible Facilities Request is an application that proposes to co-locate additional communication equipment on a structure without substantially changing the existing structure or base equipment.

The purpose of the amendment is to bring the municipal code into compliance with Federal Communication Commission (FCC) regulations adopted in 2015. Absent this amendment, the city may not be able to adequately regulate co-location applications and meet FCC-specified application processing timelines. Failure to meet FCC review timelines automatically results in the approval of an application.

### **CO-LOCATION - ELIGIBLE FACILITIES AMENDMENT**

The recently established FCC law is intended to simplify and ensure timely processing of co-location applications meeting the standards for "eligible facilities." Such facilities are those which do not substantially change an existing tower or base equipment based on FCC definitions. A critical aspect of the updated regulations is the establishment of a 60 day review period that begins when the initial application request is filed and accepted as complete in terms of addressing submittal requirements. If the city has not made a determination on the application after the 60 day time period, the application defaults and is automatically deemed granted. Currently, the City code does not adequately identify and acknowledge this new federal mandate; therefore, these amendments serve to bring city code into alignment with the FCC requirements.

## DESCRIPTION OF PROPOSED AMENDMENTS

These amendments include a new Section 18.55.025 - FCC Eligible Facilities Co-Location - into Chapter 18.55 of the City code. There are other minor amendments to Chapter 18.55 to accommodate this new section. The predominant aspect of these amendments are the inclusion of definitions and application processing standards relating to eligible facilities requests. Below is a summary of the key terms as provided in the amendments:

### 1. Definitions:

***Co-location*** shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, and shall include related modifications to and removal of such equipment.

***Eligible Facilities Request*** shall mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

***Substantial Change*** shall mean a modification that substantially changes the physical dimensions of an eligible support structure. Substantial change is broadly defined; below are examples of the substantial change criteria:

*For towers, it increases the height of the tower by more than 10% or more than ten feet, or increases the width by six feet, whichever is greater. It involves the installation of more cabinets than what would be considered standard, not to exceed four cabinets. It also entails excavation or construction outside the current site; any impairments of screening or noncompliance to applicable site conditions. This also applies if the eligible support structure does not comply with any applicable health and safety codes. A Complete list of criteria can be found in the redlined amendments to Chapter 18.55.*

### 2. Locational applicability:

These amendments would apply to all areas within the City of Loveland City limits.

## BACKGROUND AND TIMELINE

Communication towers are a necessary component to support the mobile telecommunications networks that are so crucial in our day. Between 2003 and 2013, the number of cellular sites in the United States increased 87 percent, from 162,986 to 304,060.

On April 8th 2015, new federal rules impacting time, collocation, modification, and replacement of wireless facilities went into effect. The new law explicitly limits the ability of local government to deny

a request for modification to an existing wireless tower or base station, so long as this request does not substantially change the physical dimensions of that facility. This would include requests to remove and replace equipment, as well as requests to collocate new equipment. When addressing these requests, local governments can still regulate facilities according to their zoning ordinances so long as it does not prohibit the provision of wireless facilities. In 2016, consideration of the proposed Eligible Facilities code provisions were presented to the Title 18 Committee and were met with support.

These amendments to the City code will help to ensure that future placement, construction and modification of personal wireless service facilities are met with efficiency and consistent interpretation. No additional outreach, other than the Title 18 Committee has been done.

## **RECOMMENDATION**

The Title 18 Committee and City staff are recommending that Eligible Facilities Co-location be permitted as a use by right in all zone districts, subject to the requirements of the applicable zone. The proposal for an eligible facilities request would subject the applicant to the simplified site development plan requirements which are reviewed at the building permit stage. The Current Planning Manager has discretion to waive or modify the special review process to meet the FCC review timeline in order to avoid approval by default. All other requests for wireless telecommunications facilities that do not qualify would follow standard existing procedures--meaning, a site development plan approval would be required. In developing this amendment, staff has reviewed the FCC provisions and recent amendments by other communities to integrate the new federal regulations into their codes. Staff believe that this amendment provides a fit that is both legally accurate and solution driven.

The attached redline version (**ATTACHMENT A**) of the proposed code provisions incorporate the recent revisions prepared by Current Planning staff and the City Attorney's Office.

## **RECOMMENDED MOTION**

Move to recommend that City Council approve the proposed Amendments to Chapter 18.55 as presented to the Planning Commission and as described in the Planning Commission staff report dated May 8, 2017 as specified in the attachments thereto and as further amended on the record.

## **ATTACHMENTS**

- A. Redline version of Chapter 18.55.025 Personal Wireless Facilities-FCC Eligible Facilities Co-Location
- B. Power Point presentation



## Chapter 18.55

### PERSONAL WIRELESS SERVICE FACILITIES

#### Sections:

18.55.010	Purpose and interpretation.
18.55.020	Definitions.
18.55.025	FCC Eligible Facilities Co-location
18.55.030	Co-location in general.
18.55.040	Co-location on existing structures.
18.55.050	Co-location on new towers.
18.55.060	Application requirements.
18.55.070	Design criteria.
18.55.080	Antenna design criteria.
18.55.090	Landscaping and screening.
18.55.100	Maintenance and inspection requirements.
18.55.110	Non-use/abandonment.
18.55.120	Third party review.
18.55.130	Applicability.

#### 18.55.010 Purpose and interpretation.

- A. The purpose of this chapter is to provide specific regulations for the placement, construction and modification of personal wireless service facilities. The provisions of this chapter are not intended to and shall not be interpreted to prohibit or to have the effect of prohibiting the provision of personal wireless services, nor shall the provisions of this chapter be applied in such a manner as to discriminate unreasonably between providers of functionally equivalent personal wireless services. To the extent that any provision or provisions of this chapter are inconsistent or in conflict with any other provision of the City Code or any ordinance of the city, the provisions of this chapter shall be deemed to control.
- B. The goals of this chapter are to: (i) encourage the location of towers in non-residential areas and to minimize the total number of towers throughout the city, (ii) encourage strongly the joint use of new and existing tower sites, (iii) encourage users of towers and antennas to locate them, to the extent possible, in areas least likely to negatively affect residential property or other uses, (iv) encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas, and (v) enhance the ability of the providers of personal wireless services to provide such services throughout the city quickly, effectively, and efficiently.

#### 18.55.020 Definitions.

A. As used in this chapter, all words and phrases shall be interpreted and defined in accordance with Section 18.04.040 and Subsection B. of this section, **unless specifically defined otherwise**. In the event of a conflict **between Section 18.04.040 and Subsection B. of this section**, Subsection B. shall control.

B. As used in this chapter:

“Antenna” shall mean any exterior apparatus or apparatuses designed for telephonic, radio, data, Internet or television communications through the sending and/or receiving of electromagnetic waves including equipment attached to a tower or building for the purpose of providing personal wireless services including, for example, “cellular,” “enhanced specialized mobile radio” and “personal communications services” telecommunications services, and its attendant base station. For purposes of this chapter, the term “antenna” shall not include an antenna used by an amateur radio operator or “ham” operator, nor an exterior antenna or satellite dish used for the private or non-commercial reception of television or radio signals.

“Antenna Height” shall mean the vertical distance measured from the base of the antenna support structure at grade to the highest point of the structure even if said highest point is an antenna. Measurement of tower height shall include antenna, base pad, and other appurtenances and shall be measured from the finished grade of the parcel. If the support structure is on a sloped grade, then the average between the highest and lowest grades shall be used in calculating the antenna height.

“Antenna Support Structure” shall mean any pole, telescoping mast, tower, tripod or other structure which supports a device used in the transmitting or receiving of radio frequency signals.

“Cell Site” shall mean a tract or parcel of land that contains the personal wireless service facilities including any antenna, antenna support structure, accessory buildings, and parking, and may include other uses associated with and ancillary to personal wireless services.

“FAA” shall mean the Federal Aviation Administration.

“FCC” shall mean the Federal Communications Commission.

“Personal Wireless Services” and “Personal Wireless Service Facilities,” means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services and the facilities for the provision of such services, as defined in Title 47, United States Code, Section 332, as amended from time to time.

“Tower” shall mean any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term encompasses personal wireless service facilities, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers or personal communications services towers, alternative tower structures, and the like.

#### **18.55.025 FCC Eligible Facilities Co-location**

A. This section encourage the timely approval of eligible facilities requests for modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.

B. For the purposes of this section 18.55.025 the following definitions shall apply:

“Base station” shall mean a structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The definition of base station does not include a tower or any equipment associated with a tower. Base station includes, without limitation:

- (i) Equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul that, at the time the relevant application is filed with the city under this Chapter, has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support; or
- (ii) Radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems (“DAS”) and small-cell networks) that, at the time the relevant application is filed with the city under this Chapter, has been reviewed and approved under the applicable zoning or siting process, even if the structure was not built for the sole or primary purpose of providing such support.
- (iii) The definition of base station does not include any structure that, at the time the relevant application is filed with the city under this Chapter, does not support or house equipment described in this definition.

“Co-location” shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals



for communications purposes, and shall include related modifications to and removal of such equipment.

“Eligible facilities request” shall mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.

“Eligible Support Structure” shall mean any tower or base station as defined in this section, provided that it is existing at the time the application is filed with the city under this section.

“Existing” shall mean a constructed tower or base station that was reviewed, approved and lawfully constructed in accordance with all requirements of applicable law as of the time of an Eligible Facilities Request, provided that a Tower that exists as a legal, non-conforming use and was lawfully constructed, is existing for purposes of this section.

“Site”, for towers other than towers in the public rights-of-way and for eligible support structures, shall mean the current boundaries of the leased or owned property surrounding the tower or eligible support structure and any access or utility easements currently related to the site. For other towers in the public rights-of-way, a site is further restricted to that area comprising the base of the structure and to other transmission equipment already deployed on the ground.

“Substantial Change” shall mean a modification that substantially changes the physical dimensions of an eligible support structure if it meets any of the following criteria:

- (i) For towers other than towers in the public rights-of-way, it increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed twenty feet, whichever is greater; for other eligible support structures, it increases the height of the structure by more than 10% or more than ten feet, whichever is greater;
- (ii) For towers other than towers in the public rights-of-way, it involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than twenty feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for other eligible support structures, it involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than six feet;
- (iii) For any eligible support structure, it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets; or, for towers in the public rights-of-way and base stations, it involves installation of any new equipment cabinets on the ground if there are no pre-existing ground cabinets associated with the structure, or else involves installation of ground cabinets that are more than 10% larger in height or overall volume than any other ground cabinets associated with the structure;
- (iv) For any eligible support structure, it entails any excavation or deployment outside the current Site;
- (v) For any eligible support structure, it would impair the screening or other concealment elements of the eligible support structure or cause the transmission equipment to extend above the natural horizontal rock line of the city’s foothills and hogbacks;
- (vi) For any eligible support structure, it does not comply with conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment, unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that would not exceed the thresholds identified above; or
- (vii) For any eligible support structure, it does not comply with generally applicable building, structural, electrical, and safety codes or with other laws codifying

objective standards reasonably related to health and safety, or it does not comply with any relevant federal requirement.

“Transmission equipment” shall mean equipment that facilitates transmission for any FCC-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

C. An eligible support structure may be modified or reconstructed to accommodate co-location pursuant to the application and review process set forth herein.

1. No co-location or modification to any existing tower or base station may occur except after a written request from an applicant, reviewed and approved by the city in accordance with this section.
2. The city shall prepare, and from time to time revise, and make publicly available an application form which shall be limited to the information necessary for the city to consider whether an application is an eligible facilities request. Such information may include, without limitation, whether the project: would result in a substantial change; or violates a generally applicable law, regulation, or other rule reasonably related to public health and safety. To the extent necessary, the city may request additional information from the applicant to evaluate the application under Section 332(c)(7) pursuant to the limitations applicable therein; however, the city may not require the applicant to demonstrate a need or business case for the proposed modification or collocation.
3. Upon receipt of an application for an eligible facilities request pursuant to this section, the city’s planning division shall review such application to determine whether the application qualifies as an eligible facilities request.
4. Subject to the tolling provisions of subsection 5 below of this Paragraph c, within 60 days of the date on which an applicant submits an application seeking approval under this section, the city shall approve the application unless it determines that the application is not covered by this section.
5. The 60-day review period begins to run when the application is filed, and may be tolled only by mutual written agreement of the city and the applicant, or in cases where the city’s planning division determines that the application is incomplete.
  - a. To toll the timeframe for incompleteness, the city must provide written notice to the applicant within 30 days of receipt of the application, specifically delineating all missing documents or information required in the application.
  - b. The timeframe for review begins running again when the applicant makes a supplemental written submission in response to the city’s notice of incompleteness.
  - c. Following a supplemental submission, the city’s planning division will notify the applicant within 10 days, if the supplemental submission did not provide the information identified in the original notice delineating missing information. The timeframe is tolled in the case of second or subsequent notices pursuant to the procedures identified herein. Subsequent notices of incompleteness may not specify missing documents or information that were not delineated in the original notice of incompleteness.
6. If the city determines that the applicant’s request is not covered by the Middle Class Tax Relief and Job Creation Act of 2012 (“Section 6409”) as delineated in this section, the presumptively reasonable timeframe under 47 U.S.C § 332(c)(7) of 150 days, as prescribed by the FCC’s Shot Clock order, will begin to run from the issuance of the city’s decision that the application is not a covered request.

7. In the event the city fails to act on a request seeking approval for an eligible facilities request under this section within the timeframe for review (accounting for any tolling), the request shall be deemed granted. The deemed grant becomes effective when the applicant notifies the city in writing after the review period has expired (accounting for any tolling) that the application has been deemed granted.
  8. Applicants and/or the city may bring claims related to this section of the City Code implementing Section 6409 to any court of competent jurisdiction.
- D. An eligible facilities request shall be permitted in all zone districts, subject to the requirements of the zone district and special review; provided, however, that such review may be modified or waived by the Current Planning Manager if, in the determination of the Current Planning Manager, such review would unduly delay a decision regarding the application as a covered request and an administrative review is reasonable under the circumstances.
  - E. An eligible facilities request shall be subject to the simplified site development plan requirements of chapter 18.46
  - F. A request for co-location that the city determines does not qualify as an eligible facilities request shall not be subject to this section.

#### **18.55.030 Co-location in general.**

- A. To minimize adverse visual impacts associated with the proliferation of towers, the city encourages co-location of antennas by more than one carrier on existing towers or structures.
- B. An existing tower **or base station** may be modified or reconstructed to accommodate the co-location of an additional antenna. Modification of an existing tower **or base station that is not an eligible facility structure under section 18.55.025** to accommodate additional antennas shall be permitted in all zone districts, subject to the requirements of the zone district and the following criteria:
  1. An existing tower may be modified or rebuilt to a taller height, not to exceed twenty feet over the tower's existing height, to accommodate the co-location of an additional antenna. The tower as modified shall comply with the other provisions of this chapter.
  2. A tower which is being modified to accommodate the co-location of an additional antenna may be moved to a different location on the same property within 50 feet of its existing location so long as it remains within the same zone district. After the tower is rebuilt to accommodate co-location, only one tower shall remain on the property.
  3. The tower, as modified shall comply with the provisions of this chapter in all respects.
  4. The applicant for modification of a tower and co-location of an antenna shall follow the approval process as set forth in this title for the zone district in which the tower is located.
- C. No personal wireless service facility owner, operator, lessee, or any officer or employee thereof, shall act to exclude any personal wireless services provider from using the same facility, building, structure or location. Personal wireless service facility owners or lessees or officers or employees thereof shall cooperate in good faith to achieve co-location of personal wireless service facilities and equipment with other personal wireless services providers. Upon request by the city, the owner or operator shall provide evidence establishing why co-location is not feasible. The city shall not attempt to affect fee negotiations between private parties concerning co-location.
- D. If a personal wireless services provider attempts to co-locate a facility on an existing or approved facility or location and the parties cannot reach agreement concerning the co-location, the city may require a third party technical study at the expense of either or both parties to resolve the dispute.

#### **18.55.040 Co-location on existing structures.**

The special review requirements for an antenna **that is not subject to section 18.55.025** may be waived in the BE, B and I districts if the applicant proposes to locate the antenna on an existing structure such as a water tower, building, steeple or other suitable structure or pole. The applicant shall submit detailed plans to the current planning division for an administrative review to determine if the special use permit process and public hearing can be waived. Suitability of the existing structure for the co-location of an antenna shall be determined based upon the structure's capacity to accommodate the antenna and the antenna's architectural compatibility with the structure. No building permit shall be issued unless approval is granted through the administrative review, or the applicant completes the full special review process.

**18.55.050 Co-location on new towers.**

- A. In order to reduce the number of towers needed in the city in the future, every new tower shall be designed to accommodate antenna for more than one user, unless the applicant demonstrates why such design is not feasible for economic, technical or physical reasons.
- B. Unless the current planning division determines that co-location is not feasible, the site plan for every new tower shall delineate an area near the base of the tower to be used for the placement of additional equipment or buildings for other users. The site plan for towers in excess of 100 feet shall propose space for two or more other comparable tower users, while the site plan for towers under one hundred feet shall propose space for one other comparable tower user.
- C. The city may deny an application to construct a new tower if the applicant has not demonstrated a good faith effort to co-locate the antenna on an existing structure or tower.

**18.55.060 Application requirements.**

Applicants for approval of personal wireless service facilities **including co-location subject to section 18.55.025** shall submit the following information with their application. The current planning division may waive certain submittal requirements if the information requested is deemed by the current planning manager not to be necessary under the circumstances of a particular application.

- A. A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower, and any other proposed structures. The site plan shall indicate all cell sites, showing the antenna, antenna support structure, building, fencing, buffering, and all other items required in this chapter.
- B. A current map and aerial as provided by the county assessor's office showing the location of the proposed tower;
- C. Legal description of the parcel upon which the personal wireless service facilities are to be located;
- D. A statement on the site plan indicating the distance between the proposed tower and the nearest residential dwelling unit, platted residentially zoned properties, and unplatted residentially zoned properties. If the proposed tower is to be located within 300 feet of any residentially zoned property, then the distances, locations and identifications of said residential properties shall be shown on an updated city map;
- E. A landscape plan showing specific landscape materials;
- F. Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
- G. Evidence demonstrating compliance with all provisions of this chapter and the zone district in which the personal wireless service facilities are to be located;
- H. A notarized letter signed by the applicant stating the tower will comply with all EIA Standards and all applicable federal and state laws and regulations (including specifically FAA and FCC regulations);

- I. A statement by the applicant as to whether construction of any new tower will accommodate co- location of additional antenna(s) for future users;
- J. Certification by a qualified engineer that the antenna usage will not interfere with other adjacent or neighboring or city-wide transmissions or reception functions;
- K. Documentation evidencing that the applicant is licensed by the FCC if required to be licensed under FCC regulations; or in the event the applicant is not the telecommunications service provider, proof of lease agreements with an FCC licensed telecommunications provider if such telecommunications provider is required to be licensed by the FCC;
- L. Information demonstrating how the proposed site fits into the applicant's overall network within the city;
- M. If the personal wireless service facilities or equipment are to be located westerly of the 5200 foot elevation, the applicant shall provide computerized, three dimensional, visual simulation of the facility and equipment and other appropriate graphics to demonstrate the visual impact on the view of the city's foothills and hogbacks as viewed from major transportation corridors or public open space. No personal wireless service facilities or equipment shall extend above the natural, horizontal rock line of the city's foothills and hogbacks;
- N. Documentation evidencing the applicant's FCC authorization to provide personal wireless services or place personal wireless service facilities within the city or geographic area which includes the city; and
- O. The application for any tower shall be accompanied by a letter of credit, in an amount to be determined by the city, which may be drawn upon by the city as necessary to cover the costs of removal of the tower.

**18.55.070 Design criteria.**

Every personal wireless service facility shall comply with the following design criteria:

- A. Architectural compatibility: Personal wireless service facilities shall be architecturally compatible with the surrounding buildings and land uses in the zone district, or otherwise integrated, through location and design, to blend in with the existing characteristics of the site to the extent practical. Such facilities will be considered architecturally and visually compatible if they are camouflaged to disguise the facilities.
- B. No significant adverse impact: The applicant shall demonstrate that the placement of antennas or towers on property will have no significant adverse impact on surrounding private or public property.
- C. Setbacks: Tower setbacks shall be measured from the base of the tower to the property line of the parcel on which it is located. Unless there are unusual geographical limitations, in residential zone districts, towers shall be set back from all property lines a distance equal to 300% of tower height as measured from ground level. Towers shall comply with the minimum setback requirements of the area in which they are located in all other zone districts.
- D. Color: Towers and antennas shall be of a color which generally matches the building, surroundings or background and minimizes their visibility, unless a different color is required by the FCC or FAA. Muted colors, earth tones and subdued colors shall be used wherever possible.
- E. Lights, signals, and signs: No signals, lights or signs shall be permitted on towers unless required by the FCC or the FAA.
- F. Equipment Structures: Ground level equipment and buildings and the tower base shall be screened. The standards for equipment buildings are as follows:
  - 1. The maximum floor area is three hundred fifty square feet and the maximum height is twelve feet.
  - 2. Ground level buildings shall be screened from adjacent properties by landscape plantings, fencing or other appropriate means, as specified in this chapter or in the City Code.



3. Equipment mounted on a roof shall have a finish similar to the exterior building walls. Equipment for roof mounted antenna may also be located within the building on which the antenna is mounted, subject to good engineering practices. Equipment, buildings, antenna and related equipment shall occupy no more than twenty-five percent of the total roof area of a building.
- G. FCC requirements: All towers and antennas shall meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this chapter shall bring such towers and antennas into compliance with such revised standards and regulations within three months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
- H. Structural design: Towers shall be constructed to the FCC and EIA Standards, which may be amended from time to time, and all applicable construction/building codes. Any improvements and/or additions to existing towers shall require submission of site plans sealed and verified by a professional engineer which demonstrate compliance with the FCC and EIA Standards and all other good industry practices in effect at the time of said improvement or addition. Said plans shall be submitted and reviewed at the time building permits are requested.
- I. Fencing: In the BE, B or I districts, a well-constructed wood, stucco, masonry or stone wall, not less than six feet in height from finished grade, shall be provided around each tower. The type of fencing in other districts shall be subject to city review and approval. Security fencing should be colored or should be of a design which blends into the character of the existing environment. Access to the tower shall be through a locked gate.
- J. Antenna and tower height: The applicant shall demonstrate that the antenna is the minimum height required to function satisfactorily. No antenna that is taller than the minimum height required to function shall be approved. Towers shall be no taller than the maximum permitted height for other structures contained within the applicable zone district, except that in the BE, B or I districts, towers may be taller pursuant to special review.
- K. Antenna support structure safety: The applicant shall demonstrate that the proposed antenna and support structure are safe and the surrounding areas will not be negatively affected by support structure failure, falling ice or other debris or interference. All support structures shall be fitted with anti-climbing devices, as approved by the manufacturers.
- L. Required parking: If the cell site is fully automated, adequate parking shall be required for maintenance workers. If the site is not automated, adequate off-street parking shall be provided and documentation evidencing that adequate off-street parking is available shall be provided to the city.
- M. Landscaping: Landscaping in accordance with the provisions of this chapter shall be provided.
- N. Site characteristics: Site location and development shall preserve the pre-existing character of the site as much as possible. Existing vegetation should be preserved or improved, and disturbance of the existing topography of the site should be minimized, unless such disturbance would result in less visual impact of the site on the surrounding area. The effectiveness of visual mitigation techniques shall be evaluated by the city, taking into consideration the site as built.

#### **18.55.080 Antenna design criteria.**

Antenna mounted on any tower, building or other structure shall comply with the following requirements:

- A. The antenna shall be architecturally compatible with the building and wall on which it is mounted so as to minimize any adverse aesthetic impact and shall be constructed, painted or

fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

- B. The antenna shall be mounted on a wall of an existing building in a configuration as flush to the wall as technically possible and shall not project above the wall on which it is mounted unless for technical reasons the antenna needs to project above the wall. In no event shall an antenna project more than ten feet above the height of the building. Building heights shall be calculated pursuant to Chapter 18.54.
- C. The antenna and its support structure shall be designed to withstand a wind force of one hundred miles per hour without the use of supporting guy wires.
- D. No antenna, antenna array, or its support structure shall be erected or maintained closer to any street than the minimum setback for the zone in which it is located. No guy or other support wires shall be used in connection with such antenna, antenna array, or its support structure except when used to anchor the antenna, antenna array, or support structure to an existing tower to which such antenna, antenna array, or support structure is attached.
- E. The antenna may be attached to an existing mechanical equipment enclosure which projects above the roof of the building, but may not project any higher than ten feet above the enclosure.
- F. If an accessory equipment shelter is present, such building shall blend with the surrounding buildings in architectural character and color.
- G. On buildings thirty feet or less in height, the antenna may be mounted on the roof if:
  - 1. The city finds that it is not technically possible or aesthetically desirable to mount the antenna on a wall.
  - 2. The antenna or antennas and related base stations cover no more than an aggregate total of twenty-five percent of the roof area of a building.
  - 3. Roof mounted antenna and related base stations are completely screened from view by materials that are consistent and compatible with the design, color, and materials of the building.
  - 4. No portion of the antenna may extend more than ten feet above the height of the existing building as calculated in accordance with Chapter 18.54 of this title.
- H. If a proposed antenna is located on a building or a lot subject to a special review site plan, written city approval is required prior to the issuance of a building permit for the antenna.
- I. No antenna shall be permitted on property designated as an individual landmark or as a part of a historic district or site, unless such antenna has been approved in accordance with the Code and written permission is obtained from the city.
- J. No antenna shall cause localized interference with the reception or transmission of any other communications signals including, but not limited to public safety signals, and television and radio broadcast signals.

#### **18.55.090 Landscaping and screening.**

- A. Landscaping shall be required to screen as much of the support structure as possible. The fence surrounding the support structure and any other ground level features (such as a building), shall be designed to soften the appearance of the cell site. The city may permit any combination of existing vegetation, berming, topography, walls, decorative fences or other features instead of landscaping, if they achieve the same degree of screening as the required landscaping. If an antenna is mounted flush on an existing building, and other equipment is housed inside an existing structure, landscaping shall not be required, except as otherwise required for the existing use.

- B. The visual impacts of a tower shall be mitigated through landscaping or other screening materials at the base of the tower and ancillary structures. The following landscaping and buffering of towers shall be required around the perimeter of the tower and accessory structures:
  - 1. A row of evergreen trees a minimum of ten feet tall at planting and a maximum of six feet apart shall be planted around the perimeter of the fence; and
  - 2. A continuous hedge, at least thirty-six inches high at planting and capable of growing to at least forty-eight inches in height within eighteen months, shall be planted in front of the tree line referenced above.
- C. Landscaping shall be installed on the outside of fences. Landscaping and berming shall be equipped with automatic irrigation systems meeting the water conservation standards of the city. Existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute for or in supplement towards meeting landscaping requirements.

**18.55.100 Maintenance and inspections requirements.**

- A. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable city building codes, regulations of the FCC and the applicable standards for towers that are published by the Electronic Industries Association (“EIA”), as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes, regulations or standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have thirty days to bring such tower into compliance with such codes, regulations and standards. If the owner fails to bring such tower into compliance within said thirty days, the city may remove such tower at the owner's expense, the costs of which shall constitute a lien against the property.
- B. Each year after a facility becomes operational, the facility operator shall conduct a safety inspection in accordance with the EIA and FCC Standards and within sixty days of the inspection, file a report with the city building division.

**18.55.110 Non-use/abandonment.**

- A. In the event the use of any tower has been discontinued for a period of sixty consecutive days, the tower shall be deemed to be abandoned. Determination of the date of abandonment shall be made by the city which shall have the right to request documentation and/or affidavits from the tower owner/operator regarding the issue of tower usage. Upon such abandonment, the owner/operator of the tower shall have an additional sixty days within which to:
  - 1. Reactivate the use of the tower or transfer the tower to another owner/operator who makes actual use of the tower; or
  - 2. Dismantle and remove the tower. If such tower is not removed within said sixty days, the city may remove such tower at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower. Unnecessary sections of the tower shall be removed.
- B. At the earlier of sixty days from the date of abandonment without reactivation or upon completion of dismantling and removal, city approval for the tower shall automatically expire.
- C. If an abandonment of a tower occurs by all of the permittees or licensees and the owner of the tower, the owner of the tower shall remain primarily responsible if the tower ceases to be used for its intended purposes by either it or other permittees or licensees for the transmission or reception of personal wireless services. In the event that the tower ceases to be licensed by the FCC for the transmission of radio energy, the owner of the tower shall maintain the prescribed painting and/or illumination of such tower until it is dismantled.



**18.55.120 Third party review.**

- A. The personal wireless services providers use various methodologies and analysis tools, including geographically based computer software, to determine the specific technical parameters of personal wireless services, such as expected coverage area, antenna configuration and topographic constraints that affect signal paths. In certain instances there may be a need for expert review by a third party of the technical data submitted by the personal wireless services provider. The city may require such a technical review, to be paid for by the applicant for the personal wireless service facilities. The selection of the third party expert may be by mutual agreement between the applicant and city or at the discretion of the city, with a provision for the applicant and interested parties to comment on the proposed expert and review its qualifications. The expert review is intended to be a site-specific review of technical aspects of the personal wireless service facilities and not a subjective review of the site selection. The expert review of the technical submission shall address the following:
1. The accuracy and completeness of the submission;
  2. The applicability of analysis techniques and methodologies;
  3. The validity of conclusions reached;
  4. Any specific technical issues designated by the city.
- B. Based on the results of the third party review, the city may require changes to the application for the personal wireless service facilities that comply with the recommendations of the expert.

**18.55.130 Applicability.**

The provisions of this chapter shall apply to all applications for personal wireless service facilities which were filed prior to the effective date hereof and which have not been approved by the city as of the effective date of this chapter, and to applications filed thereafter.





# Eligible Facilities Co-location Amendments

Personal Wireless Facilities



## Summary

- These amendments specially addresses co-location of additional wireless facilities being affixed to existing towers or support structures, and additional ground-mounted facilities.



## Background

- On April 8th 2015, new federal rules impacting time, collocation, modification, and replacement of wireless facilities went into effect.



## Purpose

- These amendments establish new regulations, processes and permits specifically regarding Eligible Facilities Requests.



## Definitions

- **Co-location** shall mean the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes, and shall include related modifications to and removal of such equipment.



## Definitions Cont'd

- **Eligible Facilities Request** shall mean any request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: collocation of new transmission equipment; removal of transmission equipment; or replacement of transmission equipment.



## Definitions Cont'd

- **Substantial Change** shall mean a modification that substantially changes the physical dimensions of an eligible support structure.
  - *i.e. It increases the height of the tower by more than 10% or more than ten feet, or increases the width by six feet, whichever is greater.*



## Objective

- The effort of these amendments were to encourage the timely approval of eligible facilities requests for modification of an existing tower or base station that does not result in a substantial change to the physical dimensions of such tower or base station.



## Impact

- A 60 day review period would be implemented. If the city has not made a determination after the 60 day time period, the application defaults and is automatically deemed granted.



## Reasoning

- Absent this amendment, the city may not be able to adequately regulate co-location applications and meet FCC-specified application processing timelines.







## MEMORANDUM

May 8, 2017

To: Planning Commissioners

From: Noreen Smyth, Senior Planner

**RE: Temporary Uses Code Amendment Follow Up**

The Planning Commission reviewed the draft zoning code amendment concerning temporary uses at a study session on April 24. The study session had been scheduled to update the Commission on feedback from temporary use operators and other members of the public in response to public outreach efforts that had occurred in summer and fall of 2016.

At the study session, the Committee expressed continued support for the amendment but sought the following changes to the text:

1. Not-for-profits should not be excluded from the temporary use provision. The safety matters that the provisions concern are as applicable to not-for-profits as to for-profits, and not-for-profits can impact adjacent properties to the same degree as for-profits.
2. Temporary uses of a particularly small scale that do not impact parking, setbacks, or other on-site features, such as food vendors that locate in close proximity to the front door of a retail business, should be excluded from the temporary use provisions.
3. The text should directly clarify to which uses the provisions are applicable.
4. The length the validity of the temporary use permit should be specified.

In response to this feedback, the following changes have been made to the text, which are included in red on the attached draft:

1. The definition of “temporary use” has changed. The reference to uses that “occur for commercial purposes”, which had been phrased as such to exclude not-for-profit activities, now states the “selling of goods or services”, to be inclusive of not-for-profits.
2. In the *Purpose* section, an “Applicability” subsection has been added.
3. In the *Purpose* section, temporary uses below a certain size that operate near a business entrance are excluded.
4. The length of the permit validity has been specified.

The attached draft amendment includes some additional formatting changes. Planning staff will be available at the May 8 meeting to answer questions and obtain any additional feedback.

# Temporary Uses Review Draft

## Chapter 18.49

### TEMPORARY USES

#### Sections:

18.49.010 Purpose

18.49.020 Definitions

18.49.030 Allowable Temporary Uses, Location and Duration Permitted

18.49.040 Standards

18.49.050 Submittal Requirements

18.49.060 Validity

#### 18.49.010 Purpose

A. Purpose: To promote and protect the public health, safety and welfare by establishing a process and standards for allowing temporary uses and associated structures to operate in a safe manner and without impacting adjacent properties or the surrounding area.

B. **Applicability:** This chapter does not apply to temporary uses that:

1. Are customary and accessory to an existing permanent use on the same site,
2. **Operate in close proximity to an entrance of a commercial building, without obstructing parking, and within a footprint of 100 sq ft or less,**
3. Occur on residential properties, or
4. Are required to obtain a Special Event or a Mobile Vending Permit under this Code.

#### 18.49.020 Definitions

A. Temporary use: A *temporary use* for the intent of this chapter is a use that **occurs for commercial purposes involves the selling of goods or services** on private land on an impermanent basis. A temporary use can operate at one location or regularly move locations.

B. Temporary structure: A *temporary structure* is a structure that exists on an impermanent basis during the operation of the temporary use and may require a building, fire, or other type of permit.

C. Temporary use permit: A *temporary use permit* is authorization from the city for the operation of a temporary use. The temporary use permit does not exempt the applicant from obtaining any required building permits for associated structures or other applicable permits or approvals from the city or outside public or private agencies

#### 18.49.030 Allowable Temporary Uses and Duration Permitted

The uses specified in Table 18.49-1 are allowable temporary uses for the specified maximum duration.

Temporary Uses	Maximum Duration <sup>1</sup> <i>Uses lasting longer than the maximum time below are not eligible for a temporary use permit.</i>	Level 1 <ul style="list-style-type: none"> <li>One day/over the counter review</li> <li>Planning, TDR &amp; Fire review</li> </ul> <i>For uses that move locations, the times listed below are inclusive of all locations. If the total use duration in one or more locations exceeds the times below, a Level 2 or 3 permit is needed.</i>	Level 2 <ul style="list-style-type: none"> <li>One week review period<sup>2</sup></li> <li>Full DRT review</li> </ul> <i>Uses that move locations but are in one location no longer than the times listed below are eligible for a Level 2 review. The duration at all locations cannot exceed the maximum listed in Column 2.</i>	Level 3 <ul style="list-style-type: none"> <li>One week review period<sup>2</sup></li> <li>Full DRT review</li> <li>Public notice and/or neighborhood meeting per Section 18.05</li> </ul>
<b>Agricultural produce sales, farmer's markets</b> Including fruits, vegetables, garden plants, prepared agricultural products including salsa & roasted corn. A sales location may change what is sold as the season changes.	7 months annually	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 7 months in a calendar year, consecutive or not; however, there can be no more than 7 months between the first and last day of use
<b>Retail goods, seasonal goods, prepared meals, truckload sales</b> Including sunglasses, rugs & domestic items; seasonal goods including Christmas trees, pumpkins & fireworks; vehicle sales.	60 days annually <sup>3</sup>	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 60 days in a calendar year, consecutive or not <sup>3</sup>
<b>Services and associated sales</b> Including windshield repair.	60 days annually	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 60 days in a calendar year, consecutive or not
<b>Arts and craft fairs, flea markets</b> Multi-vendor sales of agricultural, retail, and/or services.	60 days annually	Uses lasting up to 3 days in a calendar year, consecutive or not	Uses lasting up to 30 days in a calendar year, consecutive or not	Uses lasting up to 60 days in a calendar year, consecutive or not

**Notes:**

- Duration is exclusive of set-up and teardown time.
- Permit applications shall be reviewed in a one week time period except in situations, as determined by the Current Planning Manager, where the volume of development review applications significantly exceeds normal levels or where staffing levels are reduced. During such situations the application review shall be completed in a two week time period.
- Vehicle sales (auto, boat, RV, and motorcycle) are limited to 30 days annually and ineligible for a Level 3 permit.

May 8, 2017

## Temporary Uses Review Draft

### 18.49.040 Standards

- A. Temporary uses shall be subject to the use standards of the applicable zoning district as set forth below:
  - 1. Any by right in the applicable zoning district may operate as a temporary use in such district.
  - 2. Any special review use in the applicable zoning district may operate as a temporary use in such district under the same temporary use standards and review procedures as a use by right.
- B. Temporary uses shall be subject to the development standards of the Zoning Code (Title 18).
  - 1. The following standards may be modified or waived by the Current Planning Manager for temporary uses provided that such modification or waiver will not be detrimental to the public welfare or injurious to other property in the vicinity of the location of the temporary use:
    - a. Bufferyards
    - b. Building elevation standards
    - c. Minimum parking
  - 2. A request to modify or waive any other Zoning Code development standard may be requested by an applicant through the submittal of a written appeal to the Current Planning Manager. The Current Planning Manager may modify or waive such requirements if the following findings are met with respect to the particular location or operation:
    - a. The modification or waiver of such requirements is necessary to avoid an undue hardship on the applicant due to special circumstances or conditions; and
    - b. Granting such modification or waiver will not be detrimental to the public welfare or injurious to other property in the vicinity of the location subject to the temporary use permit.
- C. Conditions may be attached to the approval of a temporary use permit to:
  - 1. Prevent harm to the public welfare or to other property in the vicinity in which said property is situated; or
  - 2. Ensure compatibility between the temporary use and surrounding land uses, including but not limited to unique character areas such as the downtown and arterial roadways; or
  - 3. To ensure compliance with modifications or waivers pursuant to Subsection C above.
- D. Temporary uses and associated structures shall be subject to the other requirements of the Municipal Code, including but not limited to:
  - 1. Sales tax license
  - 2. Tent permit
  - 3. Building permit
  - 4. Site distance triangles
  - 5. *etc (TBD)*
- E. Prior to initiating operation pursuant to a temporary use permit, the applicant for such permit shall obtain all associated, required and applicable approvals, permits, and licenses from outside agencies.
- H. The location subject to the temporary use permit shall be restored to its original condition

## Temporary Uses Review Draft

upon the earlier of the expiration of such permit or the date operations related to such permit cease, except that permanent improvements made to the location may remain with the property owner's written consent.

### 18.49.050 Submittal Requirements

- A. Any person, business or organization may submit an application for a temporary use permit in such form and content as may be prescribed by the Development Services Department. Such application shall include:
  - 1. Written authorization of the property owner or property manager.
  - 2. A narrative description of the use, associated structures, and the subject property, including duration of use, hours of operation, existing site conditions, and any other relevant information.
  - 3. For Level 1 permits, a site plan showing access, egress and circulation for the temporary use. For Level 2 & 3 permits, a site plan of the entire property drawn to scale that shows structures, dimensions, structure height, access, egress and circulation routes for the temporary use, parking, landscaped areas, lighting, any power source, trash receptacles, existing and proposed locations of signage, and any other relevant information for the site or use.
  - 4. A temporary sign permit application (if applicable).
- B. An applications for a mobile temporary use permit shall provide the location of and site plan for each property at which the temporary use will operate.
- C. The temporary use application fee, if any, shall be paid prior to issuance of a temporary use permit.

### 18.49.060 Validity

The temporary use permit shall be valid for a period of one (1) year. After the issuance of the first temporary use permit, renewal temporary use permits for the same applicant are valid for a period of two (2) years provided the temporary use operation is not substantively altered from that of the previous year(s).

## MEMORANDUM

**To:** Loveland Planning Commission  
**From:** Greg George, Special Projects Manager  
**Date:** May 8, 2017  
**Subject:** Study Session – New Residential Districts

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### I. INTRODUCTION

The topic of this study session is Task 4 – New Residential Districts of the Unified Development Code project. More specifically, this task proposes new standards to implement policies in the Comprehensive Plan (Create Loveland) for Complete Neighborhoods.

**Attachment A** is an excerpt from the Comprehensive Plan summarizing the concepts and policies for Complete Neighborhoods.

**Attachment B** is the initial draft of the proposed Complete Neighborhoods standards (CN Standards), which will be *Division 2.08.05* of the Unified Development Code (UDC).

### II. PURPOSE

The CN Standards will promote a mix of land uses that include high-density residential, commercial, employment, and civic uses and:

1. Promote high quality architecture;
2. Maximize transit investment and transit readiness;
3. Encourage places for neighborhood activities and places to meet; and
4. Create a highly connected multimodal transportation network.

### III. IMPLEMENTATION STRATEGY

As stated in the Comprehensive Plan, compliance with the CN Standards will be voluntary. An applicant will have the option of complying with the CN Standards, but in doing so, must comply with all the standards for Complete Neighborhoods. CN Standards are available for application to any property in the City, provided the development can comply with all of the CN Standards.

#### IV. INCENTIVES

Incentives are included in the standards to persuade developers to choose the CN Standards.

- A. Density Bonus:** *Table 2.08.502.A (Attachment B, page 2 of 6)* provides maximum density bonuses in those zoning districts allowing residential development. For example, in the R1 zoning district the density bonus would increase the current maximum density of approximately four units per acre to seven units per acre. These density bonuses will provide the flexibility necessary to achieve the wide range of housing types envisioned in Complete Neighborhoods.
- B. Expedited Review Process:** The original concept in the Comprehensive Plan was that implementation of the CN Standards would be through a zoning overlay. As such, implementation would necessitate a zoning application (i.e. Planning Commission and City Council public hearings and approval by City Council of the zoning ordinance on first and second reading). Instead, the project team is recommending that the CH Standards be incorporated into the UDC as development standards in *Division 2.08.501*. Under this scenario, applicants selecting the CN Standards could move forward directly into the process for a Sketch Plat.
- C. Housing Mix:** Development under the CN Standards will have the option of the full range of housing types in the Housing Palette. In contrast, the housing types in the R1 – Low Density Residential zoning district are currently limited to conventional single family detached dwellings as a Use-by-Right and duplexes as an Adaptable Use.
- D. Mixed Activity Centers and Employment Zones:** Certain community scale non-residential uses will be allowed in Complete Neighborhoods. The type of non-residential uses allowed in Complete Neighborhoods will be set forth in the Land Use Table.

#### V. ENHANCED DESIGN

*Section 2.08.504 Neighborhood Design (Attachment B, page 3 of 6)* set forth standards for enhanced public improvements, including the arrangement of blocks, block length, off-street circulation and common open space.

#### VI. COMPATIBILITY

*Section 2.08.505 Relationships Between Complete Neighborhoods and Abutting Property (Attachment B, page 5 of 6)* set forth standards to address compatibility, including the requirement for bufferyards along the edges of Complete Neighborhoods.

## **VII. ADDITIONAL INFORMATION**

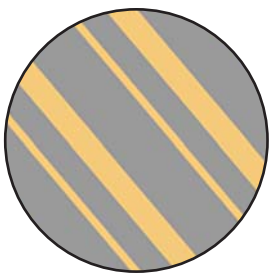
At the scheduled May 22, 2017 Planning Commission study session, the project team will provide the Planning Commission with additional information and recommendations on the following.

- A.** The process for approval of a “pattern book” (refer to Section 2.08.501.C.2, page 1 of 6).
- B.** The process for amending a “pattern book”.
- C.** Procedures for phasing development of larger Complete Neighborhoods.
- D.** Non-residential uses allowed in Complete Neighborhoods.

## **VIII. ATTACHMENTS**

- A.** Comprehensive Plan Policies
- B.** Division 2.08.05 Complete Neighborhoods





# CN - COMPLETE NEIGHBORHOODS OVERLAY

- Optional alternative land use designation for LDR and MDR city-wide. Suitable locations are identified through public input.
- A fine-grained mix of housing types, densities, and neighborhood scale commercial and civic uses, arranged in a pattern that supports pedestrian and bicycle transportation.
- Promotes integration of commercial and employment uses with housing.



*Example: Stapleton in Denver showing a range of housing types, neighborhood-serving commercial, and community facilities with high street connectivity. See also the Facilitate Complete Neighborhoods artists rendering in Chapter 2.*

## Land Use Mix

### Residential

- Single-family detached homes, including patio and cottage-type developments
- Single-family attached homes, including townhomes and duplexes
- Four-plexes and eight-plexes
- Condominiums and apartments compatible with area character

### Recreational

- Parks, plazas & private commons

### Civic

- Churches
- Schools

### Commercial

- Retail & services compliant with NAC

## Transportation

### Highest Priority Mode



Wide detached sidewalks with amenities like benches, planters, gathering places; connections to transit stops

### Priority Mode



Streets comfortable for biking with slow vehicle speeds & bike lanes on collectors; off-street trail system

### Priority Mode



Enhanced transit stations on adjacent collector & arterial network for local & regional bus service

### Non-prioritized Mode



Slow speeds

## Zoning Compliance

- Underlying zoning will vary.

## Form

- Highly connected transportation network
- Places for neighborhood activity encouraged
- Links to parks / open space
- Average density: 8 units / acre
- Street Pattern: Grid
- Block Length: 350' maximum
- Front Yard Setbacks: 0' - 25'
- Building Height: 1 - 3 stories



## **DIVISION 2.08.05 COMPLETE NEIGHBORHOODS**

### **2.08.501 Purpose and Application of Complete Neighborhood Standards**

- A. **Generally.** A Complete Neighborhood is a community within the City that offers a variety of housing types at a variety of price points; prominently sited civic or community buildings or public open spaces; and, in the case of medium or high density neighborhoods, stores, offices, entertainment, and services. In larger complete neighborhoods, nonresidential uses may include schools. Complete neighborhoods provide a balanced mix of activities in close proximity to each other. They have a recognizable center (or centers), clearly defined edges, and streets, sidewalks, and pathways are designed so that in most locations the pedestrian and bicyclist are given at least equal status as the automobile.
- B. **Purpose.**
1. The purpose of the Complete Neighborhood is to implement the goals set out in Create Loveland, the Comprehensive Plan, which include:
    - a. promoting a mix of land uses that includes high-density residential, commercial, employment, and civic uses;
    - b. promoting high quality architecture;
    - c. maximizing transit investment and transit readiness;
    - d. encouraging places for neighborhood activity; and
    - e. creating a highly connected multimodal transportation network.
  2. The purpose of this Division is to promote (but not to require) the development of high quality Complete Neighborhoods in the City's residential, mixed-use activity center, and employment zones. The standards of this Division apply if an applicant chooses to develop a subject property as a Complete Neighborhood.
- C. **Application.**
1. The standards of this division apply to Complete Neighborhoods in the R1, R1e, R2, R3, R3e, MAC, and E zones.
  2. The approval of a Complete Neighborhood requires approval of a pattern book (see TBD).

### **2.08.502 Density and Open Space**

- A. **Generally.** This section is used to determine the number of dwelling units that will be allowed in a complete neighborhood, based on a maximum allowable density. This section also sets out a minimum common open space requirement. Once the number of dwelling units is determined, the specifications for individual lots shall comply with the requirements of Division 2.10.03, *Housing Palette*, for the type of housing that will be developed.

**B. Density.**

1. The maximum residential density in each complete neighborhood shall be as provided in Table 2.08.502.A., *Maximum Gross Density for Complete Neighborhoods*, below

Table 2.08.502.A Maximum Gross Density for Complete Neighborhoods	
Zoning District	Maximum Gross Density
Estate Residential (ER)	4
Established Low Density Residential (R1e)	5
Developing Low Density Residential (R1)	7
Developing Two-Family Residential (R2)	8
Establish High Density Residential (R3e)	10
Developing High Density Residential (R3)	20
Mixed-Use Activity Center (MAC)	22
Employment Center (E)	22

2. Residential density shall not limit the number of dwelling units that are located in vertically mixed-use buildings in neighborhood activity centers within Complete Neighborhoods.

- C. **Common Open Space Ratio.** The minimum common open space ratio shall be as provided in Table 2.08.502.B., *Minimum Common Open Space Ratio for Complete Neighborhoods*, below.

Table 2.08.502.B. Minimum Common Open Space Ratio for Complete Neighborhoods	
Zoning District	Minimum Common Open Space
Estate Residential (ER)	8
Established Low Density Residential (R1e)	14
Developing Low Density Residential (R1)	15
Developing Two-Family Residential (R2)	15
Establish High Density Residential (R3e)	18
Developing High Density Residential (R3)	20
Mixed-Use Activity Center (MAC)	20
Employment Center (E)	20

### 2.08.503 Housing and Use Mix in Complete Neighborhoods

- A. **Generally.** This section sets out the minimum requirements for the number of housing types in a Complete Neighborhood, and the limitations on the land area for nonresidential uses in the Complete Neighborhood.
- B. **Minimum Requirements for Mix of Housing Types.** Complete neighborhoods shall include multiple housing types, as provided in Table 2.08.503, *Minimum Housing Mix in Complete Neighborhoods*.

Table 2.08.503 Minimum Housing Mix in Complete Neighborhoods				
Total Number of Dwelling Units	Minimum Number of Housing Types by Zone (see Division 2.10.02, Housing Palette)			
	ER	R1e and R1	R2 and R3e	R3, MAC, and E
up to 50	1	1	1	1
51 to 100	1	1	2	2
101 to 150	1	2	3	3
150 to 300	2	3	3	3
300 or more	2	3	3	4

- C. **Maximum Land Area for Nonresidential Uses.** Complete neighborhoods may include non-residential uses as provided in Division 2.08.03, *Land Use by Zoning District*. The total land area designated for nonresidential uses (except vertically mixed-use buildings with residential uses on upper floors, parks, outdoor recreation, schools, and places of assembly) shall not exceed 20 percent of the land area of the complete neighborhood.

### 2.08.504 Neighborhood Design

- A. **Generally.** Complete Neighborhoods shall be designed as provided in this Section.
- B. **Layout of Complete Neighborhood.** The layout of the complete neighborhood shall be shown in the pattern book. It shall include areas designated for each housing type (or areas designated for particular mixes of housing types), and if nonresidential uses other than parks, outdoor recreation, schools, and places of assembly will be included in the neighborhood, it shall also include areas designated as neighborhood activity centers.
- C. **Blocks.**
1. *Arrangement.*
    - a. R1e, R2, R3e, R3, MAC, or E Zone. In the R1e, R2, R3e, R3, MAC, and E zones, Blocks shall be arranged in a grid-like pattern to ensure connectivity and alternate travel routes within the complete neighborhood; cul-de-sacs shall be limited to locations where they are demonstrated to be necessary due to site constraints, or where their use improves non-vehicular connectivity. A strict grid pattern is not required.

- b. ER or R1 Zone. In the ER and R1 zones, blocks may be grid-like or curvilinear, and cul-de-sacs are allowed.

2. *Maximum Block Length.*

- a. Block lengths within the complete neighborhoods in the R1e, R2, R3e, R3, MAC, and E zones shall not exceed:
    - 1. Neighborhood Activity Center: 600 ft.
    - 2. Blocks that include cottage clusters, urban single-family, large urban single-family, or attached housing products: 700 ft.
    - 3. Blocks that include single-family not listed in subsection C.2.a.2.: 800 ft.
  - b. Blocks that include parks, outdoor recreation, schools, or places of assembly shall not be limited by the standards of this subsection C.2.
  - c. The Director may authorize modifications from the maximum block length requirements if it is demonstrated that the modified blocks offer comparable connectivity within the neighborhood, and between the neighborhood and nearby transit, parks, outdoor recreation facilities, schools, and places of assembly.
- D. **Off-Street Circulation.** A network of sidewalks, off-street trails, or multi-use paths shall be installed to enhance access to and through parks, outdoor recreation areas, schools, places of assembly, and neighborhood activity centers within the Complete Neighborhood development, and to connect to existing or planned sidewalk, trail, or multi-use path systems in the City. In Complete Neighborhoods that include cul-de-sacs, the pedestrian circulation system shall include connections between cul-de-sac ends and streets or other cul-de-sac ends within 250 feet.
- E. **Common Open Space and Recreation.**
- 1. *Open Space.*
    - a. Generally, open spaces must be integrated into the development design to create meaningful areas of open space within a reasonable distance of the maximum number of residential properties, as well as to provide visibility, and where practicable, views to the mountains or other landmarks from public rights-of-way. Design shall minimize or eliminate small, odd, "left-over" open space areas, except where necessary for the stormwater system. Extra landscaping may be required to enhance the aesthetic or ecological value of such spaces where they cannot be avoided.
    - b. Where possible, open space shall be designed to provide greenways along drainage corridors and streams. The landscaping along corridors or streams shall be designed to enhance water quality of surface and subsurface water flows. Trails shall provide access along the greenway for the residents of the proposed development. Greenways, trails, and landscaping must be located outside of the rights-of-way of irrigation ditches, unless the ditch company provides an easement for such greenways, trails, or landscaping.

- c. Formal open spaces shall be designed to provide areas of visual focus, recreation, or public assembly within the Complete Neighborhood. Landscaping and furniture for pedestrians should be installed to enhance this effect.
  - d. Open spaces shall be protected by appropriate easements, dedications, or plat notations.
2. *Accessibility of Recreation Areas.* In the R1e, R2, R3e, R3, MAC, and E zones, parks and outdoor recreation opportunities shall be provided such that 90 percent of the dwelling units in the Complete Neighborhood are located within a one-quarter mile walk of an outdoor recreation area. For the purpose of this standard, a plaza with features that provide recreational opportunities (e.g., interactive fountain or sculpture, tot lot, etc.) shall be considered an outdoor recreation area.

## **2.08.505 Relationship Between Complete Neighborhood and Abutting Property**

- A. **Generally.** Where a Complete Neighborhood boundary adjoins existing lots that are developed or approved for single-family or duplex residential use, the lot width and housing type along the boundary shall be compatible to the lot width and housing type of the adjoining lots. For the purposes of this standard only, any single-family housing type that has a lot width that ranges from 10 percent narrower than the adjoining lots to two times the width of adjoining lots shall be considered compatible.
- B. **Buffer Alternative.** In the alternative to the standard set out in subsection A., above, a landscape buffer may be provided as set out in Table 2.08.505, *Complete Neighborhood Alternative Edge Buffers*.

Table 2.08.505 Complete Neighborhood Alternative Edge Buffers	
Ratio of Edge Lot Width to Adjoining Lot Width	Required Bufferyard Type(see Sec. TBD)
up to 50 percent	TBD
more than 50 percent but less than 90 percent	TBD
greater than 200 percent	TBD

## **2.08.506 Modification of Setback Standards**

- A. **Generally.** The general standards for housing types in a Complete Neighborhood are set out in Division 2.10.02, Housing Palette. However, to achieve an urban design that provides a high quality pedestrian environment, it may be desirable to modify some of the standards from the housing palette. Housing palette standards may be modified by pattern book approval, subject to the standards of this Section.
- B. **Modification of Front Setbacks.** Front setbacks may be reduced, or replaced with "build-to" lines, if the pattern book demonstrates that:
  1. Building frontages are designed to provide a transitional space between the public realm and the private realm (e.g., front porches with steps, etc.);
  2. Vehicular access is provided from an alley or parking court;
  3. The modified setback does not allow an encroachment upon an easement or a required view triangle at a street intersection; and

4. A combination of street trees, yard landscaping, open space, street furniture, or other pedestrian oriented amenities compensates for the loss of the front yard.
- C. **Modification of Side Setbacks.** Side setbacks (interior or street) may be modified if the pattern book demonstrates that:
  1. The buildings will comply with applicable building and fire codes;
  2. There is sufficient spacing between buildings to provide for maintenance and emergency access;
  3. The modified setback does not allow an encroachment upon an easement or a required view triangle at a street intersection; and
  4. With respect to street side yards only, a combination of street trees, yard landscaping, open space, street furniture, or other pedestrian oriented amenities compensates for the loss of the street side yard.
- D. **Modification of Rear Setbacks.** Rear setbacks may be modified if the pattern book demonstrates that:
  1. The design provides for comparable useable outdoor living space on the lot (e.g., through a larger front yard or a courtyard or patio on the side of the dwelling unit);
  2. The design will not create an unsafe condition for the passage of vehicles or pedestrians in an adjoining alley (if present);
  3. The design will not encroach upon an easement or a required view triangle at a street intersection; and
  4. The design will not interfere with the use and enjoyment of rear or side yards of adjoining lots.

#### **2.08.507 Mews and Parking Court Arrangements**

- A. **Generally.** Mews and parking court arrangements are alternative ways to provide vehicular access to lots. In the mews arrangement, buildings front on a common green (instead of a street), and vehicular access is by way of alleys. In the parking court arrangement, buildings may front on streets, a common green, or open space, and vehicular access is provided by a shared parking court.
- B. **Standards for Mews.** Single-family, duplex, lot-line home, and townhome lots may front on mews and take vehicular access from alleys if:
  1. The alleys do not serve more than 16 dwelling units; and
  2. No vehicular access to a dwelling unit is more than 300 feet from the street, measured along the alley centerline to the edge of the street right-of-way.
- C. **Standards for Parking Courts.** Single-family, duplex, and townhome Lots may take vehicular access from a parking court if:
  1. The parking court serves not more than 10 dwelling units; and
  2. The parking court extends not more than 125 feet from the street, measured along the parking court centerline to the edge of the street right-of-way.